



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 2

HEAT NETWORK CONSENT

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

PROSPECTIVE

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

- (1) Subsection (2) applies where a local authority as the appropriate consent authority—
- (a) refuses a heat network consent application,
 - (b) grants a heat network consent, but subject to a condition or limitation,
 - (c) refuses an application for a consent, agreement or approval required by a condition to which a heat network consent is subject,
 - (d) grants an application for a consent, agreement or approval required by a condition to which a heat network consent is subject, but subject to a condition,
 - (e) modifies a heat network consent under section 26(1) (whether following a heat network consent modification application or on its own initiative),
 - (f) refuses a heat network consent modification application,
 - (g) fails to give notice, within the relevant period, of its decision to the applicant in relation to—
 - (i) a heat network consent application,
 - (ii) a heat network consent modification application,
 - (iii) an application for a consent, agreement or approval to which a heat network consent application is subject.
- (2) The applicant may appeal to the Scottish Ministers against the decision or failure (as the case may be) of the local authority.
- (3) In subsection (1)(g), “relevant period” means—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Section 31. (See end of Document for details)

- (a) such period as may be specified in regulations under section 35(1), or
 - (b) such other period as may be agreed in writing between the applicant and the local authority in relation to the application (before or after it is made).
- (4) The Scottish Ministers may by regulations make further provision about appeals under subsection (2).
- (5) Regulations under subsection (4) may in particular include provision about—
- (a) the way in which appeals are to be made, including time limits for making appeals,
 - (b) matters that may be raised in appeals,
 - (c) the information to be provided when making appeals,
 - (d) the procedure in connection with determining appeals,
 - (e) the manner in which appeals are to be conducted,
 - (f) decisions that may be taken on appeal,
 - (g) how the determination of appeals is to be notified.
- (6) The provision that may be made by virtue of subsection (5)(e) includes provision about the holding of an inquiry or hearing for the purpose of determining an appeal, including—
- (a) the hearing of evidence at an inquiry or hearing in public or otherwise including any procedure to apply where evidence is not to be heard in public or documentary evidence is not to be open to public inspection,
 - (b) the appointment of persons to hold an inquiry or hearing,
 - (c) the role of such persons,
 - (d) the timing of an inquiry or hearing,
 - (e) notification of an inquiry or hearing,
 - (f) attendance of required persons at an inquiry or hearing,
 - (g) giving of evidence of persons required to attend an inquiry or hearing,
 - (h) consequences of persons failing to attend an inquiry or hearing or to provide information required by an inquiry or hearing, including the creation of offences,
 - (i) the payment of expenses by parties to the inquiry or hearing.
- (7) The maximum penalty that may be provided for in regulations under subsection (4) creating an offence is, on summary conviction, a fine not exceeding level 1 on the standard scale or imprisonment for a period not exceeding 3 months.
- (8) Regulations under subsection (4) may modify any enactment (including this Act).

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Section 31.