



# Heat Networks (Scotland) Act 2021

## 2021 asp 9

### PART 3

#### HEAT NETWORK ZONES

##### *Ministerial direction and guidance*

#### **53 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 46(1), or
    - (ii) pursuant to a direction under subsection (2), or
  - (b) the Scottish Ministers have designated as a heat network zone under section 46(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) Before issuing a direction under subsection (1), (2) or (4), the Scottish Ministers must—
  - (a) have regard to the matters mentioned in section 48(1), and
  - (b) consult—
    - (i) each local authority in whose area the heat network zone is, or would be, situated, and

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**Changes to legislation:** There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Cross Heading: Ministerial direction and guidance. (See end of Document for details)

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- (ii) such other persons as they consider appropriate.
- (6) Section 48(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 46(1).
- (7) Section 50(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.
- (8) Where two or more local authorities are acting jointly by virtue of subsection (2) or (4), section 48(4) or (as the case may be) section 50(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.
- (10) The Scottish Ministers may revise or revoke a direction under this section.

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**Commencement Information**

**I1** S. 53 in force at 30.5.2023 by S.S.I. 2023/148, reg. 2(1)(2)(h)

## 54 Guidance

- (1) The Scottish Ministers may issue guidance about—
- reviews under section 47(1),
  - the designation by local authorities of heat network zones,
  - the variation by local authorities of heat network zones.
- (2) Guidance under subsection (1) may be addressed to—
- a local authority, or more than one local authority, identified in the guidance, or
  - all local authorities.
- (3) Before issuing guidance under subsection (1), the Scottish Ministers must consult—
- the local authorities to whom the guidance is to be addressed,
  - the Scottish Fuel Poverty Advisory Panel, and
  - such other persons as they consider appropriate.
- (4) Local authorities to whom guidance under subsection (1) is addressed must have regard to the guidance in exercising their functions under this Part.
- (5) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.

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**Commencement Information**

**I2** S. 54 in force at 16.1.2023 for specified purposes by S.S.I. 2022/376, reg. 2, sch.

**I3** S. 54 in force at 30.5.2023 in so far as not already in force by S.S.I. 2023/148, reg. 2(1)(2)(i)

**Changes to legislation:**

There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021,  
Cross Heading: Ministerial direction and guidance.