

Scottish Crown Estate Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Section 1	Schedule 1
Sections 2 to 42	Schedule 2
Long Title	

Amendments marked * are new (including manuscript amendments) or have been altered.

Schedule 1

Roseanna Cunningham

- 1** In schedule 1, page 20, line 27, at end insert—

<*Gender Representation on Public Boards (Scotland) Act 2018*

In the Gender Representation on Public Boards (Scotland) Act 2018, in schedule 1, for “Crown Estate Scotland (Interim Management)” substitute “Crown Estate Scotland”.

Islands (Scotland) Act 2018

In the Islands (Scotland) Act 2018, in the schedule, in paragraph 12, for “Crown Estate Scotland (Interim Management)” substitute “Crown Estate Scotland”.>

Section 3

Andy Wightman

- 30** In section 3, page 2, line 1, at end insert—

<() Local authorities are to have a right to be transferred the matters referred to in subsections (1)(a) and (b) insofar as they relate to the foreshore.>

Andy Wightman

- 31** In section 3, page 2, line 2, at beginning insert <Subject to subsection (1A)>

Andy Wightman

- 32** In section 3, page 2, line 8, at end insert—

<(1A) Management of Scottish Crown Estate assets relating to the seabed must be transferred by way of regulations under subsection (1) to—

(a) a local authority, or

(b) a trust port,

provided that it is in the public interest to do so.

- (1B) Within six months of this section coming into force the Scottish Ministers must establish a scheme to set out a process for the transfer of such assets to the bodies mentioned in subsection (1A).
- (1C) A scheme under subsection (1B) must—
 - (a) set out a process for the transfer of assets with regard to the seabed,
 - (b) set out a timescale for the transfer of assets with regard to the seabed,
 - (c) provide for such other matters as the Scottish Ministers consider appropriate.
- (1D) Before making a scheme under subsection (1B), the Scottish Ministers must consult—
 - (a) the persons mentioned in subsection (2),
 - (b) such other persons as they consider appropriate.
- (1E) In this Part a “trust port” means a harbour authority other than one within subsection (1F) below.
- (1F) The bodies within this subsection are—
 - (a) any company having a share capital,
 - (b) a local authority,
 - (c) Scottish Canals, and
 - (d) Associated British Ports.>

Andy Wightman

33 In section 3, page 2, line 8, at end insert—

- <(1A) Management of Scottish Crown Estate assets relating to the foreshore must be transferred by way of regulations under subsection (1) to—
 - (a) a local authority, or
 - (b) a trust port,
 provided that it is in the public interest to do so.
- (1B) Within six months of this section coming into force the Scottish Ministers must establish a scheme to set out a process for the transfer of such assets to the bodies mentioned in subsection (1A).
- (1C) A scheme under subsection (1B) must—
 - (a) set out a process for the transfer of assets with regard to the foreshore,
 - (b) set out a timescale for the transfer of assets with regard to the foreshore,
 - (c) provide for such other matters as the Scottish Ministers consider appropriate.
- (1D) Before making a scheme under subsection (1B), the Scottish Ministers must consult—
 - (a) the persons mentioned in subsection (2),
 - (b) such other persons as they consider appropriate.
- (1E) In this Part a “trust port” means a harbour authority other than one within subsection (1F) below.
- (1F) The bodies within this subsection are—
 - (a) any company having a share capital,

- (b) a local authority,
- (c) Scottish Canals, and
- (d) Associated British Ports.>

Andy Wightman

- 34 In section 3, page 2, line 12, at end insert—
<() a trust port,>

Roseanna Cunningham

- 2 In section 3, page 2, line 13, at end insert <with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),>

Roseanna Cunningham

- 3 In section 3, page 2, line 16, after <provision> insert <—
()>

Roseanna Cunningham

- 4 In section 3, page 2, line 17, at end insert—
<(ii) about the management of records relating to the exercise of the transferee’s functions as a manager,>

Roseanna Cunningham

- 5 In section 3, page 2, line 21, leave out <, and any rights or liabilities, transferred to the transferee by the regulations> and insert <of managing a Scottish Crown Estate asset, and any rights or liabilities the transferee has in relation to such an asset or former asset,>

Roseanna Cunningham

- 6 In section 3, page 2, line 38, at end insert—
<() In subsection (3)(a)(ii), “management” includes keeping, storage, securing, archiving, preservation, destruction or other disposal.>

Section 4

Roseanna Cunningham

- 7 In section 4, page 3, line 3, leave out <subsection (3)> and insert <section 3(2)(c), (d) or (e)>

Roseanna Cunningham

- 8 In section 4, page 3, line 8, leave out subsection (3)

Andy Wightman

35 In section 4, page 3, line 9, at end insert—

<() a trust port,>

Roseanna Cunningham

9 In section 4, page 3, line 16, at end insert—

<(4A) Before giving a direction under subsection (1), the Scottish Ministers must consult—

(a) the manager to whom the direction is to be given,

(b) the person to whom the function is to be delegated,

(c) such other persons as the Scottish Ministers consider appropriate.>

Roseanna Cunningham

10 In section 4, page 3, line 22, at end insert—

<() Subsections (4A) and (5)(a) apply to the revision or revocation of a direction under subsection (1) as they apply to such a direction.>

Roseanna Cunningham

11 In section 4, page 3, line 23, leave out <notice of>

Roseanna Cunningham

12 In section 4, page 3, line 25, at end insert <or revised under subsection (5)(b),>

Roseanna Cunningham

13 In section 4, page 3, line 26, at beginning insert <notice of>

Roseanna Cunningham

14 In section 4, page 3, line 27, leave out from beginning to end of line 28 and insert <A direction or revised direction may be published in whole or in part, but the following information must not be withheld from publication—>

Roseanna Cunningham

15 In section 4, page 3, line 29, leave out <has been> and insert <was>

Section 5

Andy Wightman

36 In section 5, page 4, line 1, at end insert—

<() a trust port,>

Roseanna Cunningham

- 16 In section 5, page 4, line 2, at end insert <with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),>

Section 6

Roseanna Cunningham

- 17 In section 6, page 4, line 29, after <body> insert <corporate>

Section 7

Roseanna Cunningham

- 18 In section 7, page 5, line 11, leave out <The manager may do so> and insert <In complying with subsection (1), the manager must have regard to the desirability of managing the assets>

Mark Ruskell

Supported by: Claudia Beamish

- 40 In section 7, page 5, line 11, leave out <may> and insert <must>

Mark Ruskell

- 41 In section 7, page 5, leave out lines 13 to 16

After section 8

Mark Ruskell

- 42 After section 8, insert—

<Restriction on power to act as owner in relation to the harvesting of wild kelp

In exercising the power to act as an owner under section 8, the manager of a Scottish Crown Estate asset must not grant a right to carry out the harvesting of wild kelp, specifically—

- (a) Laminaria hyperborean,
- (b) Laminaria digitate,
- (c) Saccharina latissimi,
- (d) Saccorhiza polyschides,
- (e) Alaria esculenta,

from any area of the seabed under their management where such harvesting would inhibit the regrowth of the individual plant.>

Section 11

Roseanna Cunningham

- 19 In section 11, page 7, line 8, at end insert <or>

Roseanna Cunningham

- 20 In section 11, page 7, line 17, leave out <2017 (S.I. 2017/524)>

Section 12

Roseanna Cunningham

- 21 In section 12, page 7, line 37, leave out <2017 (S.I. 2017/524)>

After section 13

Liam McArthur

- 43 After section 13, insert—

<Community benefit requests

- (1) The Scottish Ministers must by regulations make provision for a community benefit requests scheme in relation to such Scottish Crown Estate assets within the area mentioned in subsection (2)(b).
- (2) A scheme under subsection (1) is to set out—
 - (a) a definition of community benefit,
 - (b) a process by which a local authority whose area falls within the definition of article 8 of the Scottish Marine Regions Order 2015 (“a relevant local authority”) may request to be allowed to generate community benefit from marine development occurring within its relevant Scottish Marine Region from Mean High Water Springs out to 12 nautical miles as defined by article 8 of the Scottish Marine Regions Order 2015,
 - (c) a process by which the Scottish Ministers are to determine what action they intend to take in response to such a request,
 - (d) a process by which the Scottish Ministers are to publish a statement setting out how and when such action is to be taken,
 - (e) a process by which a relevant local authority may request a review of the Scottish Ministers’ determination.
- (3) A scheme under subsection (1) must provide that—
 - (a) a relevant local authority must demonstrate reasonable cause for making a request,
 - (b) the Scottish Ministers must not unreasonably refuse to grant the request.
- (4) The Scottish Ministers must lay regulations under subsection (1) before the Parliament before the end of the period of one year beginning with the day of Royal Assent.>

After section 14

Roseanna Cunningham

22 After section 14, insert—

<Rights and liabilities

- (1) A manager is to meet its liabilities from the accounts it keeps under section 26.
- (2) The Scottish Ministers may by regulations make provision for the transfer of a right or liability from a manager to another manager.
- (3) Regulations under subsection (2) may modify any enactment.
- (4) In this section, references to rights and liabilities are to rights and liabilities in relation to—
 - (a) a Scottish Crown Estate asset,
 - (b) a former Scottish Crown Estate asset,
 - (c) a historic Scottish asset, within the meaning of paragraph 1 of schedule 2 of the Crown Estate Transfer Scheme.>

Section 20

Andy Wightman

37 In section 20, page 9, line 32, at end insert—

- <(aa) views on the desirability of extinguishing the crown's property, rights and interests in—
- (i) naturally occurring oysters and mussels,
 - (ii) the foreshore,
 - (iii) the seabed,
 - (iv) naturally occurring gold and silver, vested in the crown under the Royal Mines Act 1424.>

Section 24

Roseanna Cunningham

23 In section 24, page 12, line 16, leave out <2017 (S.I. 2017/524)>

Section 25

Roseanna Cunningham

24 In section 25, page 12, line 36, leave out <the Scottish Ministers have laid a copy of it> and insert <a copy of it has been laid>

Section 37

Andy Wightman

- 38 In section 37, page 17, line 7, after <to> insert <subsection (1A) and>

Andy Wightman

- 39 In section 37, page 17, line 11, at end insert—
<(1A) The Scottish Ministers may not delegate their functions under section 20(2)(aa) to Crown Estate Scotland.>

Section 40

Roseanna Cunningham

- 25 In section 40, page 18, line 14, at end insert—
<(1A) Regulations under section 3(1)—
(a) are subject to the affirmative procedure if they—
(i) relate to an asset all or part of which is situated in, or relates to, the Scottish marine area or the Scottish zone, or
(ii) add to, replace or omit any part of the text of an Act,
(b) otherwise, are subject to the negative procedure.>
(1B) In subsection (1A)(a)(i)—
“the Scottish marine area” is to be construed in accordance with section 1 of the Marine (Scotland) Act 2010, but does not include land which lies between the high and low water marks of ordinary spring tides,
“the Scottish zone” is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998.>

Liam McArthur

- 44 In section 40, page 18, line 15, after <12(4)> insert <and (*Community benefit requests*)>

Roseanna Cunningham

- 27 In section 40, page 18, line 17, after <section> insert <(Rights and liabilities)(2) or>

Roseanna Cunningham

- 26 In section 40, page 18, line 17, leave out <3(1) or>

Schedule 2

Roseanna Cunningham

- 28 In schedule 2, page 21, line 36, leave out <the Scottish Ministers have laid a copy of it> and insert <a copy of it has been laid>

Section 43

Roseanna Cunningham

29 In section 43, page 19, line 3, at end insert—

<“Crown Estate Transfer Scheme” means the Crown Estate Transfer Scheme 2017 (S.I. 2017/524),>

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