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Graham Simpson MSP  
Convener  
Delegated Powers and Law Reform Committee  
Chamber Office  
EDINBURGH  
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13 November 2018

Dear Graham

## **Scottish Crown Estate Bill after Stage 2**

Thank you for your letter of 13 November informing me that the Committee recommends that regulations under section 14A of the Bill should be subject to the affirmative procedure if they make provision for the transfer of a right or liability which relates to an asset which is situated in, or relates, to the Scottish marine area or the Scottish zone (“a marine asset”).

I note that you consider that this would reflect the provision in section 40(1A) that regulations under section 3(1) are subject to the affirmative procedure if they transfer the management of a marine asset.

I have considered the Committee’s report and am not minded to lodge an amendment to make regulations under subsection 14A(2) subject to the affirmative procedure where they relate to an asset all or part of which is situated in or relates to the Scottish marine area or the Scottish zone.

The Stage 2 amendments providing that regulations under section 3(1) are subject to the affirmative procedure where they relate to “a marine asset” were lodged in response to calls by the Delegated Powers and Law Reform Committee and the Environment, Climate Change and Law Reform Committee that regulations transferring the management of assets of “significance” or “significant value” should be subject to the affirmative procedure.

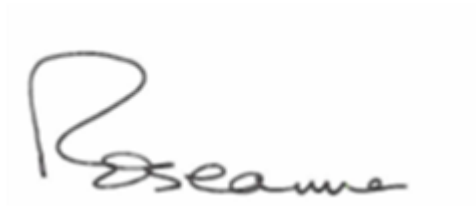
The incidental effect of providing that regulations under section 3(1) which transfer the management of marine assets are subject to the affirmative procedure is that any rights and liabilities relating to the assets which are provided for in the same regulations will be subject to the affirmative procedure.

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However, we do not agree that the transfer of rights and liabilities relating to a marine asset under section 14A, where the transfer of the management of the asset is not being transferred, necessitates the application of the affirmative procedure.

Yours sincerely

A handwritten signature in black ink that reads "Roseanna". The signature is written in a cursive style with a large initial 'R'.

**ROSEANNA CUNNINGHAM**

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