



# Heat Networks (Scotland) Act 2021

## 2021 asp 9

### PART 2

#### HEAT NETWORK CONSENT

##### *Enforcement of requirement for heat network consent*

PROSPECTIVE

#### **39 Enforcement notice**

- (1) Where section 18(1) applies in relation to a heat network and it appears to the enforcement authority that the heat network is being (or has been) constructed or operated—
  - (a) by a person on their own behalf without the person holding a heat network consent in relation to the construction or (as the case may be) operation of the heat network, the enforcement authority may give a written notice to the person,
  - (b) by a person on behalf of another person without the other person holding a heat network consent in relation to the construction or (as the case may be) operation of the heat network, the enforcement authority may give a written notice to the person or to the other person.
- (2) Where it appears to the enforcement authority that there has been a failure by the person holding a heat network consent to comply (or to secure compliance) with a condition or limitation to which the consent is subject, the enforcement authority may give a written notice to the person.
- (3) An enforcement notice must specify the date on which it is to take effect which must be no less than 28 days after the date on which the notice is given.
- (4) An enforcement notice must—
  - (a) specify the reasons why the notice has been given, and
  - (b) specify (either or both)—

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*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 39. (See end of Document for details)*

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- (i) the steps that the enforcement authority requires the person to whom the notice is given (or another person acting on behalf of that person) to take,
  - (ii) the activities that the enforcement authority requires to cease, in order to achieve (wholly or partly) either of the purposes mentioned in subsection (5).
- (5) The purposes are—
  - (a) the person's compliance with section 18(1), or
  - (b) where the person's failure to comply with section 18(1) has affected the condition of any land, restoring the land to its condition before the failure.
- (6) An enforcement notice may require in particular—
  - (a) the alteration or removal of any buildings or works,
  - (b) the carrying out of any building or other operations,
  - (c) any activity on the land concerned not to be carried out except to the extent specified in the notice.
- (7) An enforcement notice must specify the period for compliance with the notice, and may specify different periods within which different steps are required to be taken or (as the case may be) different activities are required to cease.
- (8) In this Part, an “enforcement notice” means a written notice given by the enforcement authority under subsection (1) or (2).

**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 39.