



# Scottish Crown Estate Act 2019

## 2019 asp 1

### PART 2

#### CHANGES IN MANAGEMENT OF SCOTTISH CROWN ESTATE ASSETS

##### **5 Delegation agreements**

- (1) The manager of a Scottish Crown Estate asset (other than the Scottish Ministers) may delegate the function of managing the asset only if directed to do so by the Scottish Ministers under section 4(1).
- (2) Where the Scottish Ministers are the manager of a Scottish Crown Estate asset, they may delegate the function of managing the asset to—
  - (a) Crown Estate Scotland,
  - (b) a local authority,
  - (c) another Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),
  - (d) a Scottish harbour authority,
  - (e) a community organisation.
- (3) Delegation of the function of managing a Scottish Crown Estate asset is to be given effect to by an agreement in writing between the manager of the asset and the person to whom the function is to be delegated.
- (4) That agreement must set out the period for which, and other terms and conditions on which, the function is delegated.
- (5) The terms and conditions may, in particular, provide for—
  - (a) restrictions on the exercise of the function by the person to whom it is delegated,
  - (b) circumstances in which the agreement may, or is to, be terminated.
- (6) Where the manager is not the Scottish Ministers—
  - (a) the terms and conditions of a delegation agreement must include any terms and conditions set out in the direction in pursuance of which the agreement is made,

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*Changes to legislation: There are currently no known outstanding effects for the  
Scottish Crown Estate Act 2019, Section 5. (See end of Document for details)*

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- (b) the Scottish Ministers must consent to the terms and conditions (and a purported delegation without that consent has no effect).
- (7) Except to the extent that the delegation agreement provides otherwise—
- (a) the person to whom the function of managing the asset is delegated is to be treated as, and has all of the powers and duties from time to time applying to, the manager of the asset for all purposes (other than those of this Part),
  - (b) the function is not exercisable by the manager of the asset (and the manager is not responsible for its exercise).

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**Commencement Information**

**II** S. 5 in force at 27.9.2021 by S.S.I. 2021/308, reg. 2, sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Crown Estate Act 2019, Section 5.