

**Child Rights and Wellbeing  
Impact Assessment (CRWIA)**

**Commencement of the  
Scottish Crown Estate Act  
2019**

**April 2020**



**Scottish Government**  
Riaghaltas na h-Alba  
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## CRWIA Stage 1

### Screening - key questions

(Hyperlink will only work within SG)

#### **1. Name the policy, and describe its overall aims** - Commencement of the Scottish Crown Estate Act 2019.

The Scottish Crown Estate Act 2019 (the Act) establishes a legislative framework to reform the management of the estate and to deliver wider benefits and new opportunities for local control of the management of a Scottish Crown Estate asset. Full commencement of the provisions of the Act will establish a framework for reform by replacing the Crown Estate Act 1961 with more relevant, appropriate and flexible provisions to capitalise on the benefits of the assets while promoting inclusiveness and high levels of accountability and transparency.

In order to bring the sections of the Act into effect Scottish Ministers are required to introduce commencement regulations. Commencement of the Act is a technical process and Scottish Ministers aim to follow an approach which best ensures a smooth commencement for Crown Estate Scotland and their tenants and are therefore commencing the Act in a phased approach through a number of enabling instruments throughout 2019 and 2020. This will ensure the Act is fully commenced in a timely manner.

The commencement project will bring into force a broad set of duties and enabling powers for reform of the management of Scottish Crown Estate assets. These are designed to give Scottish Ministers the powers to implement the most appropriate approach for management of the assets and to enable the Scottish Crown Estate to deliver wider benefits to Scotland and its communities. Once commenced the Act will enable individual decisions to be made on a case-by- case basis within a broad national framework which will allow for the diversity of the range of Scottish Crown Estate assets to be taken into account.

Once fully commenced the Act will provide mechanisms for the potential transfer or delegation of the management of an individual asset or part of an asset to a defined range of eligible managers including local authorities, Scottish Harbour Authorities or community organisations as defined within the Act. It is recognised that it may not be appropriate for all of the assets to be managed at the local level and that some may continue to be managed in future at a national level.

It is the intention that Crown Estate Scotland will continue to manage all Scottish assets at a national level until such time as the Scottish Ministers by way of regulation or direction, transfer or delegate a management function from Crown Estate Scotland to another manager.

The Act details the duties that require to be followed in managing a Scottish Crown Estate Asset. The Act places an obligation on a manager that, in maintaining and seeking to enhance the value and return of the assets (i.e. commercial aims), they must act in a way best calculated to further the achievement of sustainable development in Scotland and must seek to contribute to the promotion or improvement of wider socio-economic and environmental factors. The Act will also provide for a national governance framework, requiring Scottish Ministers and a

manager respectively to develop a Strategic Management Plan and a Management Plan and also makes provisions about financial and reporting requirements and other matters.

None of the sections being commenced in any of the commencement phases are directly targeted towards children and young people. Through the wider revisions to manager duties, subsequent decisions in relation to management of the Scottish Crown Estate assets may result in a positive impact in contributing towards future benefits for children and young people.

## **2. What aspects of the policy/measure will affect children and young people up to the age of 18?**

The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

The Act provides a legislative framework for the reform of the management of Scottish Crown Estate assets. Our assessment is that sections being commenced under the Act don't specifically affect children and young people up to the age of 18.

## **3. What likely impact – direct or indirect – will the policy/measure have on children and young people?**

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply, or local transport schemes.

No direct impacts are expected from the legislation.

A driver for reform of the management of Scottish Crown Estate assets is to seek to ensure that local communities benefit. The Scottish Government has made a commitment to provide the net revenue from marine assets out to 12 nautical miles to coastal and island councils. The Act also includes opportunities for local management and places an obligation on a manager that in complying with commercial aims in the way an asset is managed, it must act in a way best calculated to further the achievement of sustainable development in Scotland and must seek to contribute to the promotion or improvement of wider socio-economic and environmental factors.

All the above factors, could, once the sections are commenced have an indirect positive impact, but any such impacts will be determined as a result of how an individual manager takes decisions and whether these decisions will impact on children or disproportionately or specifically affect this population group is a matter for the manager.

A manager will need to consider the implications of their management plans or any future wider policy decisions on any impacts in relation to Child Rights and Wellbeing. We anticipate that this could entail an assessment of the impacts of their decisions in carrying out their duty under Section 7 of the Act.

**4. Which groups of children and young people will be affected?**

Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance: e.g. preschool children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child migrants, or children living in poverty.

None directly from the commencement of the Act.

**5. Will this require a CRWIA?**

Explain your reasons.

No. Commencement is a technical process to switch on the provisions of the Act which will reform the powers and duties that require to be followed in managing a Scottish Crown Estate asset, and enable changes in the management of assets. The project is to commence the sections within the Act in a phased approach to ensure a smooth transition of the new powers. The project and its effects are unlikely to specifically affect children and young people up to the age of 18.

Scottish Ministers will assess whether a CRWIA is required when considering specific policy proposals which arise from an application by an eligible manager in respect of a transfer or delegation request of management of an individual Scottish Crown Estate Asset.

**CRWIA Declaration**

Tick relevant section, and complete the form.

CRWIA required	CRWIA not required
	√

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**Date: 10 January 2020**



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Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
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ISBN: 978-1-83960-670-0 (web only)

Published by The Scottish Government, April 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS719986 (04/20)

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