ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

25th Meeting, 2018 (Session 5)

Tuesday 18 September 2018

The Committee will meet at 9.30 am in the Robert Burns Room (CR1).

1. **Scottish Crown Estate Bill**: The Committee will consider the Bill at Stage 2.

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The papers for this meeting are as follows—

**Agenda item 1**

Scottish Crown Estate Bill Cover Note

ECCLR/S5/18/25/1
Introduction

1. The Scottish Crown Estate Bill was introduced in the Scottish Parliament on 24 January 2018. The Bill was published with the following documents:

   - Scottish Crown Estate Bill
   - Policy Memorandum
   - Explanatory Notes
   - Financial Memorandum
   - Statement on Legislative Competence
   - Delegated Powers Memorandum

Background to the Bill

2. The Crown Estate in Scotland was originally part of the UK wide Crown Estate, which is one of the largest property owners in the UK. It is independently managed in the UK by the Crown Estate Commissioners (CEC) and belongs to the reigning monarch 'in right of The Crown'. However, it is not Her Majesty the Queen’s private property as Crown Estate assets cannot be sold by the monarch nor do revenues from it belong to them.

3. In 2014 the Smith Commission agreed responsibility for the management of the CEC economic assets in Scotland, and the revenue generated from these assets, should be transferred to the Scottish Parliament. This would include the Crown Estate’s seabed, urban assets, rural estates, mineral and fishing rights, and the Scottish foreshore for which it is responsible. It also agreed that following this transfer, responsibility for the management of those assets will be further devolved to local authority areas such as Orkney, Shetland, Comhairle nan Eilean Siar, or other areas who seek such responsibilities.

4. These recommendations were included in the Scotland Act 2016 and powers over the revenue and management of the Crown Estate in Scotland were subsequently transferred to the Scottish Government. It then established an interim body to take on the management functions of the Scottish assets. This body, Crown Estate Scotland, became fully operational on 1 April 2017 and operates under a framework document drawn up by the Scottish Government.
5. Crown Estate Scotland is responsible for managing:

- 37,000 hectares of rural land with agricultural tenancies, residential and commercial properties and forestry on four rural estates (Glenlivet, Fochabers, Applegirth and Whitehill);
- Rights to fish wild salmon and sea trout in river and coastal areas;
- Rights to naturally-occurring gold and silver across most of Scotland;
- Just under half the foreshore around Scotland including 5,800 moorings and some ports and harbours;
- Leasing of virtually all seabed out to 12 nautical miles covering some 750 fish farming sites and agreements with cables & pipeline operators;
- The rights to offshore renewable energy and gas and carbon dioxide storage out to 200 nautical miles; and
- Retail and office units at 39-41 George Street Edinburgh.

Contents of the Bill

6. The Scottish Crown Estate Bill makes provision for the on-going devolution of the Crown Estate to Scottish Ministers following the Smith Commission’s recommendations and makes provision for its future management.

- **Part 1** renames Crown Estate Scotland (Interim Management), established in the 2017 Order, to Crown Estate Scotland (CES).
- **Part 2** establishes the provision that Scottish Ministers may transfer management of Scottish Crown Estate assets to a ‘transferee’ (colloquially a manager) which could include CES, a local authority, another Scottish public authority or a community organisation.
- **Part 3** makes provision for a number of managerial provisions including: allowing managers to dispose of and/or acquire assets on behalf of the Crown as if they were owners; to maintain the financial value of the assets; to maintain and enhance the wider socio-economic benefits of Scotland; and prepare management plans.
- **Part 4** covers a range of more general provisions, including the parliamentary procedure to be used for future regulations and the commencement of the Bill.
Written Evidence Received

7. The Committee issued a Call for Views on 9 February 2018. Written evidence on the Bill can be read [here](#).

SPICe Briefing

8. The Scottish Parliament’s Information Centre (SPICe) [has also prepared a detailed briefing on the Bill](#).

Committee Consideration of the Bill

9. At its meeting on [Tuesday 20 February](#) the Committee heard from officials from the Scottish Government on the Bill.

10. On [Tuesday 13 March](#) the Committee took evidence from NFU Scotland and tenant farmers representing Crown Estate Scotland’s four rural estates.

11. On [Tuesday 27 March](#), the Committee heard from those who have an interest in the management of Crown Estate Scotland’s non-agricultural assets, comprising: Scottish Renewables, the Scottish Salmon Producers’ Organisation, the British Ports Association and Fisheries Management Scotland.

12. On [Tuesday 17 April](#), the Committee heard from organisations with an interest in the strategic direction and governance of Crown Estate Scotland, comprising: RSPB Scotland (representing Scottish Environment LINK), Comhairle nan Eilean Siar (representing Our Islands, Our Future), Highlands and Islands Enterprise, Community Land Scotland and Crown Estate Scotland (Interim Management).

13. On [Tuesday 24 April](#), the Committee heard evidence from the Cabinet Secretary for Environment, Climate Change and Land Reform.

Correspondence

14. Following the evidence sessions, the Committee received correspondence from Crown Estate Scotland. The Committee subsequently wrote to Crown Estate Scotland to clarify several points raised in this letter. This correspondence is set out below:

- [Letter received from Crown Estate Scotland on 15 May 2018 providing clarification on comments they made during their evidence session on 17 April 2018](#)
- [Letter sent to Crown Estate Scotland 24 May 2018 regarding their letter received 15 May 2018 and seeking further clarification on points they raised in the letter](#)
- [Letter received from Crown Estate Scotland 5 June 2018, responding to the Committee’s letter sent on 24 May 2018](#)
Stage 1 Report

15. The Committee published its Stage 1 Report on the Bill on 29 May 2018. The Stage 1 Debate took place on 19 June 2018.

16. The Cabinet Secretary for Environment, Climate Change and Land Reform responded to the Committee’s Stage 1 report and recommendations in correspondence received by the Committee on 12 June 2018. Further correspondence from the Cabinet Secretary was received on 3 September 2018.

Stage 2 Amendments

17. The Marshalled List and Groupings of Amendments for Stage 2 consideration will be available on the Scottish Crown Estate Bill webpage, when published.

Clerks/SPICe
Environment, Climate Change and Land Reform Committee