

## Report triggers new row over who owns Scottish seabed

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**A new report by a powerful committee of MPs is set to spark a major row over who has the legal rights to the seabed round Scotland's coast – and who should get the lucrative income from the multi-billion renewable energy industry.**

For decades, the Crown Estate Commissioners (CEC) have claimed ownership to Scotland's seabed, yet in evidence to the Commons Treasury Committee they admit they do not actually own anything. They only manage the Crown property rights in Scotland.



But the committee makes clear Holyrood can already legislate over these rights, and one of the leading authorities on Scottish land is calling for MSPs to use the powers they already have to abolish the Crown rights to the seabed.

The findings could herald a multi-million-pound windfall for the Scottish Government and local councils.

Although renewable energy only earned the CEC £1.8 million last year, some are hoping that figure could be up to a hundred times higher in years to come.

Up to £10bn worth of investment in offshore wind-energy projects around the UK is expected, but already some £5bn is projected for wave and tidal projects in the Pentland Firth and waters around Orkney.

If that level of investment continues, profits could run into many billions of pounds, which means income from leasing the seabed could run into hundreds of millions over the long term.

The money could come to Edinburgh, rather than going to the Treasury, though the Scottish Government would also have the flexibility to waive charges to encourage development in fragile areas.

In evidence, the CEC said they exercised "...the powers of ownership, although we are not owners in our own right".

The committee then concluded that: "Crown property rights in Scotland are defined and governed by Scots law, including Scotland's Crown rights in Scotland's territorial seabed and continental shelf area.

"As a result of the Scotland Act 1998, the Scottish Parliament can legislate over the extent and nature of Crown property rights in Scotland, legislate to regulate the use of land and property rights and issue guidance on standards of good management."

One of the leading authorities on public rights to land in Scotland, Andy Wightman, says Holyrood definitely can abolish the Crown rights to the likes of the seabed, in order to let Scottish ministers hold them instead.

He said: "We need to get this sorted out now. The potential is similar to that of the oil boom in the 1970s when Shetland had the foresight to set up what is basically a sovereign wealth fund which has earned it millions since."

The CEC, for their part, still insist: "The Crown Estate is specifically reserved under the Scotland Act and the Scottish Parliament would not be able to legislate to transfer ownership to Scottish ministers."

Scottish ministers are also claiming they cannot interfere in the workings of the Commissioners because it is a reserved matter.

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