



Energy Act 2023

2023 CHAPTER 52

PART 8

HEAT NETWORKS

CHAPTER 1

REGULATION OF HEAT NETWORKS

220 Regulations made by Secretary of State: consultation with devolved authorities

- (1) This section applies where—
- (a) the Secretary of State proposes to make regulations under [section 219](#) by virtue of any of [Parts 3, 4, 5, 7, 8, 10, 11 and 12](#) of [Schedule 18](#), and
 - (b) the regulations contain—
 - (i) in the case of regulations made by virtue of [Part 3, 4, 7, 8, 10, 11 or 12](#) of [Schedule 18](#), provision within Scottish devolved competence;
 - (ii) in the case of regulations made by virtue of [Part 5](#) of [Schedule 18](#), provision within Welsh devolved competence.
- (2) Before making the regulations, the Secretary of State must give notice—
- (a) stating that the Secretary of State proposes to make the regulations,
 - (b) setting out or describing—
 - (i) so far as the regulations are made as mentioned in [subsection \(1\)\(b\)\(i\)](#), the provision within Scottish devolved competence,
 - (ii) so far as the regulations are made as mentioned in [subsection \(1\)\(b\)\(ii\)](#), the provision within Welsh devolved competence, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,
- and must consider any representations duly made and not withdrawn.

Status: This is the original version (as it was originally enacted).

- (3) A notice under subsection (2) must be given to each relevant devolved authority, that is to say—
- (a) the Scottish Ministers, if the regulations are made as mentioned in subsection (1)(b)(i) and contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations are made as mentioned in subsection (1)(b)(ii) and contain provision within Welsh devolved competence.
- (4) The Secretary of State need not wait until the end of the period specified under subsection (2)(c) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provision referred to in subsection (2)(b)(i) or (ii) (as the case may be).
- (5) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provision referred to in subsection (2)(b)(i) or (ii) (as the case may be) have been taken into account in the regulations.
- (6) For the purposes of this section, provision—
- (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006).