

---

DRAFT STATUTORY INSTRUMENTS

---

**2017 No. XXXX**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**The Crown Estate Transfer Scheme 2017**

*Made - - - - - \*\*\*  
Coming into force in accordance with paragraph  
1(2)*

**THE CROWN ESTATE TRANSFER SCHEME 2017**

1. Citation, commencement and extent
2. Interpretation
3. Transfer date and transferee
4. Scottish assets
5. Designated rights and designated liabilities
6. Protection of employment
7. Protection of UK-wide interests
8. Consequential amendments
9. Statements of account and audit
10. Treatment of certain receipts: receipts relating to the relevant matters only
11. Treatment of certain receipts: receipts relating to the relevant matters and the Crown Estate
12. Requirement to take reasonable steps to secure the payment of certain sums
13. Sums paid in error to the manager
14. Supplementary
15. Publicity  
Signature

---

SCHEDULE 1 — The Scottish assets

1. Interpretation
2. In this Schedule, with the exception of paragraph 18, any...
3. Rural estate
4. The Glenlivet estate.
5. The Applegirth estate.
6. The Fochabers estate.
7. 1 and 2 Kings Park Cottages, Stirling.

8. 10 the Homesteads, Stirling.
9. Commercial estate
10. The lock-up garage at 3 and 5 West Thistle Street...
11. The land at Rhu Marina.
12. Seabed etc.
13. The rights in the Scottish zone— (a) of unloading gas...
14. The right in the Scottish zone of exploiting the seabed...
15. The land which lies between the high and low water...
16. Rockall.
17. Other property, rights and interests
18. Any other property, rights and interests— (a) which are held...

#### SCHEDULE 2 — Designated Rights and Designated Liabilities

1. Interpretation
2. In this Schedule, a reference to a right or a...
3. Designated rights
4. Any rights of the Commissioners in relation to moveable property—...
5. Any rights in intellectual property which have—
6. Any rights of the Commissioners in connection with historic Scottish...
7. Designated liabilities
8. Any liabilities of the Commissioners in connection with historic Scottish...

#### SCHEDULE 3 — Protection of Employment

1. Interpretation
2. Transfer of employment rights and liabilities
3. On and after the transfer date, a contract mentioned in...
4. Any act or omission before the transfer date, of or...
5. Objections to transfer
6. Where an employee so objects, the employee's contract terminates on...
7. Where the transfer involves or would involve a substantial change...
8. Variation of contract
9. Paragraph 8 does not prevent a variation of a contract...
10. Paragraph 9 does not affect any rule of law as...
11. Protection against dismissal
12. Paragraph 11 does not apply— (a) if the sole or...
13. Pensions
14. For the purposes of paragraph 13, any provisions of an...
15. An employee is not entitled to bring a claim against...
16. In relation to each employee whose contract is transferred under...
17. In paragraph 16, "appropriate pension scheme" means a scheme which,...
18. In considering whether a pension scheme meets the requirements of...
19. Dis-application of the Transfer of Undertakings (Protection of Employment) Regulations 2006

#### SCHEDULE 4 — Protection of UK-wide Interests

##### PART 1 — Protections for defence and national security

1. Interpretation: general
2. Interpretation: meaning of market value
3. Renewal of existing rights of the Secretary of State
4. Grant of new rights to the Secretary of State
5. Acquisition of third party rights by the Secretary of State
6. Grant of new rights to third parties
7. Use of Scottish assets by the manager

8. Procedure
9. Disagreement
10. Annual report
  - PART 2 — Consideration payable under the Electronic Communications Code
11. Interpretation
12. Modifications of the electronic communications code
13. Consideration payable to the manager in connection with an agreement
14. Failure to agree consideration: tidal waters
  - PART 3 — Pipeline payments
15. Interpretation
16. Notification of objection to payment
17. No notice of objection to payment
18. Determination of market value
19. Where the Treasury have given notice in accordance with paragraph...
20. (1) In making the determination under paragraph 19, the appropriate...
21. As soon as reasonably practicable after making the determination under...
22. The manager must— (a) ensure that the payment does not...
23. If the manager fails to comply with paragraph 22(b), the...
24. Fees of the appropriate person
  - PART 4 — Electricity infrastructure payments
25. Interpretation
26. Notification of proposed payment
27. No notice of objection to proposed payment
28. Determination of market value
29. Where the Treasury have given notice in accordance with paragraph...
30. Before making the determination under paragraph 29 the appropriate person...
31. (1) In making the determination under paragraph 29, the appropriate...
32. As soon as reasonably practicable after making the determination under...
33. The manager must ensure that the payment does not exceed...
34. Fees of the appropriate person
35. Disapplication of paragraph 26
36. This paragraph applies where the manager— (a) has agreed a...
37. (1) This paragraph applies where— (a) an appropriate person has...
38. Requirement for a valid payment

#### SCHEDULE 5 — Consequential Amendments

##### PART 1 — Public General Acts

1. Harbours, Docks, and Piers Clauses Act 1847
2. Universities (Scotland) Act 1889
3. Military Lands Act 1892
4. Light Railways Act 1896
5. Railway Fires Act 1905
6. Small Landholders (Scotland) Act 1911
7. Land Drainage (Scotland) Act 1958
8. Opencast Coal Act 1958
9. Caravan Sites and Control of Development Act 1960
10. Harbours Act 1964
11. Gas Act 1965
12. Forestry Act 1967
13. Sea Fisheries (Shellfish) Act 1967
14. Sewerage (Scotland) Act 1968
15. Ancient Monuments and Archaeological Areas Act 1979

16. Wildlife and Countryside Act 1981
17. Civic Government (Scotland) Act 1982
18. Rent (Scotland) Act 1984
19. Road Traffic Regulation Act 1984
20. Telecommunications Act 1984
21. Housing (Scotland) Act 1988
22. Electricity Act 1989
23. Enterprise and New Towns (Scotland) Act 1990
24. Agricultural Holdings (Scotland) Act 1991
25. Transport and Works Act 1992
26. Deer (Scotland) Act 1996
27. Planning (Hazardous Substances) (Scotland) Act 1997
28. Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
29. Town and Country Planning (Scotland) Act 1997
30. Data Protection Act 1998
31. Water Industry (Scotland) Act 2002
32. Building (Scotland) Act 2003
33. Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Act 2003
34. Nature Conservation (Scotland) Act 2004
35. Edinburgh Tram (Line One) Act 2006
36. Housing (Scotland) Act 2006
37. Glasgow Airport Rail Link Act 2007
38. Transport and Works (Scotland) Act 2007
39. Energy Act 2008
40. Planning Act 2008
41. Flood Risk Management (Scotland) Act 2009
42. Marine (Scotland) Act 2010
43. Forth Crossing Act 2011
44. Reservoirs (Scotland) Act 2011
45. High Hedges (Scotland) Act 2013
46. Water Resources (Scotland) Act 2013
47. Historic Environment Scotland Act 2014
48. Revenue Scotland and Tax Powers Act 2014
- PART 2 — Local Acts of the United Kingdom Parliament
49. Zetland County Council Act 1974
50. Highland Regional Council (Harbours) Order Confirmation Act 1991
51. Tay Road Bridge Order Confirmation Act 1991
52. British Railways Act 1992
53. British Railways (No. 2) Act 1992
54. Pittenweem Harbour Order Confirmation Act 1992
55. British Railways Act 1993
56. Highland Regional Council (Wester Bridge) Order Confirmation Act 1993
57. British Railways Act 1994
58. British Railways Order Confirmation Act 1994
59. British Railways (No. 2) Order Confirmation Act 1994
60. British Railways (No. 3) Order Confirmation Act 1994
61. Lerwick Harbour Act 1994
62. Bell's Bridge Order Confirmation Act 1995
63. British Waterways Act 1995
64. Western Isles Council (Berneray Causeway) Order Confirmation Act 1996
65. The Comhairle Nan Eilean Siar (Eriskay Causeway) Order Confirmation Act 2000

PART 3 — Secondary legislation

66. Family Credit (General) Regulations 1987
67. Income Support (General) Regulations 1987
68. Scottish Transport Group (Castle Bay Pier) Empowerment Order 1988
69. Caledonian MacBrayne Limited (Gott Bay Pier) Harbour Revision Order 1990
70. Disability Working Allowance (General) Regulations 1991
71. Town and Country Planning (General Permitted Development) (Scotland) Order 1992
72. Lerwick Harbour Revision Order 1993
73. Montrose Harbour Revision Order 1993
74. Jobseeker's Allowance Regulations 1996
75. Peterhead Harbours Revision Order 1996
76. Inverness Harbour Revision Order 1997
77. Lerwick Harbour Revision Order 1997
78. Western Isles Council (Brevig) Harbour Revision Order 1997
79. Peterhead Harbours Revision Order 1998
80. Scrabster (Forward Supply Base) Harbour Revision Order 1998
81. Fraserburgh Harbour Revision Order 1999
82. Highland Council (Eigg) Harbour Empowerment Order 1999
83. Highland Council (Muck) Harbour Empowerment Order 1999
84. Macduff Harbour Revision Order 1999
85. National Trust for Scotland (Canna) Harbour Revision Order 1999
86. Scottish Natural Heritage (Rum) Harbour Empowerment Order 1999
87. Associated British Ports (Troon) Harbour Revision Order 2000
88. Scrabster (Inner Harbour Development) Harbour Revision Order 2000
89. Comhairle nan Eilean Siar (Aird Mhor, Barra) Harbour Empowerment Order 2001
90. Lerwick Harbour Revision Order 2001
91. Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002
92. Little Loch Broom Scallops Several Fishery Order 2002
93. Loch Caolisport Scallops Several Fishery (Scotland) Order 2002
94. State Pension Credit Regulations 2002
95. Highland Council (Inverie) Harbour Empowerment Order 2004
96. Mallaig Harbour Revision Order 2004
97. Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005
98. Caledonian MacBrayne (Oban Quay) Harbour Revision Order 2005
99. Inverness Harbour Revision (Works) Order 2005
100. Loch Crinan Scallops Several Fishery Order 2005
101. Highland Council (Raasay) Harbour Revision Order 2006
102. Housing Benefit Regulations 2006
103. Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006
104. Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007
105. Lerwick Harbour Revision Order 2007
106. Port of Cairnryan Harbour Empowerment Order 2007
107. Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007
108. Caledonian Maritime Assets Limited (Largs) Harbour Revision Order 2008

109. Dumfries and Galloway Council (Garlieston) Harbour Empowerment Order 2008
110. Dumfries and Galloway Council (Isle of Whithorn) Harbour Empowerment Order 2008
111. Dumfries and Galloway Council (Port William) Harbour Empowerment Order 2008
112. Peterhead Port Authority Harbour Revision Order 2008
113. Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
114. Loch Ryan Port (Harbour Empowerment) Order 2009
115. Offshore Gas Storage and Unloading (Licensing) Regulations 2009
116. Port Babcock Rosyth Harbour Empowerment Order 2009
117. Renewables Obligation (Scotland) Order 2009
118. Infrastructure Planning (Compulsory Acquisition) Regulations 2010
119. Lerwick Harbour Revision Order 2010
120. Caledonian Maritime Assets (Kennacraig) Harbour Revision Order 2011
121. Caledonian Maritime Assets (Port Ellen) Harbour Revision Order 2011
122. Campbeltown Harbour Revision Order 2011
123. Fraserburgh Harbour Revision Order 2011
124. Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011
125. Scrabster (Deep Inner Berth) Harbour Revision Order 2011
126. Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011
127. Shetland Islands Regulated Fishery (Scotland) Order 2012
128. Caledonian Maritime Assets (Lochaline Ferry Services Slipway) Harbour Empowerment Order 2013
129. Loch Sligachan, Isle of Skye, Scallops Several Fishery Order 2013
130. Rosyth International Container Terminal (Harbour Revision) Order 2013
131. Contracts for Difference (Allocation) Regulations 2014
132. Port of Ardersier Harbour Revision Order 2014
133. Renewables Obligation Closure Order 2014
134. Caledonian Maritime Assets (Brodick) Harbour Revision Order 2015
135. Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
136. Lerwick Harbour Revision Order 2015
137. Little Loch Broom Scallops Several Fishery Order 2015
138. Loch Ewe, Isle of Ewe, Wester Ross, Scallops Several Fishery Order 2015
139. Peterhead Port Authority Harbour Revision Order 2015
140. Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016

Explanatory Note