



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 6

POWERS OF LICENCE HOLDERS

Other powers over land

PROSPECTIVE

78 Power to carry out survey

- (1) A licence holder may carry out a survey of land for the purpose of determining whether the land is suitable for a purpose connected with the construction or operation of a heat network.
- (2) Before carrying out a survey of land under subsection (1), the licence holder must give the occupier of the land at least 14 days' notice of the intention to carry out the survey.
- (3) If subsection (4) applies, a right to carry out a survey of any land under subsection (1) includes the right to search and bore the land for the purposes of ascertaining—
 - (a) the nature of the subsoil of the land,
 - (b) the presence of minerals or other matter in the land.
- (4) This subsection applies if notice given under subsection (2) includes notice of the intention to carry out the work mentioned in subsection (3).
- (5) A person carrying out a survey of land under subsection (1) has a right of entry to the land at all reasonable times to carry out the survey but must—
 - (a) when seeking to enter the land in order to carry out the survey, provide evidence of the person's authority to so act on request by an occupier or the owner of the land,
 - (b) carry out the survey in a manner that ensures as little disruption as possible is caused to any occupier or owner of the land,
 - (c) endeavour—
 - (i) to ensure that as little damage as possible is caused by the exercise of the person's powers under this section, and

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 78. (See end of Document for details)

- (ii) if any damage is caused, take reasonable steps to remedy the damage.
- (6) A person commits an offence if the person, without reasonable excuse, intentionally obstructs another person (a “relevant person”) in the exercise of the relevant person's power to enter upon and survey the land under this section.
- (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:

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