



Scottish Crown Estate Act 2019

2019 asp 1

PART 3

MANAGEMENT OF SCOTTISH CROWN ESTATE ASSETS

Planning and reporting

22 Strategic management plan

- (1) The Scottish Ministers must prepare a plan for the management of the Scottish Crown Estate.
- (2) The plan must set out the Scottish Ministers'—
 - (a) objectives, priorities and policies in relation to the management of the Estate (including the acquisition of new assets), and
 - (b) assessment of how those objectives, priorities and policies align with the Scottish Ministers' other objectives, priorities and policies.
- (3) The plan may contain such other information about the Estate and its management as the Scottish Ministers consider appropriate.
- (4) When preparing the plan, the Scottish Ministers must consult—
 - (a) each manager,
 - (b) such other persons as they consider appropriate.
- (5) A manager must have regard to the plan when—
 - (a) preparing a management plan,
 - (b) exercising any of the manager's other functions.
- (6) The Scottish Ministers must—
 - (a) lay a copy of the plan before the Scottish Parliament, and
 - (b) publish the plan in such manner as they consider appropriate as soon as reasonably practicable after a copy of it is laid before the Parliament.
- (7) In subsection (5)(a), “management plan” means—
 - (a) where the manager is Crown Estate Scotland, a plan prepared under article 19(1) of the Crown Estate Scotland Order,

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- (b) otherwise, a plan prepared under section 24(1).

23 Review of strategic plan

- (1) The Scottish Ministers must, not later than the end of each 5 year period, review the plan prepared under section 22(1).
- (2) Following such a review, the Scottish Ministers must either—
 - (a) revise the plan, or
 - (b) lay a statement before the Scottish Parliament indicating that they consider that the plan should not be revised.
- (3) Section 22(2) to (6) applies to a revised plan as it applies to the plan prepared under subsection (1) of that section.
- (4) In subsection (1), “5 year period” means—
 - (a) the period of 5 years beginning with the day on which the plan prepared under section 22(1) is laid before the Parliament, and
 - (b) each subsequent period of 5 years beginning with the day on which—
 - (i) a copy of a revised plan is laid before the Scottish Parliament, or (as the case may be)
 - (ii) a statement is so laid under subsection (2)(b).

24 Management plans

- (1) A manager of one or more Scottish Crown Estate assets must prepare plans for the management of the assets.
- (2) Each plan is to cover a period of 3 years.
- (3) Each plan must set out—
 - (a) the manager’s objectives for the period to which the plan relates,
 - (b) the activities that the manager proposes to undertake during that period in pursuit of the objectives,
 - (c) any risks associated with those activities,
 - (d) outcomes against which the achievement of the objectives may be assessed,
 - (e) how the manager proposes to maintain, and seek to enhance the value of, Scottish Crown Estate assets and the income arising from them during that period, and
 - (f) whether the manager proposes to dispose of any Scottish Crown Estate assets during that period and, if so, how the manager proposes to use any proceeds of the disposal.
- (4) This section and section 25 do not apply to Crown Estate Scotland (but see article 19 of the Crown Estate Scotland Order).

25 Preparation and revision of management plans

- (1) A manager must—
 - (a) prepare a plan under section 24(1) as soon as reasonably practicable after becoming a manager,

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- (b) submit that plan to the Scottish Ministers as soon as reasonably practicable after it is prepared,
 - (c) submit each subsequent plan prepared under that section to the Scottish Ministers no later than 3 months before the start of the period to which the plan relates.
- (2) The Scottish Ministers may—
- (a) approve a plan without modification,
 - (b) approve a plan with modifications agreed with the manager, or
 - (c) reject a plan.
- (3) If the Scottish Ministers reject a plan, the manager must submit a revised plan to the Scottish Ministers within such period as the Scottish Ministers direct.
- (4) When the Scottish Ministers approve a plan under subsection (2)(a) or (b), the manager must publish it as approved in such manner as the manager considers appropriate as soon as reasonably practicable after it is approved.
- (5) The manager—
- (a) may revise a plan from time to time,
 - (b) must do so if—
 - (i) the function of managing a Scottish Crown Estate asset is transferred to or from the manager in regulations made under section 3(1),
 - (ii) such a function is delegated to or by the manager under section 5, or
 - (iii) the delegation of such a function to or by the manager under that section ceases to have effect,
 - (c) must submit any revised plan to the Scottish Ministers.
- (6) Subsections (2) to (4) apply to a revised plan submitted under subsection (3) or (5)(c) as they apply to a plan submitted under subsection (1).
- (7) Where the Scottish Ministers are the manager—
- (a) subsections (1)(b) and (c), (2), (3), (4), (5)(c) and (6) do not apply,
 - (b) the Scottish Ministers must publish a plan (including a revised plan) in such manner as they consider appropriate as soon as reasonably practicable after the plan is prepared.

26 Annual report

- (1) A manager of one or more Scottish Crown Estate assets must prepare in respect of each financial year a report on its management of the assets during that year.
- (2) The report must, in particular, include an assessment of how the manager's activities during the financial year have contributed to the meeting of its objectives for that year.
- (3) For the purposes of subsection (2), a manager's objectives for the financial year are its objectives as set out in a plan prepared under section 24(1) for a period which includes all or part of that year.
- (4) The report must include a list of any directions given to the manager, or revised or revoked, during the financial year by—
- (a) the Scottish Ministers under section 37(1),
 - (b) the Secretary of State under the Crown Estate Transfer Scheme.

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- (5) But a direction given, revised or revoked by the Secretary of State is not to be included in the list, or otherwise mentioned in the report, if the Secretary of State so notifies the manager.
- (6) Otherwise, it is for the manager to determine the form and content of the report.
- (7) A manager (other than the Scottish Ministers) must send a copy of its report to the Scottish Ministers no later than 3 months after the end of the financial year to which the report relates.
- (8) This section does not apply to Crown Estate Scotland (but see article 18 of the Crown Estate Scotland Order).

27 Laying and publication of annual reports

- (1) The Scottish Ministers must lay a copy of each annual report before the Scottish Parliament.
- (2) They may do so by laying before the Parliament a copy of—
 - (a) a consolidated report comprising two or more annual reports, or
 - (b) an individual annual report.
- (3) The Scottish Ministers must publish each consolidated or annual report in such manner as they consider appropriate as soon as reasonably practicable after a copy of it is laid before the Parliament.
- (4) A manager must not publish its report prepared under section 26(1) until a copy of it has been laid before the Parliament.
- (5) In this section, “annual report” means a report prepared under—
 - (a) section 26(1), or
 - (b) article 18(1)(a) of the Crown Estate Scotland Order.