



# Heat Networks (Scotland) Act 2021

## 2021 asp 9

### PART 2

#### HEAT NETWORK CONSENT

##### *Transfer, modification and revocation of heat network consent*

#### **25 Transfer of heat network consent**

- (1) The person holding a heat network consent may transfer the consent to another person with the agreement of the appropriate consent authority.
- (2) The appropriate consent authority may agree to a transfer of a heat network consent under subsection (1) subject to any—
  - (a) modification of any condition or limitation of the consent, or
  - (b) additional condition or limitation of the consent,as it considers appropriate.

#### **26 Modification of heat network consent**

- (1) The appropriate consent authority may make any modification of a heat network consent it considers appropriate.
- (2) The appropriate consent authority may modify a heat network consent under subsection (1)—
  - (a) following an application by the person holding the heat network consent, or
  - (b) on the appropriate consent authority's own initiative.
- (3) An application mentioned in subsection (2)(a) is referred to in this Act as a “heat network consent modification application”.
- (4) Where the appropriate consent authority modifies a heat network consent under subsection (1), it must give a copy of the consent as modified to the person holding the consent.

**27 Revocation of heat network consent**

- (1) The appropriate consent authority may revoke a heat network consent in such circumstances as may be specified by the Scottish Ministers by regulations.
- (2) Before revoking a heat network consent under subsection (1), the appropriate consent authority must give notice of the proposed revocation to the person holding the consent.
- (3) The notice must—
  - (a) state the reasons why the revocation is proposed, and
  - (b) specify the period (which is to be not less than 28 days from the date on which the notice is given) within which the person holding the consent may make representations about the proposed revocation to the appropriate consent authority.
- (4) The appropriate consent authority may revoke a heat network consent under subsection (1) by giving notice of revocation to the person holding the consent.
- (5) A notice of revocation must specify—
  - (a) the reasons for the revocation, and
  - (b) the date from which the revocation is to have effect (subject to section 28(2)).
- (6) The date referred to in subsection (5)(b) must be specified in accordance with any minimum period of notice to be given by a notice of revocation as may be specified in regulations under subsection (7).
- (7) The Scottish Ministers may by regulations make further provision about the procedure to be followed in connection with the revocation of a heat network consent under subsection (1).

**28 Appeals against notice of revocation given by local authority**

- (1) Where a local authority gives a notice of revocation to a person under section 27(4), the person may appeal to the Scottish Ministers against the notice.
- (2) Where an appeal is made under subsection (1) against a revocation notice, the notice has no effect pending the final determination or withdrawal of the appeal.
- (3) The Scottish Ministers may by regulations make further provision about appeals under subsection (1).
- (4) Regulations under subsection (3) may in particular include provision about—
  - (a) the way in which appeals are to be made, including time limits for making appeals,
  - (b) matters that may be raised in appeals,
  - (c) the information to be provided when making appeals,
  - (d) the procedure in connection with determining appeals,
  - (e) the manner in which appeals are to be conducted,
  - (f) decisions that may be taken on appeal,
  - (g) how the determination of appeals is to be notified.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The provision that may be made by virtue of subsection (4)(e) includes provision about the holding of an inquiry or hearing for the purpose of determining an appeal, including—
- (a) the hearing of evidence at an inquiry or hearing in public or otherwise including any procedure to apply where evidence is not to be heard in public or documentary evidence is not to be open to public inspection,
  - (b) the appointment of persons to hold an inquiry or hearing,
  - (c) the role of such persons,
  - (d) the timing of an inquiry or hearing,
  - (e) notification of an inquiry or hearing,
  - (f) attendance of required persons at an inquiry or hearing,
  - (g) giving of evidence of persons required to attend an inquiry or hearing,
  - (h) consequences of persons failing to attend an inquiry or hearing or to provide information required by an inquiry or hearing, including the creation of offences,
  - (i) the payment of expenses by parties to the inquiry or hearing.
- (6) The maximum penalty that may be provided for in regulations under subsection (3) creating an offence is, on summary conviction, a fine not exceeding level 1 on the standard scale or imprisonment for a period not exceeding 3 months.
- (7) Regulations under subsection (3) may modify any enactment (including this Act).