



# Heat Networks (Scotland) Act 2021

## 2021 asp 9

### PART 2

#### HEAT NETWORK CONSENT

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

PROSPECTIVE

#### **43 Execution and cost of works required by enforcement notice**

- (1) This section applies if at any time after the end of the period for compliance with an enforcement notice any step required by the notice has not been taken.
- (2) The enforcement authority may—
  - (a) enter the land in relation to which the steps were required to be taken and take those steps, and
  - (b) recover from the person to whom the enforcement notice was given any expenses reasonably incurred by the enforcement authority in doing so.
- (3) In determining the amount of expenses that may be recovered by it under subsection (2), the enforcement authority may include in that amount such proportion of its administrative expenses as it considers appropriate.
- (4) When taking steps under subsection (2), the enforcement authority may sell any materials removed by it from the land unless those materials are claimed by the owner of the materials within 3 days of their removal.
- (5) After any such sale the enforcement authority must pay the proceeds to the owner of the materials less the expenses recoverable by it from the owner of the materials.
- (6) A person commits an offence if the person, without reasonable excuse, intentionally obstructs the enforcement authority in exercising its powers under subsection (2).
- (7) A person who commits an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**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 43.