



Scottish Crown Estate Act 2019

2019 asp 1

PART 2

CHANGES IN MANAGEMENT OF SCOTTISH CROWN ESTATE ASSETS

3 Transfer of management function

- (1) The Scottish Ministers may by regulations make provision for or in connection with the transfer of—
 - (a) the function of managing a Scottish Crown Estate asset from the manager of the asset to another person mentioned in subsection (2) (“the transferee”),
 - (b) any right or liability the manager has in relation to the asset to—
 - (i) the transferee,
 - (ii) another person mentioned in subsection (2).
- (2) The persons referred to in subsection (1)(a) and (b)(ii) are—
 - (a) the Scottish Ministers,
 - (b) Crown Estate Scotland,
 - (c) a local authority,
 - (d) another Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),
 - (e) a Scottish harbour authority,
 - (f) a community organisation.
- (3) Regulations under—
 - (a) subsection (1)(a) may include provision—
 - (i) restricting the exercise of the function by the transferee,
 - (ii) about the management of records relating to the exercise of the transferee’s functions as a manager,
 - (b) subsection (1)(b) may transfer different rights or liabilities to different persons.
- (4) Where the transferee is a community organisation, regulations under subsection (1) may—

Status: This is the original version (as it was originally enacted).

- (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 the transferee to notify the Scottish Ministers of any proposed change to its constitution which would result in the transferee ceasing to be a community organisation,
 - (c) 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—
 - (i) ceasing to exist, or
 - (ii) ceasing to be a community organisation,
 - (d) make such other provision in connection with the transferee ceasing to exist or to be a community organisation as the Scottish Ministers consider appropriate.
- (5) 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.
- (6) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) each person from or to whom the regulations would (if made) transfer a function, right or liability,
 - (b) such other persons as the Scottish Ministers consider appropriate.
- (7) Regulations under subsection (1) may modify any enactment.
- (8) In subsection (3)(a)(ii), “management” includes keeping, storage, securing, archiving, preservation, destruction or other disposal.