



T: 0300 244 4000
E: scottish.ministers@gov.scot

Graham Simpson
Convener
Delegated Powers and Law Reform Committee
Scottish Parliament
Edinburgh
EH99 1SP

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Dear Graham,

Thank you for your letter of 9 July seeking clarification of a point in my response to the Stage 1 report on the Scottish Crown Estate Bill. Specifically, you seek clarification of what information will be provided in the notice of direction and how I will take into account what material might be commercially sensitive or commercially confidential.

I intend to bring forward amendments to the Bill at Stage 2 so that it is the direction itself which is published, and not a notice of the direction, as the Bill currently requires. The information in the published direction would include at least the following points:-

- The Scottish Crown Estate manager who is being directed to delegate the function,
- The local authority, Scottish public authority or community organisation to whom the function is being delegated, and
- The asset in relation to which the function is to be delegated.

The direction is, effectively, an instruction from the Scottish Ministers to a manager to agree with the delegate terms and conditions concerning the management of a specified asset. Section 5 (3) to (7) sets out the requirements of the delegation agreement.

Information may be regarded to be commercially sensitive or commercially confidential depending on the individual circumstances of the case in question, and the information contained in a direction and a delegation agreement will be assessed on a case by case basis.

I would expect that any commercially confidential or commercially sensitive information would be contained in the terms and conditions of the delegation agreement rather than in the direction itself, as would information about targets and the extent of the delegate's powers.

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If, however, information considered to be commercially sensitive or confidential was contained in a direction, it would be redacted.

I hope that this explanation is sufficient.

Yours

Roseanna

Roseanna Cunningham

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

