



# Heat Networks (Scotland) Act 2021

## 2021 asp 9

### PART 1

#### HEAT NETWORKS LICENCES

PROSPECTIVE

#### *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,
  - (c) include conditions relating to the standards of service to be provided by the person holding a heat networks licence.
- (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.

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*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Cross Heading: Conditions of heat networks licence. (See end of Document for details)*

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- (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 may be made to the licensing authority.

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- (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.

**Status:**

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**Changes to legislation:**

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