

POLICY NOTE

THE HEAT NETWORKS (SCOTLAND) ACT 2021 (COMMENCEMENT NO. 3) REGULATIONS 2022

SSI 2023/148 (C. 16)

The above instrument was made by the Scottish Ministers in exercise of the powers in exercise of the powers conferred by section 102(2) of the Heat Networks (Scotland) Act 2021 (the Act). The instrument is subject to no parliamentary procedure.

Summary Box

These Regulations commence certain provisions of the Heat Networks (Scotland) Act 2021. Specifically part 3 (Heat Network Zones): 46, 47, 48, 49, 50, 51, 52, 53, 54; part 5 (Building Assessment Reports): sections 63, 65, 66, 67; part 8 (Heat Networks Targets and Delivery Plans): section 93.

Policy Objectives

1. The Act 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 3 of the Act relates to Heat Network Zones which can be designated and varied by local authorities and the Scottish Ministers. These Regulations fully commence sections 46, 47, 48, 49, 50, 51, 52, 53, and 54.
3. Part 5 of the Act relates to building assessment reports. Sections 63, 65, 66, and 67 are being fully commenced.
4. Section 93 requires the Scottish Ministers to prepare a heat networks delivery plan. On the 23rd March 2023 the DPLRC wrote to the Scottish Government to observe that section 93 of the Act had not been commenced. This was despite a heat networks delivery Plan having been laid under that section in the Scottish Parliament in March 2022. In response, the Scottish Government undertook to commence section 93 at the next available opportunity.

Consultation

5. 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

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

Financial Effects

7. 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
May 2023