



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 6

POWERS OF LICENCE HOLDERS

Other powers over land

PROSPECTIVE

79 Power to enter land to replace or repair apparatus

- (1) A licence holder may exercise a network land right for a purpose connected with the supply of thermal energy by means of a heat network by the licence holder.
- (2) In this Part, a “network land right” is a power—
 - (a) to install heat network apparatus in replacement for, or in addition to, existing heat network apparatus that is lawfully situated in land,
 - (b) to inspect, maintain, adjust, alter, repair, replace, upgrade, operate, remove or add to any existing heat network apparatus that is situated in land,
 - (c) to carry out any works to the land that are necessary for or incidental to the powers mentioned in paragraph (a) or (b).
- (3) The works mentioned in subsection (2)(c) include felling, lopping or cutting back the roots of any tree or shrub on, under or over the land that is in close proximity to heat network apparatus that is, is being or is to be installed by or on behalf of the licence holder, in order to prevent the tree or shrub—
 - (a) from obstructing or interfering with the installation, maintenance or operation of the heat network apparatus, or
 - (b) from constituting a danger to persons.
- (4) The licence holder must give the owner and any occupier of the land concerned at least 7 days' notice of the intention by or on behalf of the licence holder to enter onto the land for the purpose of exercising the network land rights specified in the notice.
- (5) Subsection (4) does not apply if the network land rights that the licence holder proposes to exercise are to be exercised in order to carry out emergency works.

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 79. (See end of Document for details)

- (6) Where the licence holder exercises a network land right to carry out emergency works, the licence holder must notify the owner and any occupier of the land of the works carried out as soon as possible after the carrying out of those works.
- (7) A person exercising a network land right in relation to any land has a right of entry to the land at all reasonable times to exercise the network land right but must—
- (a) when seeking to enter the land in order to exercise a network land right, provide evidence of the person's authority to so act on request by an owner or (as the case may be) an occupier of the land,
 - (b) exercise the network land right in a manner that ensures as little disruption as possible is caused to the owner and any occupier 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
 - (ii) if any damage is caused, take reasonable steps to remedy the damage.
- (8) A person commits an offence if that person, without reasonable excuse, intentionally obstructs another person (a “relevant person”) in the exercise of the relevant person's power to enter upon the land and exercise a network land right under this section.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) In this section, “emergency works” means works carried out by virtue of a network land right for the purpose of—
- (a) stopping anything already occurring, or
 - (b) preventing anything imminent from occurring that is likely to cause—
 - (i) danger to persons or property,
 - (ii) the interruption of any supply provided by the licence holder,
- and any other works that are reasonable (in all circumstances) to carry out with those works.

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 79.