



20/02/2025

Our Ref: FOI 368

Dear Requestor

Shetland Seabed

Freedom of Information (Scotland) Act 2022 (FOISA).

We refer to your request sent by email and received by us on 23 January 2025. Your request was made under the Freedom of Information (Scotland) Act 2002 ("FOISA").

Request:

When and by what legislation did the Crown Estate acquire the seabed around Shetland?

Response:

The ownership of Scotland's seabed, and much of its foreshore, are ancient possessions of the Crown. There is a legal presumption that an area of seabed or foreshore is owned by the Crown, unless there is evidence that it has been acquired by someone else.

Ownership of Scotland's territorial seabed around Shetland, which is the area of seabed from high watermark out to 12 nautical miles, is currently vested in the Crown. The rights from 12 nautical miles out to 200 nautical miles (known as the Exclusive Economic Zone) are also vested in the Crown.

The Continental Shelf Act 1964 extended The Crown Estate's ownership of the seabed up to 12 nautical miles from the UK's coast. Scotland Act 2016 created the provision for the Crown Estate's assets in Scotland to be transferred to Crown Estate Scotland.

Crown Estate Scotland is a public corporation that manages assets in Scotland – including virtually all seabed of coastal waters, and certain other seabed rights – on behalf of the Crown and for the benefit of the Scottish people. Together these assets form the Scottish Crown Estate ('the Estate').

Ownership of the Estate lies with the Monarch in right of the Crown and management responsibility currently sits with Crown Estate Scotland. The Crown Estate Scotland (Interim Management) Order 2017 and The Scottish Crown Estate Act 2019 set out the current provisions for the management of the Scottish Crown Estate.

For further information about Crown Estate Scotland please find our Key information | Crown Estate Scotland on our website.



The Sovereign Nation of Shetland



Official Residence, Ocroquoy, Cunningsburgh, Shetland, Near but outwith UK.
Tel: 01950 477829, Email: info@sovereignshetland.com, website: sovereignshetland.com

27 February 2025

Our ref: 120TSNS250227

Your ref: FOI 368

FOI Officer
Crown Estate Scotland

By Email to: enquiries@crownestatescotland.gov.uk.readnotify.com

Dear FOI Officer,

Freedom Of Information request The seabed around Shetland

Thank you for your response dated 20 February 2025.

We note that you state "There is a legal presumption that an area of seabed or foreshore is owned by the Crown, unless there is evidence that it has been acquired by someone else."

A legal presumption will be overturned by contrary evidence.

You will of course be aware that udal landowners in Shetland have allodial ownership of their foreshore.

Section 1 of the Continental Shelf Act 1964 states:

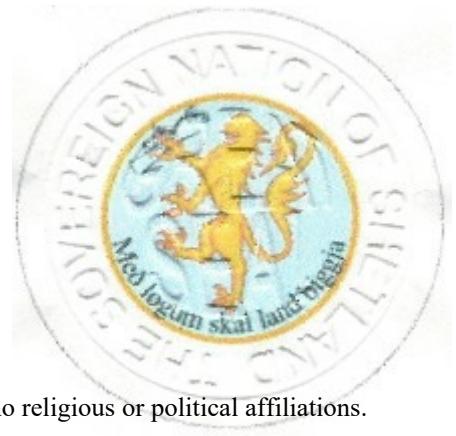
"Exploration and exploitation of continental shelf.

(1) Any rights exercisable by the United Kingdom outside territorial waters with respect to the sea bed and subsoil and their natural resources, except so far as they are exercisable in relation to coal, are hereby vested in Her Majesty."

Do you have information on legislation defining "Any rights exercisable by the United Kingdom" before the Continental Shelf Act 1964?

Regards

The Sovereign Nation of Shetland



The Sovereign Nation of Shetland is an unincorporated association having no religious or political affiliations.

04/03/2025

Our Ref: **FOI 368**

Dear Requestor

Shetland Seabed

Freedom of Information (Scotland) Act 2022 (FOISA).

We refer to your follow up question sent by email and received by us on 27 February 2025. Your original request was sent 23 January and answered 20 February 2025. Your request was made under the Freedom of Information (Scotland) Act 2002 ("FOISA").

Follow up question:

Section 1 of the Continental Shelf Act 1964 states:

"Exploration and exploitation of continental shelf.

(1) Any rights exercisable by the United Kingdom outside territorial waters with respect to the sea bed and subsoil and their natural resources, except so far as they are exercisable in relation to coal, are hereby vested in Her Majesty."

Do you have information on legislation defining "Any rights exercisable by the United Kingdom" before the Continental Shelf Act 1964?

Response:

Crown Estate Scotland does not hold information about legislation defining "Any rights exercisable by the United Kingdom" before the Continental Shelf Act 1964. As such a not held notice is attached.

As per the introduction set out in the [Continental Shelf Act 1964](#), it is "an act to make provision as to the exploration and exploitation of the continental shelf; to enable effect to be given to certain provisions of the Convention on the High Seas done in Geneva on 29th April 1958; and for matters connected with those purposes". This was a United Nations Convention.

Under FOI(S)A public authorities are required to provide access to recorded information but do not offer interpretations of legislation or legal advice. This means that while we can provide copies of or links to relevant laws or official guidance documents, we are unable to explain how the law applies to specific situations or offer opinions on its meaning.

FOI
Number:

THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
NOTICE – INFORMATION NOT HELD

Reference
FOI 368

Date: 04/03/2025

This notice is provided in accordance with section 17(1) of the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

Subject of request for which information is not held	Crown Estate Scotland does not hold information about legislation defining "Any rights exercisable by the United Kingdom" before the Continental Shelf Act 1964.
--	--

Quartermile Two
2nd Floor, 2 Lister Square
Edinburgh, EH3 9GL
t. 0131 260 6070
enquiries@crownestatescotland.co
m
www.crownestatescotland.com