



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Devolution (Further Powers) Committee**

Mr Richard Lochhead MSP  
Cabinet Secretary for Rural Affairs,  
Food and Environment  
The Scottish Government

c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
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By email:

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Dear Cabinet Secretary,

As you are aware, the Scottish Parliament's Devolution (Further Powers) Committee is leading on the consideration of aspects relating to the Scotland Bill. One strand of this activity relates to the planned devolution for the management and revenues of the Crown Estate in Scotland. This includes the consideration of the draft Memorandum of Understanding and the transfer scheme.

These matters were considered by the Committee at its meeting of Thursday 4 February and it was agreed that I write to you with a number of queries.

Firstly, we would be grateful for some further details on the extent to which you or your officials have in the past been, or will be in the future be, engaged in consultations with HM Treasury on the draft Memorandum of Understanding and the transfer scheme.

The Committee considers it important that both the Scottish Government and the Scottish Parliament are fully involved in the development of the Transfer Scheme, statutory instrument and draft Memorandum of Understanding, and we understand that the Scottish Government's involvement has only begun in recent months.

Secondly, we would be grateful for an update on the nature of your discussions with HM Treasury and your views on the current draft Memorandum of Understanding and the transfer scheme.

Specifically, in relation to the new binding conditions relating to the MOD and HM Treasury on defence and energy matters, how does the Scottish Government see these affecting the practical management of the assets?

Additionally, what is the Scottish Government's understanding of the Scottish Parliament's ability to modify the current requirements of the 1961 Act in the course of further devolution and whether there is sufficient discretion in the management of The Crown Estate's assets in Scotland?

Thirdly, the Committee would be interested in hearing more about your plans and timetables for the appointment of a transferee on the day after the Scotland Bill comes into force. This would include details of your plans for both the interim and longer term management of the revenues of The Crown Estate's assets in Scotland.

Lastly, we are concerned that there appears to be no locus for the Scottish Parliament with regard to having a formal role in scrutinising the details of any agreed transfer scheme and Memorandum of Understanding that is agreed between HM Treasury and the Scottish Government. As you will be aware the Scottish Parliament has a formal locus with regard to providing consent to the devolution of powers in a wide variety of areas of the Scotland Bill not least with regard to legislative consent on the Scotland Bill itself. We would therefore appreciate if you could agree that a legislative process should be put in place to enable the Scottish Parliament to scrutinise the detail of a transfer scheme.

I am grateful for any information you are able to supply on these matters.

Yours sincerely,

Bruce Crawford MSP  
Convener