

Scottish Crown Estate Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 45	Schedules 1 and 2
Long Title	

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

Section 3

John Scott

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

John Scott

- 2 In section 3, page 2, line 8, at end insert—
- <(1A) The Scottish Ministers must by regulations make provision for a list of assets that may only be managed by the persons mentioned in subsection (2)(a) or (b).
 - (1B) Before making regulations under subsection (1A), the Scottish Ministers must consult—
 - (a) the persons mentioned in subsection (2),
 - (b) such other persons as the Scottish Ministers consider appropriate.
 - (1C) The Scottish Ministers may not exercise the power under subsection (1) until regulations under subsection (1A) have come into force.>

Roseanna Cunningham

- 9 In section 3, page 2, line 9, leave out <subsections> and insert <subsection>

Roseanna Cunningham

- 10 In section 3, page 2, line 14, at end insert—
- <(da) a Scottish harbour authority,>

Tavish Scott

- 25* In section 3, page 2, line 15, at end insert—
- <(ea) a trust port.>

Andy Wightman

11 In section 3, page 2, line 15, at end insert—

<() In making regulations under subsection (1), there is to be a presumption in favour of transferring the matters referred to in subsections (1)(a) and (b), insofar as they relate to the foreshore, to local authorities.>

Liam McArthur

Supported by: Andy Wightman

26 In section 3, page 2, line 15, at end insert—

<(2A) The Scottish Ministers must by regulations make provision for the transfer from Crown Estate Scotland to a relevant local authority that requests it, the right to manage any area of the seabed within its relevant Scottish Marine Region from mean high water spring tides out to 12 nautical miles as defined by the Scottish Marine Regions Order 2015.>

Roseanna Cunningham

12 In section 3, page 2, line 37, at end insert—

<() Where the transferee is a Scottish harbour authority, regulations under subsection (1) may—

- (a) provide that, if the transferee ceases to exist, the function of managing a Scottish Crown Estate asset, and any rights or liabilities the transferee has in relation to such an asset or former asset, are to transfer to another person mentioned in subsection (2),
- (b) require a court or a person specified in the regulations to notify the Scottish Ministers of any application made to the court or person which, if granted, would result in the transferee ceasing to exist,
- (c) make such other provision in connection with the transferee ceasing to exist as the Scottish Ministers consider appropriate.>

Liam McArthur

Supported by: Andy Wightman

27 In section 3, page 2, line 38, after <(1)> and insert <or (2A)>

Liam McArthur

Supported by: Andy Wightman

28 In section 3, page 3, line 2, after <(1)> and insert <or (2A)>

Section 4

Liam McArthur

Supported by: Andy Wightman

29 In section 4, page 3, line 6, at beginning insert <Subject to subsection (1A),>

Roseanna Cunningham

- 13 In section 4, page 3, line 8, after <(d)> insert <, (da)>

Tavish Scott

- 30* In section 4, page 3, line 8, leave out <or (e)> and insert <,(e) or (ea)>

Liam McArthur

Supported by: Andy Wightman

- 31 In section 4, page 3, line 8, at end insert—

<(1A) The Scottish Ministers must direct the transfer of an asset of a kind mentioned in subsection (1B) to a relevant local authority where that local authority has requested that it be transferred to them.

(1B) An asset referred to in subsection (1A) is one for the time being managed by Crown Estate Scotland, all or part of which is situated in the Scottish Marine Region from mean high water spring tides out to 12 nautical miles of a relevant local authority's geographical area as defined by the Scottish Marine Regions Order 2015.>

Roseanna Cunningham

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

<() a Scottish harbour authority,>

Tavish Scott

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

<() a trust port,>

Liam McArthur

Supported by: Andy Wightman

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

<() a relevant local authority and subsection (1B) applies,>

Liam McArthur

Supported by: Andy Wightman

- 34 In section 4, page 3, line 12, after <(1)> insert <or (1A)>

Liam McArthur

Supported by: Andy Wightman

- 35 In section 4, page 3, line 21, after <(1)> insert <or (1A)>

Liam McArthur

Supported by: Andy Wightman

- 36 In section 4, page 3, line 28, after <(1)> insert <or (1A)>

Liam McArthur
Supported by: Andy Wightman

- 37 In section 4, page 3, line 30, after <(1)> insert <or (1A)>

Section 5

Liam McArthur
Supported by: Andy Wightman

- 38 In section 5, page 4, line 4, after <4(1)> insert <or (1A)>

Roseanna Cunningham

- 15 In section 5, page 4, line 10, at end insert—
<() a Scottish harbour authority,>

Tavish Scott

- 39 In section 5, page 4, line 10, at end insert—
<() a trust port,>

Section 6

Roseanna Cunningham

- 16 In section 6, page 5, line 11, at end insert—
<(3) In this Part, “Scottish harbour authority” means a harbour authority in relation to a harbour in Scotland.
(4) In subsection (3), “harbour authority” and “harbour” have the meanings given in section 57(1) of the Harbours Act 1964 (interpretation).>

After section 6

Tavish Scott

- 40 After section 6, insert—
<Meaning of “trust port”
In this Part, a “trust port” is a port—
(a) which is an independent statutory body,
(b) created by an Act of Parliament or an Act of the Scottish Parliament,
(c) run by an independent board for the benefit of its stakeholders, and
(d) governed by its own local legislation.>

Liam McArthur
Supported by: Andy Wightman

41 After section 6, insert—

<Meaning of “relevant local authority”

In this Part, a “relevant local authority” is a local authority listed in paragraphs 61 to 66 of the schedule to the Islands (Scotland) Act 2018.>

Section 7

Roseanna Cunningham

17 In section 7, page 5, line 20, leave out <The manager may do so> and insert <In complying with the duty under subsection (1), the manager must—

- (a) act in the way best calculated to further the achievement of sustainable development in Scotland, and
- (b) seek to manage the assets>

Roseanna Cunningham

18 In section 7, page 5, leave out line 26

Section 8A

Mark Ruskell

6 In section 8A, page 6, line 19, leave out <hyperborean> and insert <hyperborea>

Mark Ruskell

7 In section 8A, page 6, line 20, leave out <digitate> and insert <digitata>

Mark Ruskell

8 In section 8A, page 6, line 21, leave out <latissimi> and insert <latissima>

Roseanna Cunningham

19 Leave out section 8A

Section 13

Roseanna Cunningham

20 In section 13, page 9, line 7, at end insert—

- <() The Scottish Ministers may not make a direction in pursuance of subsection (1) in relation to—
- (a) an agreement within the meaning of—

- (i) paragraph 15 of Part 3 of schedule 4 of the Crown Estate Transfer Scheme,
 - (ii) paragraph 25(1) of Part 4 of that schedule,
- (b) an agreement under paragraph 64(1) of schedule 3A of the Communications Act 2003.>

After section 13

Liam McArthur

Supported by: Andy Wightman

42 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 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 relevant local authority may make a request to the Scottish Ministers to be allowed to generate community benefit from marine development occurring within its relevant Scottish Marine Region from mean high water spring tides out to 12 nautical miles as defined by 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.
- (5) In this section a “relevant local authority” means an authority listed in paragraphs 61 to 66 of the schedule to the Islands (Scotland) Act 2018.>

After section 14

Roseanna Cunningham

21 After section 14, insert—

<Restriction on removal of wild kelp from seabed

(1) The manager of a Scottish Crown Estate asset must not grant a right to remove wild kelp from the seabed (that is, the bed and subsoil of the sea within the Scottish marine area) if—

- (a) removal of the wild kelp is a licensable marine activity, and
- (b) the Scottish Ministers have not granted a marine licence for that removal.

(2) A right granted by a manager in contravention of subsection (1) is void.

(3) In subsection (1)—

“licensable marine activity” is to be construed in accordance with section 21 of the Marine (Scotland) Act 2010,

“marine licence” means a licence granted under Part 4 of that Act,

“Scottish marine area” is to be construed in accordance with section 1 of that Act,

“sea” is to be construed in accordance with section 2 of that Act,

“wild kelp” means any of the following—

- (a) *Laminaria hyperborea*,
- (b) *Laminaria digitata*,
- (c) *Saccharina latissima*,
- (d) *Saccorhiza polyschides*,
- (e) *Alaria esculenta*.

Mark Ruskell

Supported by: Claudia Beamish

21A As an amendment to amendment 21, line 5, after <if> insert <either subsection (1A) or (1B) applies.

(1A) This subsection applies if—

- (a) removal of the kelp would inhibit the regrowth of the individual plant, and
- (b) the kelp removed is intended for commercial use.

(1B) This subsection applies if>

Mark Ruskell

Supported by: Claudia Beamish

21B* As an amendment to amendment 21, line 9, leave out <subsection (1)> and insert <this section>

After section 25

John Scott

3 After section 25, insert—

<Duty to maintain a list of Scottish Crown Estate assets

Duty to maintain a list of Scottish Crown Estate assets

- (1) The Scottish Ministers must—
 - (a) maintain a list of all Scottish Crown Estate assets and associated liabilities,
 - (b) publish that list,
 - (c) make that list available for public inspection.
- (2) The Scottish Ministers must make the list available for public inspection no later than one year after the day on which this section comes into force.
- (3) When preparing the list, the Scottish Ministers must consult—
 - (a) each manager,
 - (b) such other person as they consider appropriate.
- (4) The Scottish Ministers may by regulations make further provision for—
 - (a) the publication of the list,
 - (b) the making of the list available for public inspection,
 - (c) the notification of the inclusion of an asset and associated liability in, the amendment of an entry relating to an asset and associated liability in or the exclusion of an asset and associated liability from the list.>

Section 31

Roseanna Cunningham

22 In section 31, page 16, line 2, leave out <such make> and insert <make such>

After section 31

Liam McArthur

43 After section 31, insert—

<Transfer of net revenues to relevant local authorities

- (1) The Scottish Ministers must by regulations make provision for a scheme to provide for the transfer of 100% of net revenue from the Scottish Crown Estate assets mentioned in subsection (2)(a) to a relevant local authority.
- (2) A scheme under subsection (1) is to set out—
 - (a) a process by which a relevant local authority is to receive 100% of net revenue, insofar as that revenue directly relates to marine development in its respective marine area, from Scottish Crown Estate assets from mean high water spring tides out to 12 nautical miles as defined by the Scottish Marine Regions Order 2015,

- (b) such other matters as the Scottish Ministers consider appropriate.
- (3) 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.
- (4) In this section a “relevant local authority” means an authority listed in paragraphs 61 to 66 of the schedule to the Islands (Scotland) Act 2018.>

Section 40

John Scott

- 4 In section 40, page 19, line 27, after <section> insert <3(1A) or>

Liam McArthur

Supported by: Andy Wightman

- 44* In section 40, page 19, line 27, after <12(4)> insert <or (*Community benefit requests*)(1)>

Liam McArthur

- 45* In section 40, page 19, line 27, after <12(4)> insert <or (*Transfer of net revenues to relevant local authorities*)(1)>

John Scott

- 5* In section 40, page 19, line 28, leave out <or 9(4)> and insert <, 9(4) or (*Duty to maintain a list of Scottish Crown Estate assets*)(4)>

Section 43

Roseanna Cunningham

- 23 In section 43, page 20, line 20, leave out <by> and insert <in>

Roseanna Cunningham

- 24 In section 43, page 20, line 24, at end insert—
<<“Scottish harbour authority” has the meaning given in section 6(3).>

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