



Heat Networks (Scotland) Act 2021

2021 asp 9

PROSPECTIVE

PART 4

HEAT NETWORK ZONE PERMITS

55 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.

56 Requirement for heat network zone permit

- (1) The permit authority may by notice 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.
- (2) 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.
- (3) For the purposes of subsection (2), 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 19(1).

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- (4) 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.
- (5) The permit authority may revoke a notice issued under subsection (1).
- (6) 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.
- (7) The permit authority must—
 - (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.
- (8) In this section, “specified” means specified in regulations made by the Scottish Ministers.
- (9) In this Part, a “heat network zone permit” is a permit issued by the permit authority.

57 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.
- (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,
 - (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.
- (3) Regulations under subsection (1) may make different provision for different heat network zones.

58 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 59.

59 Heat network zone permit: revocation

- (1) The permit authority may revoke a heat network zone permit held by a person—
 - (a) if the heat networks licence held by the person is revoked under section 11(1),

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- (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 27, or
 - (c) in such other circumstances as may be specified by the Scottish Ministers by regulations.
- (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 notice is given) within which the person holding the permit may make representations about the proposed revocation to the permit authority.
- (4) The Scottish Ministers may by regulations make further provision about the procedure to be followed in connection with the revocation of a heat network zone permit under subsection (1).

60 Appeals against revocation of heat network zone permit

- (1) The Scottish Ministers may by regulations make provision for or about appeals against revocation of heat network zone permits.
- (2) Regulations under subsection (1) may in particular make provision about—
- (a) who may appeal,
 - (b) grounds of appeal,
 - (c) the way in which appeals are to be made,
 - (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).

61 Compensation on revocation of heat network zone permit

- (1) The Scottish Ministers may by regulations make provision for or about the payment of compensation to the person holding a heat network zone permit in consequence of the revocation of a heat network zone permit as mentioned in section 59(1)(c).
- (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.

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62 Enforcement of requirement for heat network zone permit

- (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 56(1), the person commits an offence.
- (2) 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 56(1), the other person commits an offence.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to show that the person had a reasonable excuse for contravening the notice issued under section 56(1).
- (4) A person who commits an offence under subsection (1) or (2) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.

Status:

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