

# Heat Networks (Scotland) Bill

[AS INTRODUCED]

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Explanatory Notes (SP Bill 64-EN), a Financial Memorandum (SP Bill 64-FM), a Policy  
Memorandum (SP Bill 64-PM) and statements on legislative competence (SP Bill 64-LC).**

# Heat Networks (Scotland) Bill

## [AS INTRODUCED]

An Act of the Scottish Parliament to make provision for regulating the supply of thermal energy by a heat network, and for regulating the construction and operation of a heat network; to make provision about the powers of persons holding a heat networks licence; to make provision about conferring rights in heat network assets where a person ceases operating a heat network; and for connected purposes.

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### PART 1

#### HEAT NETWORKS LICENCES

##### *Introductory*

#### **1 Meaning of “heat network”**

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(1) In this Act, a “heat network” means—

- (a) a district heat network, or
- (b) a communal heating system.

(2) A district heat network is a network by which thermal energy is distributed from one or more sources of production to more than one building.

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(3) A communal heating system is a system by which thermal energy is distributed from one or more sources of production to one building comprising more than one building unit.

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(4) For the purposes of subsection (2) or (3), where the main purpose of a source of production is to provide thermal energy to a district heat network or (as the case may be) a communal heating system, the source of production forms part of the district heat network or (as the case may be) the communal heating system.

(5) In this Act, “thermal energy” means heating, cooling or hot water.

(6) In subsection (3), “building unit” means part of a building that is designed or altered to be used separately.

25

(7) The Scottish Ministers may by regulations—

- (a) modify the meaning in this section of “heat network”, “district heat network” or “communal heating system”,

(b) further define the meaning of any of those terms.

## **2 Requirement for heat networks licence**

- (1) A person must not supply thermal energy by means of a heat network unless the person holds a heat networks licence.
- 5 (2) A person who contravenes subsection (1) commits an offence.
- (3) A person who commits an offence under subsection (2) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
- (b) on conviction on indictment, to a fine.
- 10 (4) In this Act, “heat networks licence” means a heat networks licence issued under section 5(5).

## **3 Exemptions from requirement for heat networks licence**

- (1) The Scottish Ministers may by regulations provide that the requirement imposed by section 2(1) does not apply—
- 15 (a) in circumstances specified in the regulations,
- (b) in relation to heat networks of a description specified in the regulations.
- (2) The Scottish Ministers may direct that the requirement imposed by section 2(1) does not apply—
- (a) to—
- 20 (i) a person specified by name in the direction,
- (ii) persons of a description specified in the direction,
- (b) in relation to heat networks of a description specified in the direction.
- (3) Where the Scottish Ministers issue a direction under subsection (2), they must—
- (a) do so in writing, and
- (b) publish the direction in such manner as they consider appropriate.
- 25 (4) The Scottish Ministers may grant an exemption by regulations under subsection (1) or by a direction under subsection (2)—
- (a) either—
- (i) indefinitely, or
- (ii) for a period specified in the regulations or the direction,
- 30 (b) either—
- (i) unconditionally, or
- (ii) subject to conditions specified in the regulations or the direction.
- (5) The Scottish Ministers may revise or revoke a direction under subsection (2).
- 35 (6) Subsection (3) applies to the revision or revocation of a direction under subsection (2) as it applies to such a direction.
- (7) Regulations under subsection (1), or a direction under subsection (2), may make different provision for different areas.

#### **4 Meaning of “licensing authority”**

In this Act, the “licensing authority” means—

- (a) the Scottish Ministers, or
- (b) such other person as the Scottish Ministers by regulations designate as the licensing authority for the purposes of this Act.

#### *Heat networks licence applications*

#### **5 Heat networks licence applications**

- (1) A person may apply to the licensing authority for a heat networks licence.
- (2) An application under subsection (1) is referred to in this Part as a “heat networks licence application”.
- (3) The licensing authority may grant a heat networks licence application only if it is satisfied that the applicant has the ability to perform the activities that would be authorised by the licence.
- (4) In assessing an applicant’s ability to perform those activities, the licensing authority must have regard to the following matters (in so far as relevant to the performance of those activities)—
  - (a) the applicant’s knowledge, expertise and experience,
  - (b) the applicant’s ability to operate a heat network in a manner that minimises greenhouse gas emissions (within the meaning of the Climate Change (Scotland) Act 2009) from the heat network, and
  - (c) such other matter as the Scottish Ministers may by regulations specify.
- (5) As soon as practicable after granting a heat networks licence application, the licensing authority must issue the licence to the applicant.
- (6) Where the licensing authority proposes to refuse a heat networks licence application, it must give the applicant notice—
  - (a) stating that it proposes to refuse the application,
  - (b) stating the reasons why it proposes to refuse the application, and
  - (c) specifying the period (which is to be not less than 28 days from the date on which the notice is given) within which the applicant may make representations about the proposed refusal to the licensing authority.
- (7) As soon as practicable after refusing a heat networks licence application, the licensing authority must notify the applicant of the refusal.

#### *Conditions of heat networks licence*

#### **6 Heat networks licence standard conditions**

- (1) The licensing authority must determine conditions relating to the obligations of persons holding heat networks licences.
- (2) In this Part, the conditions determined under subsection (1) are referred to as the “standard conditions”; and references to the standard conditions include those conditions as they may be modified from time to time under section 7(2)(b)(i).

- (3) The standard conditions may in particular—
- (a) include standard conditions that are to apply to—
    - (i) all heat networks licences,
    - (ii) heat networks licences of a particular description,
  - (b) make provision for—
    - (i) the standard conditions (or any of them) not to apply to a particular heat networks licence or heat networks licences of a particular description in such circumstances as may be specified in the standard conditions,
    - (ii) the coming into effect and suspension of the standard conditions (or any of them) in such manner and in such circumstances as may be specified in the standard conditions.
- (4) Subject to subsection (5), each heat networks licence has incorporated in it by reference such of the standard conditions as are applicable to it.
- (5) The licensing authority may, in granting a particular heat networks licence application, exclude or modify any of the standard conditions to such extent as it considers appropriate in the circumstances of the case.
- (6) Before making any modification under subsection (5), the licensing authority must give notice of the proposed modification to the applicant of the particular heat networks licence application.
- (7) The notice must—
- (a) state the reasons why the modification is proposed, and
  - (b) specify the period (which is to be not less than 28 days from the date on which the notice is given) within which the applicant may make representations about the proposed modification to the licensing authority.
- (8) In determining the standard conditions under subsection (1), the licensing authority must have regard in particular to—
- (a) the interests of users of thermal energy supplied by means of a heat network,
  - (b) the desirability of furthering or promoting the reduction of greenhouse gas emissions (within the meaning of the Climate Change (Scotland) Act 2009) from the operation of heat networks,
  - (c) the desirability of furthering or promoting the use by heat networks of—
    - (i) thermal energy generated from renewable sources,
    - (ii) waste heat or cold.
- (9) In subsection (8)(c)(ii), “waste heat or cold” means heat or cold generated as a result of a use of (or process affecting) land, which would disperse unused if released into air or water.

## **7 Heat networks licence standard conditions: supplementary**

- (1) The licensing authority must publish the standard conditions.
- (2) The licensing authority—
  - (a) must from time to time review the standard conditions, and

(b) may—

(i) modify the standard conditions, and

(ii) make any modification of the conditions of any heat networks licence it considers appropriate as a consequence of any modification of the standard conditions.

(3) Before making any modification under subsection (2)(b), the licensing authority must—

(a) give notice of the proposed modification to every person who holds a heat networks licence whose licence would be affected by the modification, and

(b) publish the notice.

(4) The notice must—

(a) state the reasons why the modification is proposed, and

(b) specify the period (which is to be not less than 28 days from the date of publication of the notice) within which representations about the proposed modification to the licensing authority may be made.

(5) Where the licensing authority modifies the standard conditions, it must publish the standard conditions as modified.

## **8 Heat networks licence special conditions**

(1) In addition to the standard conditions, the licensing authority may include in a heat networks licence any special conditions (whether or not relating to the activities to be authorised by the licence) it considers appropriate.

(2) The licensing authority may provide in a heat networks licence that a special condition of the licence—

(a) has effect or ceases to have effect, or

(b) may be modified,

at such time, in such manner and in such circumstances as the licensing authority considers appropriate.

### *Duration of heat networks licence*

## **9 Period of effect of heat networks licence**

A heat networks licence—

(a) has effect on the date specified in the licence, and

(b) continues to have effect unless the licence is—

(i) revoked by the licensing authority in accordance with section 11, or

(ii) surrendered by the person holding the licence in accordance with the conditions of the licence.

*Modification of heat networks licence***10 Modification of heat networks licence**

- (1) The licensing authority may make any modification of a heat networks licence it considers appropriate.
- 5 (2) The licensing authority may modify a heat networks licence under subsection (1)—
- (a) following an application by the person holding the licence, or
  - (b) on the licensing authority’s own initiative.
- (3) An application mentioned in subsection (2)(a) is referred to in this Part as a “heat networks licence modification application”.
- 10 (4) Before modifying a heat networks licence under subsection (1), the licensing authority must give notice of the proposed modification to the person holding the licence.
- (5) The notice must—
- (a) state the reasons why the modification is proposed, and
  - 15 (b) specify the period (which is to be not less than 28 days from the date on which the notice is given) within which the person holding the licence may make representations about the proposed modification to the licensing authority.
- (6) Where the licensing authority modifies a heat networks licence under subsection (1), it must give a copy of the licence as modified to the person holding the licence.
- 20 (7) This section does not apply in relation to the modification of the conditions of a heat networks licence by the licensing authority in consequence of any modification of the standard conditions (see section 7(2)(b)(ii)).

*Revocation of heat networks licence***11 Revocation of heat networks licence**

- 25 (1) The licensing authority may revoke a heat networks licence if it considers that the person holding the licence—
- (a) no longer has the ability to perform the activities authorised by the licence, or
  - (b) has failed to comply with a condition of the licence.
- (2) For the purposes of subsection (1)(a)—
- 30 (a) in deciding whether the person holding a heat networks licence no longer has the ability to perform the activities authorised by the licence, the licensing authority is to have regard to the matters mentioned in section 5(4), and
  - (b) it does not matter whether or not the person holding the heat networks licence has failed to comply with a term of the licence.
- 35 (3) The licensing authority may not revoke a heat networks licence under subsection (1) unless it is satisfied that revocation is reasonable having regard to—
- (a) the terms of the licence,
  - (b) the responsibilities of the person holding the licence to the person’s customers, and
  - (c) any other matters the licensing authority considers to be relevant.

- (4) Before revoking a heat networks licence under subsection (1), the licensing authority must give notice of the proposed revocation to the person holding the licence.
- (5) The notice must—
- (a) state the reasons why the revocation is proposed, and
  - (b) specify the period (which is to be not less than 28 days from the date on which the notice is given) within which the person holding the licence may make representations about the proposed revocation to the licensing authority.
- (6) The licensing authority may revoke a heat networks licence under subsection (1) by giving notice of revocation to the person holding the licence.
- (7) A notice of revocation must specify—
- (a) the reasons for the revocation, and
  - (b) the date from which the revocation is to have effect.

### *Miscellaneous*

## **12 Form and manner etc. of applications under Part 1**

- (1) The Scottish Ministers may determine—
- (a) the form and manner in which—
    - (i) a heat networks licence application is to be made,
    - (ii) a heat networks licence modification application is to be made,
  - (b) the information (including the information in the form of a document) that must be included in—
    - (i) a heat networks licence application,
    - (ii) a heat networks licence modification application.
- (2) The Scottish Ministers must arrange for any determination under subsection (1) to be published in such manner as they consider appropriate.
- (3) The licensing authority need not consider—
- (a) a heat networks licence application, or
  - (b) a heat networks licence modification application,
- that does not comply with a requirement determined under subsection (1).

## **13 Regulations about determining applications under Part 1**

- The Scottish Ministers may by regulations make provision about—
- (a) the procedure to be followed by the licensing authority in determining—
    - (i) a heat networks licence application,
    - (ii) a heat networks licence modification application,
  - (b) the notification and publication of—
    - (i) such an application,
    - (ii) determinations made in relation to it.

**14 Guidance for licensing authority**

- (1) The Scottish Ministers may issue guidance to the licensing authority about the exercise of its functions under this Part.
- (2) Guidance under subsection (1) may, in particular, include guidance relating to the matters mentioned in section 5(4) (either generally or in a particular case or category of case).
- (3) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.

**15 Register of heat networks licences**

- (1) The licensing authority must prepare and maintain a register of heat networks licences.
- (2) The register must contain the following information about each heat networks licence—
- (a) the name and address of the person to whom the licence was issued,
  - (b) the terms of the licence,
  - (c) the date on which the licence took effect,
  - (d) if the licence is not continuing in effect, the date on which the licence ceased to have effect.
- (3) The register must also contain such other information as the Scottish Ministers may by regulations specify.
- (4) The licensing authority must make arrangements to enable members of the public to inspect the register free of charge.

**16 Interpretation of Part 1**

- (1) In this Part—
- “heat networks licence application” has the meaning given in section 5(2),
- “heat networks licence modification application” has the meaning given in section 10(3),
- “standard conditions” has the meaning given in section 6(2).
- (2) In this Part, references to the activities authorised (or to be, or would be, authorised) by a heat networks licence means the supply of thermal energy, by means of a heat network, by the person holding the licence.

**PART 2**

## HEAT NETWORK CONSENT

*Introductory***17 Requirement for heat network consent**

- (1) A person must not construct or operate a heat network unless the person holds a heat network consent relating to—
- (a) the construction of the heat network, or (as the case may be)
  - (b) the operation of the heat network.

- (2) In this Act—
- (a) references to the construction of a heat network include references to the construction of an extension to an existing heat network,
  - (b) a “heat network consent” means—
    - (i) a consent granted under section 20(1)(a), or
    - (ii) such a consent that is transferred under section 22(1).

## **18 Exemptions from requirement for heat network consent**

- (1) The Scottish Ministers may by regulations provide that the requirement imposed by section 17(1) does not apply—
- (a) in circumstances specified in the regulations,
  - (b) in relation to heat networks of a description specified in the regulations.
- (2) Regulations under subsection (1) may grant an exemption—
- (a) either—
    - (i) indefinitely, or
    - (ii) for a period specified in the regulations,
  - (b) either—
    - (i) unconditionally, or
    - (ii) subject to conditions specified in the regulations.
- (3) Regulations under subsection (1) may make different provision for different areas.

### *Heat network consent applications*

## **19 Heat network consent applications**

- (1) A person may apply to the Scottish Ministers for a heat network consent.
- (2) An application under subsection (1) is referred to in this Act as a “heat network consent application”.
- (3) A person may make a heat network consent application in relation to—
- (a) the construction of a heat network,
  - (b) the operation of a heat network, or
  - (c) both.

## **20 Determining heat network consent applications**

- (1) The Scottish Ministers may—
- (a) agree to a heat network consent application and grant a heat network consent, or
  - (b) refuse the application.
- (2) Subsection (3) applies to a heat network consent application relating to—
- (a) the construction and operation of a heat network, or
  - (b) the operation of a heat network.

- (3) Before agreeing to the application and granting a heat network consent for a heat network, the Scottish Ministers must be satisfied that each person to whom the consent is to be granted has (or will have) a right to use each listed asset of the heat network for the purpose of operating the heat network.
- 5 (4) Where the Scottish Ministers propose to refuse a heat network consent application, the Scottish Ministers must give the applicant notice—
- (a) stating that they propose to refuse the application,
  - (b) stating the reasons why they propose to refuse the application, and
  - (c) specifying the date by which the applicant may make representations about the proposed refusal to the Scottish Ministers.
- 10 (5) In subsection (3), “listed asset”, in relation to a heat network, has the meaning given in section 76.

*Heat network consent conditions or limitations***21 Heat network consent conditions or limitations**

- 15 The Scottish Ministers may grant a heat network consent subject to any conditions or limitations they consider appropriate.

*Transfer, modification and revocation of heat network consent***22 Transfer of heat network consent**

- 20 (1) The person holding a heat network consent may transfer the consent to another person with the agreement of the Scottish Ministers.
- (2) The Scottish Ministers may agree to a transfer of a heat network consent under subsection (1) subject to any—
- (a) modification of any condition or limitation of the consent, or
  - (b) additional condition or limitation of the consent,
- 25 as they consider appropriate.

**23 Modification of heat network consent**

- (1) The Scottish Ministers may make any modification of a heat network consent they consider appropriate.
- (2) The Scottish Ministers may modify a heat network consent under subsection (1)—
- (a) following an application by the person holding the heat network consent, or
  - (b) on the Scottish Ministers’ own initiative.
- 30 (3) An application mentioned in subsection (2)(a) is referred to in this Act as a “heat network consent modification application”.
- (4) Where the Scottish Ministers modify a heat network consent under subsection (1), they must give a copy of the consent as modified to the person holding the consent.
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**24 Revocation of heat network consent**

The Scottish Ministers may revoke a heat network consent in such circumstances and in such manner as may be specified by them by regulations.

*Compensation*

**25 Compensation on modification or revocation of heat network consent**

- (1) The Scottish Ministers may by regulations make provision for or about the payment of compensation to the person holding a heat network consent in consequence of—
- (a) the modification of a heat network consent under section 23(2)(b),
  - (b) the revocation of a heat network consent in accordance with regulations under section 24.
- (2) Regulations under subsection (1) may in particular make provision about—
- (a) the circumstances in which compensation is payable,
  - (b) the calculation of compensation,
  - (c) the procedure to be followed in connection with claiming compensation,
  - (d) the review of decisions made under the regulations,
  - (e) appeals against decisions made under the regulations.

*Miscellaneous*

**26 Form and manner etc. of applications under Part 2**

- (1) The Scottish Ministers may determine—
- (a) the form and manner in which a relevant application is to be made,
  - (b) the information (including the information in the form of a document) that is included in a relevant application.
- (2) The Scottish Ministers must arrange for any determination under subsection (1) to be published in such manner as they consider appropriate.
- (3) The Scottish Ministers need not consider a relevant application that does not comply with a requirement determined under subsection (1).
- (4) In this section and section 27, a “relevant application” means—
- (a) a heat network consent application,
  - (b) a heat network consent modification application,
  - (c) an application for a consent, agreement or approval required by a condition to which a heat network consent is subject.

**27 Regulations about determining applications under Part 2**

- (1) The Scottish Ministers may by regulations make provision about—
- (a) the procedure to be followed in determining a relevant application,
  - (b) publication and notification of—
    - (i) a relevant application,

- (ii) determinations made in relation to it.
- (2) Regulations under subsection (1) may in particular make provision in connection with the consideration to be given, before agreeing to a relevant application, to the likely environmental effects of—
- 5 (a) the construction of a heat network,  
(b) the operation of a heat network,  
to which the relevant application relates.

*Enforcement of requirement for heat network consent***28 Meaning of “enforcement authority”**

10 In this Part, the “enforcement authority” means—

- (a) the Scottish Ministers, or  
(b) such other person as the Scottish Ministers by regulations designate as the enforcement authority for the purposes of this Part.

**29 Power to require information about activities on land**

15 (1) This section applies where it appears to the enforcement authority that—

- (a) a heat network—
- (i) is being constructed (or has been constructed) on land without a heat network consent in relation to the heat network,  
(ii) is being operated (or has been operated) on land without a heat network consent in relation to the heat network, or
- (b) there has been a failure to comply with a condition or limitation to which a heat network consent in relation to a heat network situated on land is subject.

(2) The enforcement authority may give notice outlining its concerns (a “contravention notice”) to any person who—

- 25 (a) is the owner or occupier of the land or has any other interests in it, or  
(b) is carrying out operations on the land or is using it for any purpose.

(3) A contravention notice may require the person to whom it is given to give such information as may be specified in the notice in relation to—

- 30 (a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land,  
(b) any matter relating to conditions or limitations to which a heat network consent in relation to a heat network situated on the land is subject.

(4) In this section, references to—

- 35 (a) the construction or operation of a heat network on land include references to the construction or operation of a heat network under or over the land,  
(b) a heat network situated on land include references to a heat network situated under or over the land,

- (c) operations or activities on land include references to operations or activities under or over the land.

### **30 Enforcement notice**

(1) This section applies where it appears to the enforcement authority that—

(a) a person—

- (i) is constructing (or has constructed) a heat network,
- (ii) is operating (or has operated) a heat network,

without holding a heat network consent in relation to the heat network, or

(b) there has been a failure by the person holding a heat network consent to comply (or secure compliance) with a condition or limitation to which the consent is subject.

(2) The enforcement authority may give written notice (an “enforcement notice”) to the person.

(3) An enforcement notice must specify the date on which it is to take effect which must be no less than 28 days after the date on which the notice is given.

(4) An enforcement notice must—

(a) specify the reasons why it appears to the enforcement authority that paragraph (a) or (as the case may be) paragraph (b) of subsection (1) applies, and

(b) specify (either or both)—

- (i) the steps that the enforcement authority requires the person to whom the notice is given (or another person acting on behalf of that person) to take,
- (ii) the activities that the enforcement authority requires to cease,

in order to achieve (wholly or partly) either of the purposes mentioned in subsection (5).

(5) The purposes are—

(a) the person’s compliance with section 17(1) or (as the case may be) a condition or limitation of the person’s consent, or

(b) where the person’s failure to comply (or secure compliance) with section 17(1) or (as the case may be) a condition or limitation of the person’s consent has affected the condition of any land, restoring the land to its condition before the failure.

(6) An enforcement notice may require in particular—

(a) the alteration or removal of any buildings or works,

(b) the carrying out of any building or other operations,

(c) any activity on the land concerned not to be carried out except to the extent specified in the notice.

(7) An enforcement notice must specify the period for compliance with the notice, and may specify different periods within which different steps are required to be taken or (as the case may be) different activities are required to cease.

- (8) In subsection (1), references to the construction or operation of a heat network by a person include references to the construction or operation of a heat network by another person acting on behalf of the person.

### **31 Withdrawal or variation of enforcement notice**

- 5 (1) An enforcement authority may—
- (a) withdraw an enforcement notice given by it, or
  - (b) waive or relax any requirement of such a notice.
- (2) An enforcement authority may exercise the power under subsection (1) in relation to an enforcement notice regardless of whether the notice has taken effect.
- 10 (3) Immediately after exercising a power under subsection (1) in relation to an enforcement notice, an enforcement authority must give notice of—
- (a) the withdrawal of the notice, or (as the case may be)
  - (b) the waiver or relaxation of any requirement of the notice,
- to each person to whom the notice was given.
- 15 (4) The withdrawal of an enforcement notice by an enforcement authority under subsection (1) does not affect the power of the enforcement authority to issue a further enforcement notice.

### **32 Appeals against enforcement notice**

- 20 (1) The Scottish Ministers may by regulations make provision for or about appeals against enforcement notices.
- (2) Regulations under subsection (1) may in particular include provision about—
- (a) who may appeal,
  - (b) grounds of appeal,
  - (c) the way in which appeals are to be made,
  - 25 (d) the information to be provided when making appeals,
  - (e) the procedure for determining appeals,
  - (f) who may determine appeals,
  - (g) how the determination of appeals is to be notified.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).

### **33 Offence of failing to comply with enforcement notice**

- 30 (1) If at any time after the end of the period for compliance with an enforcement notice—
- (a) any step required by the notice has not been taken, or
  - (b) any activity required by the notice to cease is being carried on,
- the person to whom the notice was given commits an offence.
- 35 (2) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,

(b) on conviction on indictment, to a fine.

(3) It is a defence for a person charged with an offence under subsection (1) to show that the person did everything that the person could reasonably be expected to do to secure compliance with the enforcement notice.

5 (4) In this Part, references to the period for compliance with an enforcement notice are references to—

(a) the period specified in the notice for compliance with it in accordance with section 30(7), or

10 (b) such extended period as the enforcement authority may allow for compliance with the notice.

(5) For the purposes of subsection (4)(a), where an enforcement notice specifies that different periods apply to different steps or activities, references to the period for compliance with an enforcement notice, in relation to any step or activity, are references to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

### **34 Execution and cost of works required by enforcement notice**

(1) This section applies if at any time after the end of the period for compliance with an enforcement notice any step required by the notice has not been taken.

(2) The enforcement authority may—

20 (a) enter the land in relation to which the steps were required to be taken and take those steps, and

(b) recover from the person to whom the enforcement notice was given any expenses reasonably incurred by the enforcement authority in doing so.

25 (3) In determining the amount of expenses that may be recovered by it under subsection (2), the enforcement authority may include in that amount such proportion of its administrative expenses as it considers appropriate.

(4) When taking steps under subsection (2), the enforcement authority may sell any materials removed by it from the land unless those materials are claimed by the owner of the materials within 3 days of their removal.

30 (5) After any such sale the enforcement authority must pay the proceeds to the owner of the materials less the expenses recoverable by it from the owner of the materials.

(6) A person commits an offence if the person, without reasonable excuse, intentionally obstructs the enforcement authority in exercising its powers under subsection (2).

35 (7) A person who commits an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **35 Deemed planning permission on granting or modifying heat network consent**

(1) Section 57 of the Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) After subsection (2B) insert—

“(2C) On granting or modifying a heat network consent under section 20(1)(a) or 23(1) of the Heat Networks (Scotland) Act 2021, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—

- (a) so much of the operation or change of use to which the consent relates as constitutes development,
- (b) any development ancillary to the operation or change of use to which the consent relates.

(2D) On modifying a heat network consent under section 23(1) of the Heat Networks (Scotland) Act 2021, the Scottish Ministers may give one or more of the following directions (instead of, or as well as, a direction under subsection (2C))—

- (a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2C) (whenever made) to be varied as specified in the direction,
- (b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction,
- (c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a condition subject to which a new or varied planning permission is deemed to be granted.”.

### *Interpretation*

#### **36 Interpretation of Part 2**

- (1) In this Part, “enforcement notice” has the meaning given in section 30(2).
- (2) Any references in this Part to the period for compliance with an enforcement notice are to be construed in accordance with section 33(4) and (5).

## **PART 3**

### HEAT NETWORK ZONES

#### *Designation of heat network zone*

#### **37 Power to designate heat network zone**

- (1) A local authority may designate an area in its area that is particularly suitable for the construction and operation of a heat network in accordance with section 39.
- (2) The Scottish Ministers may designate an area in the area of a local authority that is particularly suitable for the construction and operation of a heat network in accordance with section 40.

- (3) In this Part, “heat network zone” means an area designated by—
- (a) a local authority—
    - (i) under subsection (1), or
    - (ii) pursuant to a direction under section 44(1)(a) or (2), or
  - (b) the Scottish Ministers under subsection (2).

**38 Duty on local authority to review heat network zoning in area**

- (1) Each local authority must carry out a review to consider whether one or more areas in its area has the potential to be designated as a heat network zone.
- (2) A local authority must carry out—
- (a) its first review under subsection (1) as soon as practicable after the day on which this section comes into force,
  - (b) each subsequent review under that subsection by no later than 5 years after the day on which the local authority last published a statement under subsection (5).
- (3) Following a review under subsection (1), the local authority must decide, in relation to each area considered as part of the review—
- (a) to proceed to consider whether to designate the area as a heat network zone in accordance with section 39,
  - (b) not to proceed to consider whether to designate the area as a heat network zone, or
  - (c) to request that the Scottish Ministers consider whether to designate the area as a heat network zone in accordance with section 40.
- (4) But a local authority may not make a request under subsection (3)(c) if the area is the subject of a direction under section 44.
- (5) After each review, the local authority must publish a statement setting out—
- (a) what it decided under subsection (3) in relation to each area considered as part of the review, and
  - (b) the reasons for each decision.
- (6) The Scottish Ministers may specify by regulations, in relation to a statement published under subsection (5)—
- (a) the information that must be included in a statement,
  - (b) how it is to be published,
  - (c) the persons to whom copies of it are to be sent, and
  - (d) such other requirements relating to the statement as they consider appropriate.

**39 Designation of heat network zone by local authority**

- (1) A local authority must, in considering whether to designate an area in its area as a heat network zone, have regard to the following matters—
- (a) the potential for use by a heat network of—
    - (i) thermal energy generated from renewable sources,
    - (ii) waste heat or cold,

- (b) buildings in the area that require considerable and consistent use of thermal energy,
- (c) the nature and extent of existing infrastructure in the area that could assist in the development of a heat network in the area,
- 5 (d) any building assessment report received under section 54, and
- (e) such other matter as the Scottish Ministers may specify by regulations.
- (2) Before deciding whether to designate an area as a heat network zone, a local authority must consult such persons and in such manner as the Scottish Ministers may specify by regulations.
- 10 (3) Having had regard to the matters mentioned in subsection (1) and complied with the requirements under subsection (2), the local authority may—
- (a) designate the area as a heat network zone, or
- (b) decide not to designate the area as a heat network zone.
- (4) If a local authority designates an area as a heat network zone it must—
- 15 (a) identify the area in a document by reference to a map,
- (b) specify in the document the day on which the designation takes effect, and
- (c) publish the document in such manner as the Scottish Ministers may specify by regulations.
- (5) In subsection (1)(a)(ii), “waste heat or cold” means heat or cold generated as a result of a use of (or process affecting) land, which would disperse unused if released into air or water.
- 20

#### **40 Designation of heat network zone by Scottish Ministers**

- (1) This section applies where the Scottish Ministers are considering whether to designate an area in the area of a local authority as a heat network zone—
- 25 (a) pursuant to a request by the local authority under section 38(3)(c), or
- (b) on the Scottish Ministers’ own initiative.
- (2) The Scottish Ministers must, in considering whether to designate the area as a heat network zone, have regard to the matters mentioned in section 39(1).
- (3) Before deciding whether to designate the area as a heat network zone, the Scottish Ministers must consult—
- 30 (a) each local authority in whose area the proposed heat network zone would be situated,
- (b) such other persons as they consider appropriate.
- (4) Having had regard to the matters mentioned in section 39(1) and complied with the requirements under subsection (3), the Scottish Ministers may—
- 35 (a) designate the area as a heat network zone, or
- (b) decide not to designate the area as a heat network zone.
- (5) If the Scottish Ministers designate an area as a heat network zone, they must—
- (a) identify the area in a document by reference to a map,

- (b) specify in the document the day on which the designation takes effect, and
- (c) publish the document in such manner as they consider appropriate.

*Variation of heat network zone*

**41 Variation of heat network zone by local authority**

- 5 (1) A local authority may vary a heat network zone situated in its area if the heat network zone was designated by the local authority under section 37(1).
- (2) In considering whether to vary a heat network zone under subsection (1), a local authority must have regard to the matters mentioned in section 39(1).
- 10 (3) Before deciding whether to vary a heat network zone under subsection (1), a local authority must consult such persons and in such manner as the Scottish Ministers may specify by regulations.
- (4) Having had regard to the matters mentioned in section 39(1) and complied with the requirements under subsection (3), the local authority may—
- (a) vary the heat network zone, or
  - 15 (b) decide not to vary the heat network zone.
- (5) If the local authority varies the heat network zone, it must—
- (a) identify the area of the heat network zone as varied in a document by reference to a map,
  - (b) specify in the document the day on which the variation takes effect, and
  - 20 (c) publish the document in such manner as the Scottish Ministers may specify by regulations.

**42 Variation of heat network zone by Scottish Ministers**

- (1) The Scottish Ministers may vary a heat network zone—
- 25 (a) following a request by the local authority in whose area the heat network zone is situated, or
  - (b) on the Scottish Ministers' own initiative.
- (2) It does not matter for the purposes of subsection (1) whether the heat network zone was designated by—
- (a) a local authority, or
  - 30 (b) the Scottish Ministers.
- (3) In deciding whether to vary a heat network zone under subsection (1), the Scottish Ministers must have regard to the matters mentioned in section 39(1).
- (4) Before deciding whether to vary a heat network zone, the Scottish Ministers must consult—
- 35 (a) each local authority in whose area the heat network zone is situated,
  - (b) such other persons as they consider appropriate.
- (5) Having had regard to the matters mentioned in section 39(1) and complied with the requirements under subsection (4), the Scottish Ministers may—

- (a) vary the heat network zone, or
  - (b) decide not to vary the heat network zone.
- (6) If the Scottish Ministers vary the heat network zone under subsection (5)(a), they must—
- (a) identify the area of the heat network zone as varied in a document by reference to a map,
  - (b) specify in the document the day on which the variation takes effect, and
  - (c) publish the document in such manner as they consider appropriate.

*Local authorities acting jointly*

**43 Two or more local authorities acting jointly in relation to heat network zone**

- (1) Where an area proposed for designation as a heat network zone falls within the area of more than one local authority, each of the local authorities in whose area the proposed heat network zone would be situated may act jointly to—
- (a) designate the area as a heat network zone under section 37(1),
  - (b) request under section 38(3)(c) that the Scottish Ministers consider whether to designate the area as a heat network zone.
- (2) Where two or more local authorities have acted jointly by virtue of subsection (1)(a) to designate as a heat network zone an area falling within the area of each of the local authorities, the local authorities may act jointly to vary the heat network zone under section 41(1).
- (3) Where two or more local authorities act jointly under subsection (1) or (2), references in sections 37, 39, 40, 41 and 42 to—
- (a) a local authority are references to the local authorities acting jointly, and
  - (b) a local authority's area are references to the combined area of the local authorities.

*Ministerial direction and guidance*

**44 Ministerial power of direction to designate or vary heat network zone**

- (1) The Scottish Ministers may direct a local authority to—
- (a) designate such area in the area of the local authority as the Scottish Ministers consider appropriate as a heat network zone,
  - (b) vary a heat network zone situated in the area of the local authority in such manner as the Scottish Ministers consider appropriate.
- (2) The Scottish Ministers may direct two or more local authorities to jointly designate such area falling within the areas of the local authorities as a heat network zone as the Scottish Ministers consider appropriate.
- (3) Subsection (4) applies where—
- (a) two or more local authorities have jointly designated an area as a heat network zone—
    - (i) under section 37(1), or
    - (ii) pursuant to a direction under subsection (2), or

- (b) the Scottish Ministers have designated as a heat network zone under section 37(2) an area falling within the areas of two or more local authorities.
- (4) The Scottish Ministers may direct the local authorities to jointly vary the heat network zone in such manner as the Scottish Ministers consider appropriate.
- 5 (5) Before issuing a direction under subsection (1), (2) or (4), the Scottish Ministers must—
- (a) have regard to the matters mentioned in section 39(1), and
- (b) consult—
- (i) each local authority in whose area the heat network zone is, or would be, situated, and
- 10 (ii) such other persons as they consider appropriate.
- (6) Section 39(4) applies to the designation of an area as a heat network zone pursuant to a direction under subsection (1) or (2) as it applies to the designation of a heat network zone under section 37(1).
- (7) Section 41(5) applies to the variation of a heat network zone pursuant to a direction under subsection (1) as it applies to the variation of a heat network zone under subsection (1) of that section.
- 15 (8) Where two or more local authorities are acting jointly by virtue of subsection (2) or (4), section 39(4) or (as the case may be) section 41(5) applies jointly to the local authorities (but subject to the modification mentioned in subsection (9)).
- (9) The modification is that references in those sections to a local authority are to be read as if they were references to the local authorities acting jointly.
- 20 (10) The Scottish Ministers may revise or revoke a direction under this section.

#### **45 Guidance**

- (1) The Scottish Ministers may issue guidance about—
- 25 (a) the designation by local authorities of heat network zones,
- (b) the variation by local authorities of heat network zones.
- (2) Local authorities must have regard to any guidance issued by the Scottish Ministers in exercising their functions under this Part.
- (3) Guidance under subsection (1) may be addressed to—
- 30 (a) a local authority, or more than one local authority, identified in the guidance, or
- (b) all local authorities.
- (4) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.

### **PART 4**

#### **HEAT NETWORK ZONE PERMITS**

#### **46 Meaning of “permit authority”**

In this Part, the “permit authority” means—

- (a) the Scottish Ministers, or

- (b) such other person as the Scottish Ministers may by regulations designate as the permit authority for the purposes of this Part.

#### **47 Requirement for heat network zone permit**

- 5 (1) The permit authority may by notice provide that no person may operate a heat network in such heat network zone as may be designated in the notice unless the person holds a permit issued by the permit authority for the heat network zone.
- (2) But the permit authority may not issue a notice under subsection (1)—
- (a) in such circumstances as may be specified,
- (b) if any specified procedure has not been complied with.
- 10 (3) The permit authority may revoke a notice issued under subsection (1).
- (4) But the permit authority may not revoke a notice issued under subsection (1)—
- (a) in such circumstances as may be specified,
- (b) if any specified procedure has not been complied with.
- (5) The permit authority must—
- 15 (a) publish a notice issued under subsection (1), and
- (b) give notice of the revocation of a notice issued under subsection (1),
- in such form and manner as may be specified.
- (6) In this section, “specified” means specified in regulations made by the Scottish Ministers.
- 20 (7) A permit mentioned in subsection (1) is referred to in this Part as a “heat network zone permit”.

#### **48 Applications for heat network zone permit**

- (1) The Scottish Ministers may by regulations make provision for or about the process for inviting, making and determining applications for a heat network zone permit.
- 25 (2) Regulations under subsection (1) may in particular make provision about—
- (a) how the permit authority is to invite applications for a heat network zone permit,
- (b) persons who may apply for a heat network zone permit,
- (c) the form and manner of making an application for a heat network zone permit,
- 30 (d) the information (including the information in the form of a document) that must be included in an application for a heat network zone permit,
- (e) publication or notification of applications for a heat network zone permit,
- (f) publication or notification of the permit authority’s decision whether or not to grant an application for a heat network zone permit,
- (g) publication or notification of a heat network zone permit.
- 35 (3) Regulations under subsection (1) may make different provision for different heat network zones.

**49 Heat network zone permit: duration**

A heat network zone permit continues to have effect for the period specified in it unless it is revoked in accordance with section 50.

**50 Heat network zone permit: revocation**

- 5 (1) The permit authority may revoke a heat network zone permit held by a person if—
- (a) the heat networks licence held by the person is revoked under section 11(1), or
  - (b) if a heat network consent held by the person in relation to the operation of a heat network situated in the heat network zone to which the permit relates is revoked under section 24.
- 10 (2) Before revoking a heat network zone permit under subsection (1), the permit authority must give notice of the proposed revocation to the person holding the permit.
- (3) The notice must—
- (a) state the reasons why the revocation is proposed, and
  - (b) specify the period (which is to be not less than 28 days from the date on which the
- 15 notice is given) within which the person holding the permit may make representations about the proposed revocation to the permit authority.

**51 Enforcement of requirement for heat network zone permit**

- 20 (1) A person who operates a heat network in a designated heat network zone without holding a heat network zone permit for the designated heat network zone commits an offence.
- (2) Subsection (1) does not apply to a person operating a heat network in a designated heat network zone if the person is entitled to operate the heat network immediately before the day on which the notice under section 47(1) relating to the designated heat network zone takes effect.
- 25 (3) For the purposes of subsection (2)—
- (a) a person is entitled to operate a heat network if at that time the person—
    - (i) holds a heat network consent in relation to the operation of the heat network, or
    - (ii) is exempt from the requirement to hold a heat network consent in relation
- 30 to the operation of the heat network by virtue of regulations under section 18(1),
- (b) where the designated heat network zone has been designated in more than one notice under section 47(1), the reference to the notice relating to the designated heat network zone is a reference to the notice that most recently took effect.
- 35 (4) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.
- (5) In this section, a “designated heat network zone” means a heat network zone—
- (a) that is designated in a notice under section 47(1), and
  - (b) which remains so designated.
- 40

**PART 5**

## BUILDING ASSESSMENT REPORTS

**52 Building assessment reports**

- 5 (1) A relevant person must prepare reports in relation to each non-domestic building in which the person has an interest.
- (2) A report prepared under subsection (1) (a “building assessment report”) must set out, in relation to each non-domestic building covered by the report, an assessment of—
- 10 (a) the potential for the non-domestic building to be supplied with thermal energy by means of a heat network,
- (b) the period for which any system providing thermal energy to the non-domestic building is expected to continue to operate effectively and efficiently.
- (3) A building assessment report must—
- (a) be prepared in the manner as may be specified, and
- (b) at such intervals as may be specified.
- 15 (4) For the purposes of this section—
- (a) a relevant person has an interest in a non-domestic building if—
- (i) the relevant person has a right of ownership in the non-domestic building,
- (ii) the relevant person has such other interest in the non-domestic building as may be specified,
- 20 (b) where more than one relevant person has a right of ownership, or other interest as may be specified by regulations under paragraph (a)(ii), in a non-domestic building, a building assessment report must be prepared by one of those persons.
- (5) In this section, “specified” means specified in regulations made by the Scottish Ministers.

**53 Exemptions from duty to prepare building assessment reports**

- 25 (1) The Scottish Ministers may by regulations provide that the requirement imposed by section 52(1) does not apply to—
- (a) specified relevant persons,
- (b) relevant persons of a specified description.
- 30 (2) The Scottish Ministers may by regulations provide that the requirement under section 52(1) does not apply in relation to—
- (a) specified non-domestic buildings,
- (b) non-domestic buildings of a specified description.
- (3) In this section, “specified” means specified in the regulations.

#### 54 Notification of building assessment reports

As soon as reasonably practicable after preparing a building assessment report, a relevant person must—

- (a) send the report to each local authority in whose area a non-domestic building to which the report relates is situated, and
- (b) send a copy of the report to the Scottish Ministers.

#### 55 Guidance about building assessment reports

- (1) The Scottish Ministers may issue guidance about the preparation of building assessment reports.
- (2) In preparing a building assessment report, a relevant person must have regard to any guidance issued under subsection (1).
- (3) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.

#### 56 Interpretation of Part 5

In this Part—

“building assessment report” has the meaning given in section 52(2),

“non-domestic building” means a building other than a dwelling,

“relevant person” means—

- (a) a Scottish public authority within the meaning of section 3(1)(a) of the Freedom of Information (Scotland) Act 2002,
- (b) such other person, or person of such description, as the Scottish Ministers may specify by regulations.

### PART 6

#### POWERS OF LICENCE HOLDERS

##### *Compulsory acquisition of land*

#### 57 Compulsory acquisition of land by licence holder

- (1) A licence holder may, with the authorisation of the Scottish Ministers, compulsorily acquire land that is required for the construction or operation of a heat network.
- (2) Subsection (1) includes in particular the power to acquire—
  - (a) any right or interest in or over land,
  - (b) a servitude or other right in or over land by the creation of a new right.
- (3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 applies in relation to an acquisition under subsection (1) as if—
  - (a) this section were contained in an Act in force immediately before the commencement of that Act, and
  - (b) the licence holder were a local authority.

- (4) Subsection (1) does not apply in relation to land held or used by or on behalf of a Minister of the Crown or a department of the Government of the United Kingdom.
- (5) In this Part, a “licence holder” means a person holding a heat networks licence.

### *Wayleave rights*

#### **58 Network wayleave right**

- (1) In this Part, a “network wayleave right” is a right for a licence holder—
- (a) to install and keep installed heat network apparatus on, under or over any land, and
  - (b) to enter upon the land to install, inspect, maintain, adjust, alter, repair, replace, upgrade, operate or remove the heat network apparatus,
- for a purpose connected with the supply of thermal energy, by means of a heat network, by the licence holder.
- (2) A network wayleave right in respect of land may be conferred on a licence holder—
- (a) by agreement between the licence holder and the owner of the land (in this Part, a “wayleave agreement”), or
  - (b) by a necessary wayleave.
- (3) In this Part—
- “heat network apparatus” means equipment or structure designed or adapted for use in connection with a heat network,
  - “necessary wayleave” means a necessary wayleave granted by the Scottish Ministers under section 59(1).

#### **59 Acquisition of necessary wayleave**

- (1) The Scottish Ministers may, on an application by a licence holder, grant a necessary wayleave to a licence holder conferring a network wayleave right on the licence holder in respect of land if they consider that it is necessary or expedient for the licence holder to exercise the right for a purpose connected with the supply of thermal energy, by means of a heat network, by the licence holder.
- (2) A necessary wayleave—
- (a) has effect for the period specified in the necessary wayleave,
  - (b) is subject to such terms and conditions as the Scottish Ministers consider appropriate.
- (3) A licence holder may apply to the Scottish Ministers for a necessary wayleave in respect of land under this section only if—
- (a) the licence holder has given notice to the owner of the land setting out the licence holder’s request to enter into a wayleave agreement, and
  - (b) one of the conditions mentioned in subsection (4) applies.
- (4) The conditions are that the owner of the land—
- (a) has given the licence holder notice in writing that the owner will not enter into a wayleave agreement,

- (b) has agreed to enter into a wayleave agreement but (either or both)—
  - (i) subject to terms and conditions to which the licence holder objects,
  - (ii) a person with an interest in the land (other than the owner) will not enter into, or consent to, the wayleave agreement, or
- 5 (c) has not agreed to enter into a wayleave agreement before the end of the period of 28 days beginning with the date on which the licence holder gave the notice under subsection (3)(a).
- (5) The notice must—
  - (a) state the reasons why the wayleave agreement is proposed, and
  - 10 (b) specify the period (which is to be not less than 28 days from the date on which the notice is given) within which the owner of the land must agree to enter into a wayleave agreement.
- (6) Before granting a necessary wayleave in respect of land, the Scottish Ministers must give the following persons the opportunity to make representations—
  - 15 (a) the owner of the land, and
  - (b) where sub-paragraph (ii) of subsection (4)(b) applies, the person referred to in that sub-paragraph.
- (7) Subsection (1) does not apply in relation to land held or used by or on behalf of a Minister of the Crown or a department of the Government of the United Kingdom.

20 **60 Persons bound by network wayleave rights**

- (1) Where a network wayleave right in respect of land is conferred on a licence holder by a necessary wayleave, the network wayleave right binds any person who is at any time—
  - (a) the owner of the land,
  - (b) an occupier of the land.
- 25 (2) Where a network wayleave right in respect of land is conferred on a licence holder by a wayleave agreement, the network wayleave right binds any person who is at any time—
  - (a) the owner of the land,
  - (b) where one of the conditions mentioned in subsection (3) applies, an occupier of the land.
- 30 (3) The conditions are that—
  - (a) the occupier is—
    - (i) a party to the wayleave agreement, or
    - (ii) agrees to be bound by it, or
  - (b) the occupier acquired the right to occupy the land after the wayleave agreement was entered into from—
    - 35 (i) an owner of the land, or
    - (ii) another person who was bound (directly or indirectly) by the network wayleave right.

**61 Assnigation of network wayleave rights**

- (1) A network wayleave right may be assigned by a licence holder to another licence holder.
- (2) But a network wayleave right in respect of land that is conferred by a necessary wayleave may be assigned to another licence holder only with the consent of the Scottish Ministers.
- (3) A wayleave agreement is void to the extent that—
- (a) it prevents or limits the assnigation of the network wayleave right to another licence holder,
  - (b) it makes the assnigation of the network wayleave right to another licence holder subject to a condition (including a condition requiring the payment of money).

**62 Requirement to remove apparatus when notified**

- (1) Where subsection (2) applies, the owner of land in respect of which a network wayleave right is conferred on a licence holder may give written notice to the licence holder requiring the licence holder to remove any heat network apparatus from the land.
- (2) This subsection applies if a network wayleave right—
- (a) expires at the end of a period as specified in the wayleave agreement or (as the case may be) the necessary wayleave,
  - (b) is terminated by the owner of the land in accordance with a term contained in the wayleave agreement or (as the case may be) the necessary wayleave, or
  - (c) relates to heat network apparatus that ceases to be used for the purposes of a heat network.
- (3) In a case where subsection (2)(a) applies, a notice under subsection (1) may be given at any time after the expiry of the network wayleave right.
- (4) In a case where subsection (2)(b) applies, a notice under subsection (1) may be given at any time after the network wayleave right is terminated.
- (5) In a case where subsection (2)(c) applies, a notice under subsection (1) may be given at any time after the heat network apparatus to which the network wayleave right relates ceases to be used for the purposes of a heat network.
- (6) The licence holder must comply with the notice given under subsection (1) by no later than the end of the period of 3 months beginning with the day on which the notice is given unless subsection (7) applies.
- (7) This subsection applies if, before the end of the period of 3 months mentioned in subsection (6), the licence holder—
- (a) applies to the Scottish Ministers for the grant of a necessary wayleave, or
  - (b) by virtue of section 57(1) submits a compulsory purchase order in respect of the land to the Scottish Ministers for confirmation by them.
- (8) If subsection (7) applies and the Scottish Ministers—
- (a) refuse the application for the grant of a necessary wayleave, or (as the case may be)
  - (b) decide not to confirm the compulsory purchase order,

the licence holder must comply with the notice given under subsection (1) by no later than the end of the period of 3 months beginning with the day on which the licence holder receives notice of the Scottish Ministers' decision.

### 63 Compensation in connection with network wayleave rights

- 5 (1) Where a necessary wayleave is granted to a licence holder under section 59(1)—
- (a) the occupier of the land, and
  - (b) where the occupier is not also the owner of the land, the owner,
- may recover from the licence holder compensation in respect of the grant.
- 10 (2) Where a licence holder (or a person authorised to act on behalf of the licence holder), in the exercise of a network wayleave right in relation to land—
- (a) causes damage to the land or a thing situated on the land, the licence holder is liable to pay compensation to a person with an interest in the land or thing,
  - (b) disturbs a person's enjoyment of the land or a thing situated on the land, the licence holder is liable to pay compensation to the person in respect of the
- 15 disturbance.
- (3) Any dispute about compensation under this section is to be referred to and determined by the Lands Tribunal for Scotland.
- (4) Sections 9 and 11 of the Land Compensation (Scotland) Act 1963 apply in relation to any determination under subsection (3) as if—
- 20 (a) this section were referred to in section 9(1) of that Act, and
- (b) references in section 11 of that Act to the acquiring authority were references to the licence holder concerned.
- (5) The Scottish Ministers may by regulations make further provision about compensation payable under this section.

### *Other powers over land*

### 64 Power to carry out survey

- (1) A licence holder, or a person authorised by a licence holder, may carry out a survey of land for the purpose of determining whether the land is suitable for a purpose connected with the construction or operation of a heat network.
- 30 (2) Before carrying out a survey of land under subsection (1), the licence holder, or a person authorised by the licence holder, must give the occupier of the land at least 14 days' notice of the intention to carry out the survey.
- (3) If subsection (4) applies, a right to carry out a survey of any land under subsection (1) includes the right to search and bore the land for the purposes of ascertaining—
- 35 (a) the nature of the subsoil of the land,
- (b) the presence of minerals or other matter in the land.
- (4) This subsection applies if notice given under subsection (2) includes notice of the intention to carry out the work mentioned in subsection (3).
- (5) A person carrying out a survey of land under subsection (1) has a right of entry to the
- 40 land at all reasonable times to carry out the survey but must—

- (a) when seeking to enter the land in order to carry out the survey, provide evidence of the person’s authority to so act on request by an occupier or the owner of the land,
- (b) carry out the survey in a manner that ensures as little disruption as possible is caused to any occupier or owner of the land,
- (c) endeavour—
  - (i) to ensure that as little damage as possible is caused by the exercise of the person’s powers under this section, and
  - (ii) if any damage is caused, take reasonable steps to remedy the damage.

- (6) A person commits an offence if the person, without reasonable excuse, intentionally obstructs another person (a “relevant person”) in the exercise of the relevant person’s power to enter upon and survey the land under this section.
- (7) A person who commits an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **65 Power to enter land to replace or repair apparatus**

- (1) A licence holder, or a person authorised by a licence holder, may exercise a network land right for a purpose connected with the supply of thermal energy, by means of a heat network, by the licence holder.
- (2) In this Part, a “network land right” is a power—
  - (a) to install heat network apparatus in replacement for, or in addition to, existing heat network apparatus that is lawfully situated on, under or over any land,
  - (b) to inspect, maintain, adjust, alter, repair, replace, upgrade, operate, remove or add to any existing heat network apparatus that is situated on, under or over the land,
  - (c) to carry out any works to the land that are necessary for or incidental to the powers mentioned in paragraph (a) or (b).
- (3) The works mentioned in subsection (2)(c) include felling, lopping or cutting back the roots of any tree or shrub on, under or over the land that is in close proximity to heat network apparatus that is, is being or is to be installed by the licence holder, in order to prevent the tree or shrub—
  - (a) from obstructing or interfering with the installation, maintenance or operation of the heat network apparatus, or
  - (b) from constituting a danger to persons.
- (4) The licence holder, or a person authorised by the licence holder, must give the owner and any occupier of the land concerned at least 7 days’ notice of the person’s intention to enter onto the land for the purpose of exercising the network land rights specified in the notice.
- (5) Subsection (4) does not apply if the network land rights that the licence holder, or a person authorised by the licence holder, proposes to exercise are to be exercised in order to carry out emergency works.
- (6) Where the licence holder, or a person authorised by the licence holder, exercises a network land right to carry out emergency works, the licence holder or (as the case may be) the authorised person must notify the owner and any occupier of the land of the works carried out as soon as possible after the carrying out of those works.

- (7) A person exercising a network land right in relation to any land has a right of entry to the land at all reasonable times to exercise the network land right but must—
- (a) when seeking to enter the land in order to exercise a network land right, provide evidence of the person’s authority to so act on request by an owner or (as the case may be) an occupier of the land,
  - (b) exercise the network land right in a manner that ensures as little disruption as possible is caused to the owner and any occupier of the land,
  - (c) endeavour—
    - (i) to ensure that as little damage as possible is caused by the exercise of the person’s powers under this section, and
    - (ii) if any damage is caused, take reasonable steps to remedy the damage.
- (8) A person commits an offence if that person, without reasonable excuse, intentionally obstructs another person (a “relevant person”) in the exercise of the relevant person’s power to enter upon the land and exercise a network land right under this section.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) In this section, “emergency works” means works carried out by virtue of a network land right for the purpose of—
- (a) stopping anything already occurring, or
  - (b) preventing anything imminent from occurring that is likely to cause—
    - (i) danger to persons or property,
    - (ii) the interruption of any supply provided by the licence holder,
- and any other works that are reasonable (in all circumstances) to carry out with those works.

**66 Restrictions on powers of licence holders**

- (1) This section applies where—
- (a) land is occupied by a statutory undertaker and the carrying out of a survey of the land under section 64(1) is likely to obstruct or interfere with the statutory undertaker’s undertaking, or
  - (b) land is occupied by a statutory undertaker and the exercise of a network land right in relation to the land under section 65(1) is likely to obstruct or interfere with the statutory undertaker’s undertaking.
- (2) Where this section applies, a licence holder, or a person authorised by a licence holder, may exercise the power mentioned in section 64(1) or 65(1) only with the consent of the statutory undertaker concerned.
- (3) But consent is not required under subsection (2) if it is withheld unreasonably by the statutory undertaker.
- (4) It is for the Scottish Ministers to determine any question which arises as to whether consent has been withheld unreasonably for the purposes of subsection (3), and their decision is final.

(5) In this section—

“statutory undertaker” means—

- (a) the holder of a licence under section 6(1) of the Electricity Act 1989,
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986,
- 5 (c) the Civil Aviation Authority,
- (d) a holder of a licence under Chapter 1 of the Transport Act 2000,
- (e) the operator of an electronic communications code network within the meaning of paragraph 1(1) of schedule 17 of the Communications Act 2003,
- 10 (f) any other person who is a statutory undertaker within the meaning of section 214(1) of the Town and Country Planning (Scotland) Act 1997,

“undertaking”—

- (a) means, in relation to a person mentioned in paragraphs (a) to (e) in the definition of “statutory undertaker”, the person’s undertaking,
- 15 (b) means, in relation to Scottish Water, its core functions within the meaning of section 70(2) of the Water Industry (Scotland) Act 2002,
- (c) otherwise has the meaning given in the Town and Country Planning (Scotland) Act 1997.

## 67 Compensation for damage or disturbance

- 20 (1) Where a licence holder, or a person authorised by a licence holder, in the exercise of a power under section 64(1) or 65(1) in relation to land—
  - (a) causes damage to the land or a thing situated on the land, the licence holder is liable to pay compensation to a person with an interest in or over the land or the thing,
  - 25 (b) disturbs a person’s enjoyment of the land or a thing situated on the land, the licence holder is liable to pay compensation to the person in respect of the disturbance.
- (2) Any dispute about compensation under this section is to be referred to and determined by the Lands Tribunal for Scotland.
- 30 (3) Sections 9 and 11 of the Land Compensation (Scotland) Act 1963 apply in relation to any determination under subsection (2) as if—
  - (a) this section were referred to in section 9(1) of that Act, and
  - (b) references in section 11 of that Act to the acquiring authority were references to the licence holder concerned.
- 35 (4) The Scottish Ministers may by regulations make further provision about compensation payable under this section.

*Interpretation*

**68 Interpretation of Part 6**

- (1) In this Part—
- “heat network apparatus” has the meaning given in section 58(3),
  - “licence holder” has the meaning given in section 57(5),
  - “necessary wayleave” has the meaning given in section 58(3),
  - “network land right” has the meaning given in section 65(2),
  - “network wayleave right” has the meaning given in section 58(1),
  - “wayleave agreement” has the meaning given in section 58(2)(a).
- (2) In this Part, references to a person authorised by a licence holder, include references to a person authorised by an agent of the licence holder where the agent is acting in accordance with written authority given to the agent by the licence holder.

**PART 7**

KEY HEAT NETWORK ASSETS

**69 Identifying key heat network assets**

- (1) This section applies to—
- (a) a heat network consent application relating to—
    - (i) the construction and operation of a heat network, or
    - (ii) the operation of a heat network,
  - (b) a heat network consent modification application in respect of a heat network consent relating to—
    - (i) the construction and operation of a heat network, or
    - (ii) the operation of a heat network.
- (2) The heat network consent application or (as the case may be) the heat network consent modification application must include—
- (a) required information about each key asset of the heat network to which the application relates, and
  - (b) required information about each person with an interest in such an asset.
- (3) In subsection (2), “required” means required by a determination under section 26(1).
- (4) In this Part, “key asset”, in relation to a heat network, means property of a type mentioned in subsection (5) which—
- (a) forms part of the heat network, and
  - (b) is necessary to the operation of the heat network.
- (5) The types of property are—
- (a) land,
  - (b) building,

- (c) apparatus,
  - (d) such other type of property as may be specified by the Scottish Ministers by regulations.
- (6) For the purposes of subsection (4)(b), it is for the Scottish Ministers to determine any question which arises as to whether property forming part of a heat network is necessary to the operation of the heat network.
- (7) Regulations under subsection (5)(d) may make different provision for different areas.

## **70 Preparing schedule of key heat network assets**

- (1) Following receipt of a heat network consent application of the type mentioned in section 69(1)(a) in relation to a heat network, the Scottish Ministers must prepare a schedule that includes details of each key asset of the heat network.
- (2) Subsection (3) applies where—
- (a) property relating to a heat network appears to the Scottish Ministers to be a key asset of the heat network, and
  - (b) the Scottish Ministers propose to include details of the property in the schedule of key network assets for the heat network.
- (3) Before including details of the property in the schedule of key network assets, the Scottish Ministers must give notice of the proposal to—
- (a) each person with an interest in the property, and
  - (b) such other persons as the Scottish Ministers consider appropriate.
- (4) The notice must—
- (a) give reasons why the property appears to the Scottish Ministers to be a key asset of the heat network,
  - (b) explain the consequence of the property becoming a listed asset, and
  - (c) specify the period (which is to be not less than 28 days from the date on which the notice is given) within which the recipient of the notice may make representations about the proposal.
- (5) Where the Scottish Ministers include details of a key asset of a heat network in the schedule of key network assets for the heat network, the Scottish Ministers must give notice of that fact to each person with an interest in the key asset.
- (6) The Scottish Ministers must give notice under subsection (3) or (5) in such form and manner as they may specify by regulations.

## **71 Notifying Scottish Ministers of changes in key network assets**

- (1) The operator of a heat network must notify the Scottish Ministers if—
- (a) property that is not a listed asset of the heat network becomes a key asset of the heat network, or
  - (b) property that is a listed asset of the heat network has ceased to be a key asset of the heat network.
- (2) Notification under subsection (1) must include such information about—
- (a) property relating to the heat network to which the notification relates, and

(b) each person with an interest in such property,  
as the Scottish Ministers may determine.

- (3) The Scottish Ministers must arrange for any determination under subsection (2) to be published in such manner as they consider appropriate.

5     **72     Modifying schedule of key heat network assets**

(1) If the Scottish Ministers consider that property that is a listed asset of a heat network has ceased to be a key asset of the heat network, the Scottish Ministers must remove the details of the listed asset from the schedule of key heat network assets for the heat network.

10     (2) If the Scottish Ministers consider that property that is not a listed asset of a heat network has become a key asset of the heat network, the Scottish Ministers must include details of the property in the schedule of key heat network assets for the heat network.

(3) Before including details of property in the schedule of heat network assets pursuant to subsection (2), the Scottish Ministers must give notice of the proposal to—

15     (a) each person with an interest in the property, and

(b) such other persons as the Scottish Ministers consider appropriate.

(4) The notice must—

(a) give reasons why the property appears to the Scottish Ministers to be a key asset of the heat network,

20     (b) explain the consequence of the property becoming a listed asset, and

(c) specify the period (which is to be not less than 28 days from the date on which the notice is given) within which the recipient of the notice may make representations about the proposal.

25     (5) Where the Scottish Ministers include details of a key asset of a heat network in the schedule of key network assets for the heat network pursuant to subsection (2), the Scottish Ministers must give notice of that fact to each person with an interest in the key asset.

(6) The Scottish Ministers must give notice under subsection (3) or (5) in such form and manner as they may specify by regulations.

30     (7) It does not matter for the purposes of subsection (1) or (2) whether the Scottish Ministers form the view mentioned in either of those subsections—

(a) following receipt of a heat network consent modification application of the type mentioned in section 69(1)(b),

(b) following notification under section 71(1), or

35     (c) on their own initiative.

**73     Preparation and maintenance of schedule of key network assets: further provision**

The Scottish Ministers may by regulations make further provision about the procedure to be followed in connection with the preparation and maintenance of schedules of key heat network assets.

**74 Transfer schemes**

(1) Where an operator (the “former operator”) ceases (or is to cease) operating a heat network, the Scottish Ministers may make a transfer scheme.

(2) A “transfer scheme” is a scheme making provision for—

(a) the transfer to one or more relevant persons of the former operator’s rights relating to the use of listed assets of the heat network,

(b) the conferral on one or more relevant persons of other rights relating to the use of listed assets of the heat network.

(3) A transfer scheme may make incidental, supplementary, consequential or transitional provision in connection with the transfer or conferral of rights by the transfer scheme as the Scottish Ministers consider appropriate.

(4) The Scottish Ministers may by regulations make further provision about transfer schemes.

(5) Regulations under subsection (4) may in particular make provision about—

(a) the rights that may be transferred or conferred by a transfer scheme,

(b) the procedure applying in connection with the making of a transfer scheme,

(c) the effect of transfers or conferrals of rights by a transfer scheme,

(d) requirements that may be imposed on the former operator or a transferee in connection with the transfer or conferral of rights by a transfer scheme, including obligations to enter into such agreements with another person, or to execute such documents in favour of another person, as may be specified or described in a transfer scheme,

(e) the circumstances in which a right transferred or conferred by a transfer scheme is or may be extinguished,

(f) the modification of a transfer scheme.

(6) In this section—

“relevant person” means—

(a) the Scottish Ministers,

(b) the appropriate local authority,

(c) a person (other than the former operator) to whom a heat network consent relating to the operation of the heat network is granted,

“transferee” means a relevant person to whom rights are transferred, or on whom rights are conferred, by a transfer scheme.

(7) In subsection (6), in the definition of “relevant person”, the “appropriate local authority” means—

(a) the local authority for the area in which the listed assets are situated, or

(b) where the listed assets are situated in the area of more than one local authority—

(i) the authority in whose area the greater or greatest part of the listed assets is situated, or

- (ii) if neither or none of those authorities falls within sub-paragraph (i), such of those authorities as is selected by the Scottish Ministers for the purposes of being a transferee.

**75 Compensation in connection with transfer schemes**

- 5 (1) The Scottish Ministers may by regulations make provision for or about the payment of compensation in connection with a transfer scheme under section 74(1).
- (2) Regulations under subsection (1) may in particular make provision about—
  - (a) the circumstances in which compensation is payable,
  - (b) the persons to whom compensation is payable,
  - 10 (c) the persons liable to pay compensation,
  - (d) what compensation is payable in respect of,
  - (e) how the amount of compensation is to be calculated,
  - (f) how a claim for compensation must be made in order to be valid (including the form and content of a claim, and the period within which it must be made),
  - 15 (g) the resolution of disputes relating to compensation.

**76 Interpretation of Part 7**

In this Part—

“listed asset”, in relation to a heat network, means property the details of which are included in the schedule of key heat network assets for the heat network,

20 “operator”, in relation to a heat network, means a person holding a heat network consent in relation to the operation of the heat network,

“schedule of key heat network assets”, in relation to a heat network, means a schedule prepared under section 70(1) for the heat network.

**PART 8**

25 MISCELLANEOUS AND GENERAL

*Fees*

**77 Fees for applications etc.**

- (1) The Scottish Ministers may by regulations make provision for the payment of a charge or fee, in respect of the matters mentioned in subsection (2), to the following persons—
  - 30 (a) the licensing authority,
  - (b) the Scottish Ministers,
  - (c) a person designated by the Scottish Ministers under section 28(b),
  - (d) the permit authority.

- (2) The matters are—
- (a) in relation to the licensing authority—
    - (i) the performance by the licensing authority of any of the licensing authority’s functions under this Act,
    - 5 (ii) anything done by the licensing authority that is calculated to facilitate, or is conducive or incidental to, the performance of any such function,
  - (b) in relation to the Scottish Ministers—
    - (i) the performance by the Scottish Ministers of any of the their functions under Part 2,
    - 10 (ii) anything done by them that is calculated to facilitate, or is conducive or incidental to, the performance of any such function,
  - (c) in relation to a person designated by the Scottish Ministers under section 28(b)—
    - (i) the performance by that person of any of the person’s functions as the enforcement authority for the purposes of Part 2,
    - 15 (ii) anything done by that person that is calculated to facilitate, or is conducive or incidental to, the performance of any such function,
  - (d) in relation to the permit authority—
    - (i) the performance by the permit authority of any of the permit authority’s functions under Part 4,
    - 20 (ii) anything done by the permit authority that is calculated to facilitate, or is conducive or incidental to, the performance of any such function.
- (3) Regulations under subsection (1) may in particular—
- (a) specify the person by whom the charge or fee is to be paid,
  - 25 (b) specify charges or fees or provide for charges or fees to be determined by reference to such factors as may be specified in or determined under the regulations,
  - (c) provide for the remission or repayment of fees in such circumstances as may be specified in or determined under the regulations.
- (4) Where regulations under subsection (1) provide for a fee to be charged in respect of any application under this Act made to a person mentioned in paragraph (a), (b) or (d) of that subsection, the person need not consider the application unless and until the fee is paid.

### *General*

## **78 Individual culpability where organisation commits offence**

- (1) This section applies where—
- 35 (a) an offence under this Act is committed by a relevant organisation, and
  - (b) the commission of the offence—
    - (i) involves consent or connivance on the part of a responsible individual, or
    - (ii) is attributable to neglect on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits the offence.

(3) For the purposes of this section—

(a) “relevant organisation” means an organisation listed in the first column of the table in subsection (4),

(b) “responsible individual” means, in relation to a relevant organisation—

5 (i) an individual falling within the corresponding entry in the second column of the table in subsection (4), or

(ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry.

(4) The table is as follows—

<i>Organisation</i>	<i>Individual</i>
company as mentioned in section 1 of the Companies Act 2006	director, manager, secretary or other similar officer member, where the company’s affairs are managed by its members
15 limited liability partnership	member
other partnership	partner
any other body or association	individual who is concerned in the management or control of its affairs

**79 Crown application: general**

20 (1) Nothing in this Act makes the Crown criminally liable.

(2) But the Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable were it not for subsection (1).

25 (3) Subsection (1) does not affect the criminal liability of persons in the service of the Crown.

(4) Section 80 makes provision about access to Crown land.

**80 Crown application: powers of entry**

30 (1) A power of entry conferred by section 34(2), 64(5) or 65(7) is exercisable in relation to Crown land specified in column 1 of the following table only with the consent of the person specified in the corresponding entry in column 2 of the table (the “appropriate authority”).

	<i>Crown land</i>	<i>Appropriate authority</i>
5	Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown Estate (that is, the property, rights and interests under the management of the Crown Estate Commissioners)	The Crown Estate Commissioners
10	Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Scottish Crown Estate	The person managing the land
	Land an interest in which belongs to Her Majesty in right of the Crown other than land forming part of the Crown Estate or the Scottish Crown Estate	The office-holder in the Scottish Administration or the Government department managing the land
15	Land an interest in which belongs to Her Majesty in right of Her private estates	The person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers
20	Land an interest in which belongs to an office-holder in the Scottish Administration	The office-holder in the Scottish Administration
	Land an interest in which belongs to a Government department	The Government department
25	Land an interest in which is held in trust for Her Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration	The office-holder in the Scottish Administration
30	Land an interest in which is held in trust for Her Majesty for the purposes of a Government department	The Government department

(2) In subsection (1)—

- (a) the reference to Her Majesty’s private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862,
- (b) “Government department” means a department of the Government of the United Kingdom,

(c) “Scottish Crown Estate” means the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.

- (3) It is for the Scottish Ministers to determine any question that arises as to who in accordance with subsection (1) is the appropriate authority in relation to any land, and their decision is final.

## **81 Regulations**

- (1) Any power of the Scottish Ministers to make regulations under this Act includes power to make—

(a) incidental, supplementary, consequential, transitional, transitory or saving provision,

(b) different provision for different purposes.

- (2) Regulations under any of the following provisions are subject to the affirmative procedure: sections 1(7), 4(b), 25(1), 28(b), 46(b), 48(1), 63(5), 67(4), 74(4) and 75(1).

- (3) Regulations under section 82(1) containing provisions which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.

- (4) All other regulations under this Act are subject to the negative procedure.

- (5) Subsection (1)(a) does not apply to regulations under section 82(1).

- (6) This section does not apply to regulations under section 84(2).

## **82 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.

- (2) Regulations under subsection (1) may modify any enactment (including this Act).

- (3) Regulations under subsection (1)—

(a) which add to, replace or omit the text of an Act are subject to the affirmative procedure,

(b) otherwise, are subject to the negative procedure.

## **83 General interpretation**

- (1) In this Act—

“enforcement authority” has the meaning given in section 28,

“heat network” has the meaning given in section 1(1),

“heat network consent” has the meaning given in section 17(2)(b),

“heat network consent application” has the meaning given in section 19(2),

“heat network consent modification application” has the meaning given in section 23(3),

“heat networks licence” has the meaning given in section 2(4),

“heat network zone” has the meaning given in section 37(3),

“licensing authority” has the meaning given in section 4,

“permit authority” has the meaning given in section 46,

“thermal energy” has the meaning given in section 1(5).

5 (2) References in this Act to the construction of a heat network are to be construed in accordance with section 17(2)(a).

(3) In this Act, references to a person holding a heat network consent are references to the person for the time being entitled to the benefit of the heat network consent whether as a result of—

(a) the grant of the consent to the person under section 20(1)(a), or

10 (b) a transfer of the consent to the person under section 22(1).

#### **84 Commencement**

(1) This section and sections 79 to 83 and 85 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

15 (3) Regulations under subsection (2) may—

(a) include transitional, transitory or saving provision,

(b) make different provision for different purposes.

#### **85 Short title**

The short title of this Act is the Heat Networks (Scotland) Act 2021.



# Heat Networks (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision for regulating the supply of thermal energy by a heat network, and for regulating the construction and operation of a heat network; to make provision about the powers of persons holding a heat networks licence; to make provision about conferring rights in heat network assets where a person ceases operating a heat network; and for connected purposes.

Introduced by: Michael Matheson  
Supported by: Paul Wheelhouse  
On: 2 March 2020  
Bill type: Government Bill

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