

Policy Note

THE HEAT NETWORKS (SCOTLAND) ACT 2021 (COMMENCEMENT) (NO. 1) REGULATIONS 2022

SSI 2022/376 (C. 20)

The above instrument was made by the Scottish Ministers in exercise of the powers in exercise of the powers conferred by section 102(2) and (3) of the Heat Networks (Scotland) Act 2021 (the Act). The instrument is not subject to any parliamentary procedure.

Summary Box

These Regulations commence certain provisions of the Heat Networks (Scotland) Act 2021. Specifically part 2 (Heat Network Consent): sections 19, 27, 32, 34, 35, 37, 41; part 3 (Heat Network Zones): 47, 48, 50, 54; part 5 (Building Assessment Reports): sections 63, 64, 66, 67; part 7 (Key Network Assets and Transfer Schemes): sections 84, 85, 87, 88, 89, 90.

Policy Objectives

1. The Heat Networks (Scotland) Act 2021 provides a legal framework for the establishment of a regulatory system for heat networks in Scotland. The Act is also intended to encourage greater deployment of heat networks in Scotland, in order to help reduce emissions from heating homes and buildings.
2. Part 2 of the Act makes provision in relation to Heat Network Consents which are required for the constructions and operation of a heat network (subject to certain exemptions). Sections 19, 27, 32, 34, 35, 37 and 41 are being commenced to allow the Scottish Ministers to make regulations.
3. Part 3 of the Act relates to Heat Network Zones which can be designated and varied by local authorities and the Scottish Ministers. These Regulations commence sections 47, 48, 50 allow Scottish Ministers to make regulations, and section 54 to allow the Scottish Ministers to issue guidance.
4. Part 5 of the Act relates to building assessment reports. Section 63, 64, 66, and 67 are being commenced to allow the Scottish Ministers to make regulations and issue guidance.
5. Part 7 of the Act relates to key network assets which requires those seeking to operate new heat networks (and those seeking to extend an existing network) to provide information on “key assets” required for the operation of the network. The Scottish Ministers are then required to prepare a list of these assets as part of the process of granting a Heat Network Consent. The Act also enables the Scottish Ministers to make a transfer scheme to transfer or create rights over the key assets listed. Sections 84, 85, 87, 88, 89 and 90 are being commenced to allow the Scottish Ministers to make regulations.

Consultation

6. The policy objectives of the Act were subject to parliamentary scrutiny as a part of the legislative process. The Policy Memorandum for the Bill that preceded the Act outlined the consultation undertaken on the proposals. As these Regulations only bring into force provisions of the Act, no further consultation has been carried out in relation to this instrument.

Impact Assessments

7. These Regulations are only commencing provisions of the Act, so no impact assessments have been carried out in relation to this instrument.

Financial Effects

8. The financial effects of the Act are detailed in the Financial Memorandum prepared in respect of the Bill that preceded the Act and the supplementary Financial Memorandum prepared during the passage of the Bill.

Scottish Government
DECC: Heat in Buildings
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