



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 7

KEY HEAT NETWORK ASSETS

89 Transfer schemes

- (1) Where an operator (the “former operator”) ceases (or is to cease) operating a heat network, the Scottish Ministers may make a transfer scheme.
- (2) A “transfer scheme” is a scheme making provision for—
 - (a) the transfer to one or more relevant persons of the former operator's rights relating to the use of listed assets of the heat network,
 - (b) the conferral on one or more relevant persons of other rights relating to the use of listed assets of the heat network.
- (3) A transfer scheme may make incidental, supplementary, consequential or transitional provision in connection with the transfer or conferral of rights by the transfer scheme as the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers may by regulations make further provision about transfer schemes.
- (5) Regulations under subsection (4) may in particular make provision about—
 - (a) the rights that may be transferred or conferred by a transfer scheme,
 - (b) the procedure applying in connection with the making of a transfer scheme,
 - (c) the effect of transfers or conferrals of rights by a transfer scheme,
 - (d) requirements that may be imposed on the former operator or a transferee in connection with the transfer or conferral of rights by a transfer scheme, including obligations to enter into such agreements with another person, or to execute such documents in favour of another person, as may be specified or described in a transfer scheme,
 - (e) the circumstances in which a right transferred or conferred by a transfer scheme is or may be extinguished,
 - (f) the modification of a transfer scheme.
- (6) In this section—

Changes to legislation: There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Section 89. (See end of Document for details)

“relevant person” means—

- (a) the Scottish Ministers,
- (b) the appropriate local authority,
- (c) a person (other than the former operator) to whom a heat network consent relating to the operation of the heat network is granted,

“transferee” means a relevant person to whom rights are transferred, or on whom rights are conferred, by a transfer scheme.

(7) In subsection (6), in the definition of “relevant person”, the “appropriate local authority” means—

- (a) the local authority for the area in which the listed assets are situated, or
- (b) where the listed assets are situated in the area of more than one local authority—
 - (i) the authority in whose area the greater or greatest part of the listed assets is situated, or
 - (ii) if neither or none of those authorities falls within sub-paragraph (i), such of those authorities as is selected by the Scottish Ministers for the purposes of being a transferee.

Commencement Information

II S. 89 in force at 16.1.2023 for specified purposes by [S.S.I. 2022/376, reg. 2, sch.](#)

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