



# Heat Networks (Scotland) Act 2021

## 2021 asp 9

### PART 6

#### POWERS OF LICENCE HOLDERS

PROSPECTIVE

#### *Road works*

#### **82 Power to carry out road works**

- (1) A licence holder may, for a purpose connected with the supply of thermal energy by means of a heat network, carry out the works mentioned in subsection (2) if the heat networks licence held by the licence holder provides that the licence holder may carry out such works.
- (2) The works referred to in subsection (1) are—
  - (a) installing heat network apparatus in a road,
  - (b) inspecting, maintaining, adjusting, repairing, altering or renewing heat network apparatus installed in a road,
  - (c) changing the position of heat network apparatus in a road,
  - (d) removing heat network apparatus from a road,
  - (e) works required for or incidental to works mentioned in any of paragraphs (a) to (d), including in particular—
    - (i) opening or breaking up a road,
    - (ii) opening or breaking up a sewer, drain or tunnel under a road,
    - (iii) tunnelling or boring under a road, and
    - (iv) removing or using all earth and materials in or under a road.
- (3) The power of a licence holder under subsection (1) to—
  - (a) place on, over or along a road a structure for housing any other heat network apparatus, or
  - (b) inspect, maintain, adjust, repair, alter or renew any such structure,may be exercised only with the consent of the road works authority.

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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: Road works. (See end of Document for details)

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- (4) But consent is not required under subsection (3) if it is withheld unreasonably by the road works authority.
- (5) The power of a licence holder under subsection (1) to open or break up a road which is not a public road may be exercised only with the consent of the road works authority.
- (6) But consent is not required under subsection (5) if—
- (a) the opening or breaking up of the road constitutes emergency works, or
  - (b) consent is withheld unreasonably by the road works authority.
- (7) It is for the Scottish Ministers to determine any question which arises as to whether consent has been withheld unreasonably for the purposes of subsection (4) or (6)(b), and their decision is final.
- (8) In this section—
- “emergency works” has the same meaning as in Part 4 of the New Roads and Street Works Act 1991 (see section 111 of that Act),
  - “public road” means a road which a roads authority has a duty to maintain,
  - “road” has the same meaning as in Part 4 of the New Roads and Street Works Act 1991 (see section 107 of that Act),
  - “road works authority” has the same meaning as Part 4 of that Act (see section 108 of that Act),
  - “roads authority” has the same meaning as in section 151 of the Roads (Scotland) Act 1984.
- (9) In this section, a reference to heat network apparatus in a road includes a reference to heat network apparatus under, over, across, along or on the road.

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