



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 6

POWERS OF LICENCE HOLDERS

Wayleave rights

PROSPECTIVE

76 Requirement to remove apparatus when notified

- (1) This section applies where—
 - (a) a person (the “right holder”) has a right to remove (or require the removal of) any heat network apparatus installed in the land by a licence holder, and
 - (b) the right holder seeks the removal of all or part of the heat network apparatus.
- (2) The right holder must give written notice to the licence holder who is operating (or who has most recently operated) the heat network of which the heat network apparatus forms part requiring the licence holder to remove such part of the heat network apparatus as may be specified in the notice.
- (3) The licence holder must comply with the notice given under subsection (2) by no later than the end of the period of 3 months beginning with the day on which the notice is given unless subsection (4) applies.
- (4) This subsection applies if, before the end of the period of 3 months mentioned in subsection (3), the licence holder—
 - (a) applies to the Scottish Ministers for the grant of a necessary wayleave, or
 - (b) by virtue of section 68(1), submits a compulsory purchase order in respect of the land to the Scottish Ministers for confirmation by them.
- (5) If subsection (4) applies and the Scottish Ministers—
 - (a) refuse the application for the grant of a necessary wayleave, or (as the case may be)
 - (b) decide not to confirm the compulsory purchase order,

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

the licence holder must comply with the notice given under subsection (2) by no later than the end of the period of 3 months beginning with the day on which the licence holder receives notice of the Scottish Ministers' decision.

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 76.