

Crown Estate (Devolution to Wales) Bill

[AS INTRODUCED]

CONTENTS

- 1 The Crown Estate
- 2 Extent, commencement and short title

[AS INTRODUCED]

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B I L L

TO

Devolve management of the Crown Estate and its assets in Wales to the Welsh Government; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 The Crown Estate

- (1) In Part 2 of the Wales Act 2017 (legislative and executive competence: further provision), after section 52 insert—

“The Crown Estate

52A The Crown Estate

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- (1) The Treasury may make a scheme transferring on the transfer date all the existing Welsh functions of the Crown Estate Commissioners (“the Commissioners”) to the Welsh Ministers or a person nominated by the Welsh Ministers (“the transferee”).

- (2) The existing Welsh functions are the Commissioners’ functions relating to the part of the Crown Estate that, immediately before the transfer date, consists of—

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- (a) property, rights or interests in land in Wales, excluding property, rights or interests mentioned in subsection (3), and
(b) rights in relation to the Welsh zone.

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- (3) Where immediately before the transfer date part of the Crown Estate consists of property, rights or interests held by a limited partnership registered under the Limited Partnerships Act 1907, subsection (2)(a) excludes—

- (a) the property, rights or interests, and
(b) any property, rights or interests in, or in a member of, a partner in the limited partnership.

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- (4) Functions relating to rights within subsection (2)(b) are to be treated for the purposes of this Act as exercisable in or as regards Wales.

- (5) The property, rights and interests to which the existing Welsh functions relate must continue to be managed on behalf of the Crown.
- (6) That does not prevent the disposal of property, rights or interests for the purposes of that management.
- (7) Subsection (5) also applies to property, rights or interests acquired in the course of that management (except revenues to which section 1(3) of the Civil List Act 1952 applies). 5
- (8) The property, rights and interests to which subsection (5) applies must be maintained as an estate in land or as estates in land managed separately (with any proportion of cash or investments that seems to the person managing the estate to be required for the discharge of functions relating to its management). 10
- (9) The scheme may specify any property, rights or interests that appear to the Treasury to fall within subsection (2)(a) or (b), without prejudice to the functions transferred by the scheme. 15
- (10) The scheme must provide for the transfer to the transferee of designated rights and liabilities of the Commissioners in connection with the functions transferred.
- (11) The scheme must include provision to secure that the employment of any person in Crown employment (within the meaning of section 191 of the Employment Rights Act 1996) is not adversely affected by the transfer. 20
- (12) The scheme must include such provision as the Treasury consider necessary or expedient—
- (a) in the interests of defence or national security, 25
 - (b) in connection with access to land for the purposes of telecommunications and wireless telegraphy,
 - (c) for securing that the management of property, rights or interests to which subsection (5) applies does not conflict with the exploitation of oil and gas resources, or with other reserved matters in connection with their exploitation, and 30
 - (d) for securing consistency, in the interests of consumers, in the management of property, rights or interests to which subsection (5) applies and of property, rights or interests to which the Commissioners' functions other than the existing Welsh functions relate, so far as it affects the transmission or distribution of electricity or the provision or use of electricity interconnectors. 35
- (13) Any transfer by the scheme is subject to any provision under subsection (12). 40
- (14) The scheme may include—
- (a) incidental, supplemental and transitional provision;
 - (b) consequential provision, including provision amending an enactment, instrument or other document;

- (c) provision conferring or imposing a function on any person including any successor of the transferee;
 - (d) provision for the creation of new rights or liabilities in relation to the functions transferred.
- (15) On the transfer date, the existing Welsh functions and the designated rights and liabilities are transferred and vest in accordance with the scheme. 5
- (16) A certificate by the Treasury that anything specified in the certificate has vested in any person by virtue of the scheme is conclusive evidence for all purposes. 10
- (17) The Treasury may make a scheme under this section only with the agreement of the Welsh Ministers.
- (18) The power to make a scheme under this section is exercisable by statutory instrument.
- (19) No scheme may be made under this section unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament and Senedd Cymru. 15
- (20) The power to amend the scheme is exercisable so as to provide for an amendment to have effect from the transfer date.
- (21) In this section— 20
 - “designated” means specified in or determined in accordance with the scheme;
 - “the transfer date” means a date specified by the scheme as the date on which the scheme is to have effect.”
- (2) In Part 1 (general reservations) of Schedule 7A (reserved matters) to the Government of Wales Act 2006, omit paragraph 2(2). 25
- (3) For the purposes of the exercise on and after the transfer date of functions transferred by the scheme under section 52A of the Wales Act 2017, the Crown Estate Act 1961 applies in relation to the transferee as it applied immediately before that date to the Crown Estate Commissioners, with the following modifications— 30
 - (a) a reference to the Crown Estate is to be read as a reference to the property, rights and interests to which section 52A applies;
 - (b) a reference to the Treasury is to be read as a reference to the Welsh Ministers; 35
 - (c) a reference to the Comptroller and Auditor General is to be read as a reference to the Auditor General for Wales;
 - (d) a reference to Parliament or either House of Parliament is to be read as a reference to Senedd Cymru;
 - (e) the following do not apply— 40
 - (i) in section 1, subsections (1), (4) and (7);

- (ii) in section 2, subsections (1) and (2) and, if the Welsh Ministers are the transferee, the words in subsection (3) from “in relation thereto” to the end;
 - (iii) in section 4, the words “with the consent of Her Majesty signified under the Royal Sign Manual”; 5
 - (iv) sections 5, 7 and 8 and Schedule 1.
- (4) Subsection (3) is subject to any provision made by Order in Council under subsection (5) or by any other enactment, including an enactment comprised in, or in an instrument made under, an Act of Senedd Cymru.
- (5) Her Majesty may by Order in Council make such provision as She considers appropriate for or in connection with the exercise by the transferee under the scheme under section 52A of the Wales Act 2017 (subject to subsections (5) to (8) of that section) of functions transferred by the scheme, including provision taking effect on or before the transfer date. 10
- (6) An Order in Council under subsection (5) may in particular— 15
- (a) establish a body, including a body that may be nominated under that section as the transferee;
 - (b) amend, repeal, revoke or otherwise modify an enactment, an Act of Senedd Cymru, or an instrument made under an enactment or Act of Senedd Cymru. 20
- (7) The power to make an Order in Council under subsection (5) is exercisable by statutory instrument.
- (8) A statutory instrument containing an order under subsection (5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru. 25
- (9) Section 1 of the Civil List Act 1952 (payment of hereditary revenues to the Exchequer) is amended in accordance with subsections (10) and (11).
- (10) In subsection (1), for “subsection (2)” substitute “subsections (2) and (3)”.
- (11) After subsection (2) insert—
- “(3) In relation to Wales, the hereditary revenues of the Crown from the property, rights and interests the management of which is transferred by the scheme under section 52A of the Wales Act 2017 shall be paid into the Welsh Consolidated Fund.” 30

2 Extent, commencement and short title

- (1) Any amendment or repeal made by this Act has the same extent as the provision amended or repealed. 35
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Crown Estate (Devolution to Wales) Act 2021.

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Devolve management of the Crown Estate and its assets in Wales to the Welsh Government; and for connected purposes.

*Presented by Liz Saville Roberts
supported by Hywel Williams and Ben Lake.*

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