

## **EXPLANATORY NOTES**

### **HEAT NETWORKS (SCOTLAND) ACT 2021**

#### **INTRODUCTION**

#### **THE ACT**

##### **Overview**

#### **PART 1 – HEAT NETWORKS LICENSES**

##### **Introductory**

Section 1: Meaning of “heat network”

Section 2: Requirement for heat networks licence

Section 3: Exemptions from requirement for heat networks licence

Section 4: Meaning of “licensing authority”

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

Section 5: Heat networks licence applications

##### **Conditions of heat networks licence**

Section 6: Heat networks licence standard conditions

Section 7: Heat networks licence standard conditions: supplementary

Section 8: Heat networks licence special conditions

##### **Duration of heat networks licence**

Section 9: Period of effect of heat networks licence

##### **Modification of heat networks licence**

Section 10: Modification of heat networks licence

##### **Revocation of heat networks licence**

Section 11: Revocation of heat networks licence

Section 12: Appeals against revocation of heat networks licence

### **Miscellaneous**

Section 13: Form and manner etc. of applications under Part 1

Section 14: Regulations about determining applications under Part 1

Section 15: Guidance for licensing authority

Section 16: Register of heat networks licences

Section 17: Interpretation of Part 1

## **PART 2 – HEAT NETWORK CONSENT**

### **Introductory**

Section 18: Requirement for heat network consent

Section 19: Exemptions from requirement for heat network consent

Section 20: Designation of local authority as consent authority for the area of the local authority

Section 21: Meaning of “appropriate consent authority”

### **Heat network consent applications**

Section 22: Heat network consent applications

Section 23: Determining heat network consent applications

### **Heat network consent conditions or limitations**

Section 24: Heat network consent conditions or limitations

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

Section 25: Transfer of heat network consent

Section 26: Modification of heat network consent

Section 27: Revocation of heat network consent

Section 28: Appeals against notice of revocation given by local authority

### **Applications to local authorities: Ministerial powers of call-in, direction and appeal**

Section 29: Call-in of heat network consent applications etc. by the Scottish Ministers

Section 30: Directions as to method of dealing with heat network consent applications etc. by local authorities

Section 31: Appeals regarding applications for heat network consent etc. to local authorities

### **Compensation**

Section 32: Compensation on modification or revocation of heat network consent

### **Miscellaneous**

Section 33: Form and manner etc. of applications under Part 2

Section 34: Effective community engagement: guidance

Section 35: Regulations about decisions under Part 2

Section 36: Applications and decisions under Part 2 where there is more than one appropriate consent authority

### **Enforcement of requirement for heat network consent**

Section 37: Meaning of “enforcement authority”

Section 38: Power to require information about activities on land

Section 39: Enforcement notice

Section 40: Withdrawal or variation of enforcement notice

Section 41: Appeals against enforcement notice

Section 42: Offence of failing to comply with enforcement notice

Section 43: Execution and cost of works required by enforcement notice

### **Heat network consent and planning permission**

Section 44: Deemed planning permission on granting or modifying heat network consent

Section 45: Combining applications to local authorities for heat network consent and planning permission

## **PART 3 – HEAT NETWORK ZONES**

### **Designation of heat network zone**

Section 46: Power to designate heat network zone

Section 47: Duty on local authority to review heat network zoning in area

Section 48: Designation of heat network zone by local authority

Section 49: Designation of heat network zone by Scottish Ministers

### **Variation of heat network zone**

Section 50: Variation of heat network zone by local authority

Section 51: Variation of heat network zone by Scottish Ministers

### **Local authorities acting jointly**

Section 52: Two or more local authorities acting jointly in relation to heat network zone

### **Ministerial direction and guidance**

Section 53: Ministerial power of direction to designate or vary heat network zone

Section 54: Guidance

## **PART 4 – HEAT NETWORK ZONE PERMITS**

Section 55: Meaning of “permit authority”

Section 56: Requirement for heat network zone permit

Section 57: Applications for heat network zone permit

Section 58: Heat network zone permit: duration

Section 59: Heat network zone permit: revocation

Section 60: Appeals against revocation of heat network zone permit

Section 61: Compensation on revocation of heat network zone permit

Section 62: Enforcement of requirement for heat network zone permit

## **PART 5 – BUILDING ASSESSMENT REPORTS**

Section 63: Building assessment reports

Section 64: Exemptions from duty to prepare building assessment reports

Section 65: Notification of building assessment reports

Section 66: Guidance about building assessment reports

Section 67: Interpretation of Part 5

## **PART 6 – POWERS OF LICENCE HOLDERS**

### **Compulsory acquisition of land**

Section 68: Compulsory acquisition of land by licence holder

### **Wayleave rights**

Section 69: Network wayleave right

Section 70: Acquisition of necessary wayleave

Section 71: Assignment of network wayleave rights

Section 72: Variation of network wayleave right

Section 73: Compensation on variation of a network wayleave right

Section 74: Discharge of network wayleave right

Section 75: Registration of network wayleave rights

Section 76: Requirement to remove apparatus when notified

Section 77: Compensation in connection with network wayleave rights

#### **Other powers over land**

Section 78: Power to carry out survey

Section 79: Power to enter land to replace or repair apparatus

Section 80: Restrictions on powers of licence holders

Section 81: Compensation for damage or disturbance

#### **Road works**

Section 82 Power to carry out road works

#### **Interpretation**

Section 83: Interpretation of Part 6

### **PART 7 – KEY HEAT NETWORK ASSETS**

Section 84: Identifying key heat network assets

Section 85: Preparing schedule of key heat network assets

Section 86: Notifying Scottish Ministers of changes in key network assets

Section 87: Modifying schedule of key heat network assets

Section 88: Preparation and maintenance of schedule of key network assets:  
further provision

Section 89: Transfer schemes

Section 90: Compensation in connection with transfer schemes

Section 91: Interpretation of Part 7

### **PART 8 – HEAT NETWORKS TARGETS AND DELIVERY PLANS**

Section 92: Heat network supply targets

Section 93: Heat networks delivery plan

### **PART 9 – MISCELLANEOUS AND GENERAL**

#### **Fees**

Section 94: Fees for applications etc.

**Local authority costs**

Section 95: Strategy: local authority costs

**General**

Section 96: Individual culpability where organisation commits offence

Section 97: Crown application: general

Section 98: Crown application: powers of entry

Section 99: Regulations

Section 100: Ancillary provision

Section 101: General Interpretation

Section 102: Commencement

Section 103: Short title

**PARLIAMENTARY HISTORY**