



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 2

HEAT NETWORK CONSENT

Enforcement of requirement for heat network consent

PROSPECTIVE

42 Offence of failing to comply with enforcement notice

- (1) If at any time after the end of the period for compliance with an enforcement notice—
 - (a) any step required by the notice has not been taken, or
 - (b) any activity required by the notice to cease is being carried on,the person to whom the notice was given commits an offence.
- (2) A person who commits an offence under subsection (1) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.
- (3) It is a defence for a person charged with an offence under subsection (1) to show that—
 - (a) the person did everything that the person could reasonably be expected to do to secure compliance with the enforcement notice,
 - (b) the person had a reasonable excuse for failing to ensure that the step concerned was taken or (as the case may be) for failing to ensure the cessation of the carrying on of the activity concerned.
- (4) In this Part, references to the period for compliance with an enforcement notice are references to—
 - (a) the period specified in the notice for compliance with it in accordance with section 39(7), or
 - (b) such extended period as the enforcement authority may allow for compliance with the notice.

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 42. (See end of Document for details)

- (5) For the purposes of subsection (4)(a), where an enforcement notice specifies that different periods apply to different steps or activities, references to the period for compliance with an enforcement notice, in relation to any step or activity, are references to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

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 42.