

Heat Networks (Scotland) Bill – Stage 3

Section 2

Paul Wheelhouse

- 5 In section 2, page 2, line 5, at end insert—
- <() It is a defence for a person charged with an offence under subsection (2) to show that the person had a reasonable excuse for contravening subsection (1).>

Section 17

Paul Wheelhouse

- 6 In section 17, page 9, line 20, leave out from beginning to first <references> in line 21 and insert <References in this Act>

Paul Wheelhouse

- 7 In section 17, page 9, line 22, at end insert—
- <(3) In this Act,>

Section 18A

Paul Wheelhouse

- 8 In section 18A, page 10, line 9, at end insert—
- <(1A) Where a local authority makes a written request to the Scottish Ministers that it be designated under subsection (1) as the consent authority for its area, the Scottish Ministers must make regulations under subsection (1) so designating the local authority before the expiry of the period of 6 months beginning with the day on which the request was made.>

Paul Wheelhouse

- 9 In section 18A, page 10, line 12, leave out subsection (3) and insert—
- <(3) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) the local authority whom the regulations would (if made) designate as the consent authority for its area, and
 - (b) such other persons as the Scottish Ministers consider appropriate.>

Paul Wheelhouse

- 10 In section 18A, page 10, line 15, at end insert—
- <() Where regulations under subsection (1) are subject to the affirmative procedure, the references in subsections (1A) and (3) to making regulations under subsection (1) are to be read as references to laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament.>

Section 30

Paul Wheelhouse

- 11** In section 30, page 19, line 36, leave out subsections (1) and (2) and insert—
- <(1) Where subsection 17(1) applies in relation to a heat network and it appears to the enforcement authority that the heat network is being (or has been) constructed or operated—
 - (a) by a person on their own behalf without the person holding a heat network consent in relation to the construction or (as the case may be) operation of the heat network, the enforcement authority may give a written notice to the person,
 - (b) by a person on behalf of another person without the other person holding a heat network consent in relation to the construction or (as the case may be) operation of the heat network, the enforcement authority may give a written notice to the person or to the other person.
 - (1A) Where it appears to the enforcement authority that there has been a failure by the person holding a heat network consent to comply (or to secure compliance) with a condition or limitation to which the consent is subject, the enforcement authority may give a written notice to the person.>

Paul Wheelhouse

- 12** In section 30, page 20, line 11, leave out from <it> to <applies> in line 12 and insert <the notice has been given>

Paul Wheelhouse

- 13** In section 30, page 20, line 20, leave out from first <or> to <consent> in line 21

Paul Wheelhouse

- 14** In section 30, page 20, line 22, leave out from <(or> to <consent> in line 23 and insert <with section 17(1)>

Paul Wheelhouse

- 15** In section 30, page 20, line 33, leave out subsection (8)

Paul Wheelhouse

- 16** In section 30, page 20, line 35, at end insert—
- <() In this Part, an “enforcement notice” means a written notice given by the enforcement authority under subsection (1) or (1A).>

Section 33

Paul Wheelhouse

- 17** In section 33, page 21, line 33, after <that> insert <—
()>

Paul Wheelhouse

- 18 In section 33, page 21, line 35, at end insert—

<() the person had a reasonable excuse for failing to ensure that the step concerned was taken or (as the case may be) for failing to ensure the cessation of the carrying on of the activity concerned.>

Section 36

Paul Wheelhouse

- 19 Leave out section 36

Section 37

Paul Wheelhouse

- 20 In section 37, page 24, line 10, after <may> insert <at any time>

Section 38

Mark Ruskell

- 21 In section 38, page 24, line 22, leave out from <has> to <zone> and insert <is likely to be particularly suitable for the construction and operation of a heat network>

Mark Ruskell

- 22 In section 38, page 24, line 27, at end insert—

<() In carrying out a review under subsection (1), a local authority must have regard to the matters mentioned in section 39(1).>

Mark Ruskell

- 23 In section 38, page 24, line 28, leave out from beginning to first <to> in line 30 and insert—

<(3) If, following a review under subsection (1), the local authority considers that one or more areas considered as part of the review is likely to be particularly suitable for the construction and operation of a heat network, the local authority must, in relation to each area—

(a)>

Mark Ruskell

- 24 In section 38, page 24, line 32, leave out from beginning to first <to> in line 33 and insert <or,

(c)>

Mark Ruskell

- 25 In section 38, page 24, line 37, leave out from <setting> to end of line 3 on page 25 and insert <in relation to each area considered as part of the review—
- (a) explaining whether the local authority considers that the area is likely to be particularly suitable for the construction and operation of a heat network,
 - (b) explaining the reasons for that view, and
 - (c) if the local authority considers that the area is likely to be particularly suitable for the construction and operation of a heat network—
 - (i) identifying the area by reference to a map, and
 - (ii) giving reasons for its decision under subsection (3)(a) or (c).>

Mark Ruskell

- 26 In section 38, page 25, line 6, leave out <the> and insert <any further>

Section 39

Paul Wheelhouse

- 27 In section 39, page 25, line 22, leave out from <set> to end of line 23 and insert <specified in section 76C(1),>

Section 45

Mark Ruskell

- 28 In section 45, page 29, line 8, at end insert—
- <() reviews under section 38(1),>

Section 47

Paul Wheelhouse

- 29 In section 47, page 29, line 30, leave out from <provide> to end of line 32 and insert <prohibit the operation of a heat network in such heat network zone as may be designated in the notice unless a heat network zone permit for the heat network zone is held by—
- (a) the person operating the heat network, or
 - (b) the person on whose behalf the heat network is operated.>

Paul Wheelhouse

- 30 In section 47, page 29, line 32, at end insert—
- <(1A) But a notice under subsection (1) designating a heat network zone may not require a person who is entitled to operate a heat network in the heat network zone immediately before the day on which the notice takes effect to hold a heat network zone permit for the heat network zone in order to—
- (a) operate the heat network, or

- (b) permit another person to operate the heat network on their behalf.
- (1B) For the purposes of subsection (1A), a person is entitled to operate a heat network if at that time the person—
 - (a) holds a heat network consent in relation to the operation of the heat network, or
 - (b) is exempt from the requirement to hold a heat network consent in relation to the operation of the heat network by virtue of regulations under section 18(1).>

Paul Wheelhouse

- 31** In section 47, page 30, line 10, leave out subsection (7) and insert—
- <(7) In this Part, a “heat network zone permit” is a permit issued by the permit authority.>

Section 51

Paul Wheelhouse

- 32** In section 51, page 31, line 34, leave out subsections (1) to (3) and insert—
- <(1) Where a person operates a heat network in a heat network zone on their own behalf without holding a heat network zone permit for the heat network zone in contravention of a notice issued under section 47(1), the person commits an offence.
 - (1A) Where a person operates a heat network in a heat network zone on behalf of another person and the other person does not hold a heat network zone permit for the heat network zone in contravention of a notice issued under section 47(1), the other person commits an offence.
 - (1B) It is a defence for a person charged with an offence under subsection (1) or (1A) to show that the person had a reasonable excuse for contravening the notice issued under section 47(1).>

Paul Wheelhouse

- 33** In section 51, page 32, line 15, after <(1)> insert <or (1A)>

Paul Wheelhouse

- 34** In section 51, page 32, line 18, leave out subsection (5)

Section 57

Paul Wheelhouse

- 35** In section 57, page 34, line 9, at end insert—
- <(2A) The Scottish Ministers must not authorise under subsection (1) any acquisition in relation to land which belongs to Her Majesty in right of Her private estates unless the appropriate authority consents to the acquisition.>

Paul Wheelhouse

36 In section 57, page 34, line 16, at end insert—

<(4A) In subsection (2A)—

- (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) the “appropriate authority” means the person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers.>

Section 76A

Paul Wheelhouse

37 In section 76A, page 50, line 11, at end insert—

<(aa) how the Scottish Ministers propose to meet the targets specified in section 76C(1),>

Paul Wheelhouse

38 In section 76A, page 50, line 30, after <period> insert <and, in particular, in meeting the targets specified in section 76C(1)>

Paul Wheelhouse

39 Move section 76A to after section 76C

Section 76B

Paul Wheelhouse

40 Leave out section 76B

Section 76C

Paul Wheelhouse

41 In section 76C, page 51, line 18, at end insert—

<(1A) The Scottish Ministers may by regulations modify subsection (1) so as to—

- (a) specify an additional target relating to the combined supply of thermal energy by heat networks in Scotland,
 - (b) modify any target for the time being specified there.
- (1B) The Scottish Ministers may by regulations make provision about targets specified or modified under subsection (1A).
- (1C) Regulations under subsection (1B) may in particular make provision about—
- (a) the matters to be taken into account by the Scottish Ministers in specifying or modifying targets,

- (b) the criteria to be applied in specifying or modifying targets,
- (c) carrying out reviews of targets.>

Paul Wheelhouse

- 42 In section 76C, page 51, line 19, leave out subsections (2) to (4)

Section 81

Paul Wheelhouse

- 43 In section 81, page 55, line 28, leave out <18A(1),>

Paul Wheelhouse

- 44 In section 81, page 55, line 28, after <50B(1),> insert <61B(4),>

Paul Wheelhouse

- 45 In section 81, page 55, line 29, leave out <76B(1)> and insert <76C(1A)>

Paul Wheelhouse

- 46 In section 81, page 55, line 31, after <11A(1),> insert <18A(1),>

Section 83

Paul Wheelhouse

- 47 In section 83, page 56, line 18, leave out <17(2)(b)> and insert <17(3)>

Paul Wheelhouse

- 48 In section 83, page 56, line 31, leave out <17(2)(a)> and insert <17(2)>

Long Title

Paul Wheelhouse

- 49 In the long title, page 1, line 4, after <network;> insert <to set targets relating to the supply of thermal energy by heat networks; to make provision about plans relating to increased use of heat networks;>