

Heat Networks (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on at Stage 2, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Meaning of “thermal energy”

1

Fuel poverty: contributing to fuel poverty targets and consulting Scottish Fuel Poverty Advisory Panel

2, 3, 50, 64, 65, 66, 131, 132

Just transition principles

145, 149, 152

Heat networks licences: standard conditions

134

Minor and technical amendments

4, 7, 8, 39, 52, 53, 54, 55, 56, 57, 58, 59, 60, 128, 129

Heat networks licences: revocation and appeals against revocation

5, 6

Heat networks licences: existing heat networks

146, 147, 148

Local authority as heat network consent authority

9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 135, 136, 31, 33, 36, 37, 38, 137, 138, 41, 139, 140, 51, 61, 62, 150, 63, 124, 125, 126, 130, 133, 144, 157

Revocation of heat network consent: process and appeals

32, 34, 35

Applications for heat network consent etc. under Part 2

40, 42, 43, 44, 45, 46, 47, 48, 49

Designation of heat network zones by local authorities

151

Heat networks delivery plan and supply targets

141, 154, 142, 155, 143

Mandatory connection to heat network

153

Revocation of heat network zone permits: process and appeals

67, 68, 69, 70, 71, 72, 127

Supply of thermal energy by means of a heat network to state-funded educational buildings

158, 159

Network wayleave rights

73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123

Road works powers of certain holders of heat networks licences

85, 121

Strategy: local authority costs

156

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Amendments in debating order

Meaning of “thermal energy”

Paul Wheelhouse

- 1** In section 1, page 1, line 26, leave out <or “communal heating system”> and insert <, “communal heating system” or “thermal energy”>

Fuel poverty: contributing to fuel poverty targets and consulting Scottish Fuel Poverty Advisory Panel

Paul Wheelhouse

- 2** In section 5, page 3, line 18, after <that> insert <—
(i)>

Paul Wheelhouse

- 3** In section 5, page 3, line 20, after <network,> insert <and
(ii) contributes to meeting the fuel poverty targets,>

Paul Wheelhouse

- 50** In section 27, page 12, line 7, at end insert—
<() Before making regulations under subsection (1), the Scottish Ministers must consult—
(a) local authorities,
(b) the Scottish Fuel Poverty Advisory Panel, and
(c) such other persons as they consider appropriate.>

Paul Wheelhouse

- 64** In section 39, page 18, line 4, at end insert—
<() the potential for a heat network in the area to contribute to meeting the fuel poverty targets,>

Paul Wheelhouse

- 65** In section 45, page 21, line 27, leave out subsection (2)

Paul Wheelhouse

- 66** In section 45, page 21, line 31, at end insert—
<() Before issuing guidance under subsection (1), the Scottish Ministers must consult—
(a) the local authorities to whom the guidance is to be addressed,
(b) the Scottish Fuel Poverty Advisory Panel, and

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- (c) such other persons as they consider appropriate.
- () Local authorities to whom guidance under subsection (1) is addressed must have regard to the guidance in exercising their functions under this Part.>

Paul Wheelhouse

131 In section 83, page 41, line 31, at end insert—

<“the fuel poverty targets” means the targets set out in sections 1 and 2 of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019,>

Paul Wheelhouse

132 In section 83, page 42, line 2, at end insert—

<“the Scottish Fuel Poverty Advisory Panel” means the panel established under section 14(1) of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019,>

Just transition principles

Claudia Beamish

145 In section 5, page 3, line 20, after <network,> insert—

<() the applicant’s ability to operate a heat network in accordance with just transition principles as specified by section 35C of the Climate Change (Scotland) Act 2009,>

Claudia Beamish

149 In section 27, page 12, line 7, at end insert—

<() Regulations under subsection (1) must in particular make provision in connection with the consideration to be given, before agreeing to a relevant application, to just transition principles as specified by section 35C of the Climate Change (Scotland) Act 2009.>

Claudia Beamish

152 In section 39, page 18, line 4, at end insert—

<() the ability of a heat network in the area to operate in accordance with just transition principles as specified by section 35C of the Climate Change (Scotland) Act 2009,>

Heat networks licences: standard conditions

Alexander Burnett

134 In section 6, page 4, line 11, at end insert—

<() include standard conditions that make provision for—

(i) standards of service to be provided by the heat network operator,

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- (ii) methods of communication between the operator and the licensing authority,
- (iii) decision-making protocols to be agreed between the operator and the licensing authority.>

Minor and technical amendments

Paul Wheelhouse

- 4 In section 7, page 5, line 14, leave out <to the licensing authority may be made> and insert <may be made to the licensing authority>

Paul Wheelhouse

- 7 In section 14, page 8, line 6, at end insert—
<() The licensing authority must have regard to any guidance issued under subsection (1).>

Paul Wheelhouse

- 8 In section 17, page 8, line 34, leave out from first <person> to <holds> and insert <heat network must not be constructed or operated except in accordance with>

Paul Wheelhouse

- 39 In section 25, page 11, line 8, leave out <under> and insert <as mentioned in>

Paul Wheelhouse

- 52 In section 29, page 12, line 15, leave out <it appears to the enforcement authority that>

Paul Wheelhouse

- 53 In section 29, page 12, line 16, leave out <a> and insert <section 17(1) applies in relation to a heat network and it appears to the enforcement authority that the>

Paul Wheelhouse

- 54 In section 29, page 12, line 21, at beginning insert <it appears to the enforcement authority that>

Paul Wheelhouse

- 55 In section 30, page 13, line 4, leave out <it appears to the enforcement authority that>

Paul Wheelhouse

- 56 In section 30, page 13, line 5, at beginning insert <section 17(1) applies in relation to a heat network and it appears to the enforcement authority that>

Paul Wheelhouse

- 57 In section 30, page 13, line 6, leave out <a> and insert <the>

Paul Wheelhouse

- 58 In section 30, page 13, line 7, leave out <a> and insert <the>

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Paul Wheelhouse

- 59 In section 30, page 13, line 9, at beginning insert <it appears to the enforcement authority that>

Paul Wheelhouse

- 60 In section 32, page 14, line 27, at end insert—
<() the manner in which appeals are to be conducted,
() decisions that may be taken on appeal,>

Paul Wheelhouse

- 128 In section 81, page 41, line 14, leave out <section 82(1) containing provisions> and insert <the following sections>

Paul Wheelhouse

- 129 In section 81, page 41, line 15, at end insert <: (*Appeals against revocation of heat networks licence*)(1), (*Appeals against notice of revocation given by local authority*)(3), (*Call-in of heat network consent applications etc. by the Scottish Ministers*)(6), (*Appeals regarding applications for heat network consent etc. to local authorities*)(4), (*Applications and decisions under Part 2 where there is more than one appropriate consent authority*)(1), 32(1), (*Appeals against revocation of heat network zone permit*)(1), (*Registration of network wayleave rights*)(1), and 82(1).>

Heat networks licences: revocation and appeals against revocation

Paul Wheelhouse

- 5 In section 11, page 7, line 12, at end insert—
<() The Scottish Ministers may by regulations make further provision about the procedure to be followed in connection with the revocation of a heat networks licence under subsection (1).>

Paul Wheelhouse

- 6 After section 11, insert—
<Appeals against revocation of heat networks licence
(1) The Scottish Ministers may by regulations make provision for or about appeals against revocation of heat networks licences.
(2) Regulations under subsection (1) may in particular make provision about—
(a) who may appeal,
(b) grounds of appeal,
(c) the way in which appeals are to be made,
(d) the information to be provided when making appeals,
(e) the procedure for determining appeals,
(f) who may determine appeals,
(g) the manner in which appeals are to be conducted,

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- (h) decisions that may be taken on appeal,
 - (i) how the determination of appeals is to be notified.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).>

Heat networks licences: existing heat networks

Maurice Golden

146 In section 14, page 8, line 6, at end insert—

- <(2A) The Scottish Ministers must prepare and publish guidance to the licensing authority relating to the requirement for a heat network licence for the operation of a heat network established before the Bill for this Act was passed.
- (2B) Before preparing the guidance under subsection (2A), the Scottish Ministers must consult such persons as they consider appropriate.
- (2C) The consultation under subsection (2B) must include the following matters—
 - (a) whether existing heat networks—
 - (i) should be exempt from the licensing regime, or
 - (ii) require retrospective consent from the licensing authority to operate a heat network,
 - (b) whether a heat networks license will be required in relation to an existing heat network if that network is extended,
 - (c) the means by which existing heat networks should apply for a retrospective heat network,
 - (d) how existing heat networks should be supported to comply with the licensing regime, and
 - (e) an appeal process where a retrospective application for a heat networks licence is refused.>

Maurice Golden

147 In section 14, page 8, line 7, after <(1)> insert <and subsection (2A)>

Maurice Golden

148 In section 16, page 8, line 29, at end insert—

- <() In section 14, references to “existing heat network” means a heat network established before the Bill for this Act was passed.>

Local authority as heat network consent authority

Paul Wheelhouse

9 In section 17, page 9, line 5, at end insert—

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<(B) pursuant to an appeal under section (*Appeals regarding applications for heat network consent etc. to local authorities*)(2), or>

Paul Wheelhouse

10 After section 18, insert—

<Designation of local authority as consent authority for the area of the local authority

- (1) The Scottish Ministers may by regulations designate a local authority as the consent authority for the area of the local authority for the purposes of this Part.
- (2) Regulations under subsection (1) may make provision modifying this Part and Part 7 in consequence of the designation made by the regulations.
- (3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult the local authority whom they propose to designate as a consent authority, and such other persons as they consider appropriate, about the proposed designation.>

Paul Wheelhouse

11 After section 18, insert—

<Meaning of “appropriate consent authority”

In this Part, “appropriate consent authority”, in relation to an application made or a consent granted under this Part in relation to a heat network, means—

- (a) where the heat network is (or is to be) situated in the area of a local authority that has been designated as the consent authority for the area under section (*Designation of local authority as consent authority for the area of the local authority*)(1), that local authority,
- (b) otherwise, the Scottish Ministers.>

Paul Wheelhouse

12 In section 19, page 9, line 22, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

13 In section 20, page 9, line 30, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

14 In section 20, page 10, line 2, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

15 In section 20, page 10, line 5, leave out <Scottish Ministers propose> and insert <appropriate consent authority proposes>

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Paul Wheelhouse

16 In section 20, page 10, line 5, leave out second <the Scottish Ministers> and insert <it>

Paul Wheelhouse

17 In section 20, page 10, line 7, leave out <they propose> and insert <it proposes>

Paul Wheelhouse

18 In section 20, page 10, line 8, leave out <they propose> and insert <it proposes>

Paul Wheelhouse

19 In section 20, page 10, line 10, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

20 In section 21, page 10, line 15, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

21 In section 21, page 10, line 16, leave out <they consider> and insert <it considers>

Paul Wheelhouse

22 In section 22, page 10, line 20, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

23 In section 22, page 10, line 21, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

24 In section 22, page 10, line 25, leave out <they consider> and insert <it considers>

Paul Wheelhouse

25 In section 23, page 10, line 27, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

26 In section 23, page 10, line 27, leave out <they consider> and insert <it considers>

Paul Wheelhouse

27 In section 23, page 10, line 29, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

28 In section 23, page 10, line 31, leave out <Scottish Ministers'> and insert <appropriate consent authority's>

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Paul Wheelhouse

- 29 In section 23, page 10, line 34, leave out <Scottish Ministers modify> and insert <appropriate consent authority modifies>

Paul Wheelhouse

- 30 In section 23, page 10, line 34, leave out <they> and insert <it>

Andy Wightman

- 135 After section 23, insert—

<Heat network consent applications: local authorities

The exercise of functions under sections 19 to 23 reverts to local authorities at the end of the period of 5 years beginning with the day the first provision of any of those sections comes into force.>

Section 24

Andy Wightman

- 136 In section 24, page 11, line 2, at beginning insert <Subject to section (*Revocation of heat network consent: local authorities*),>

Paul Wheelhouse

- 31 In section 24, page 11, line 2, leave out <Scottish Ministers> and insert <appropriate consent authority>

Paul Wheelhouse

- 33 In section 24, page 11, line 3, leave out <them> and insert <the Scottish Ministers>

Paul Wheelhouse

- 36 After section 24, insert—

<Scottish Ministers' powers of call-in, direction and appeal regarding heat network consent applications etc. to local authorities

Call-in of heat network consent applications etc. by the Scottish Ministers

- (1) The Scottish Ministers may give directions requiring an application of a type mentioned in subsection (2) to be referred to them instead of being dealt with by a local authority as the appropriate consent authority.
- (2) The types of applications are—
 - (a) a heat network consent application,
 - (b) a heat network consent modification application,
 - (c) an application for consent, agreement or approval required by a condition to which a heat network consent is subject.
- (3) A direction under subsection (1)—
 - (a) must be set out in writing,
 - (b) may be withdrawn or modified by a subsequent direction,

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- (c) may be given to a particular local authority acting as the appropriate consent authority or to local authorities acting in that capacity generally,
 - (d) may relate either to a particular application or to applications of such description as may be specified in the direction.
- (4) Any application in respect of which a direction has effect under subsection (1) must be referred to the Scottish Ministers.
 - (5) Where an application is referred to the Scottish Ministers under this section (a “called-in application”), sections 20, 21, 23 and 26(3) apply to the called-in application as they apply to an application that is to be determined by a local authority as the appropriate consent authority except that the references in those sections to “the appropriate consent authority” are to be read as references to “the Scottish Ministers”.
 - (6) The Scottish Ministers may by regulations make further provision about directions under subsection (1) and the determination of called-in applications pursuant to such a direction.
 - (7) Regulations under subsection (6) may in particular include provision about—
 - (a) the notification and publication of directions—
 - (i) given under subsection (1), or
 - (ii) withdrawn or modified under subsection (3)(b),
 - (b) the procedure for determining called-in applications.
 - (8) Regulations under subsection (6) may modify any enactment (including this Act).>

Paul Wheelhouse

37 After section 24, insert—

<Directions as to method of dealing with heat network consent applications etc. by local authorities

- (1) The Scottish Ministers may by regulations make provision for or about regulating the manner in which applications mentioned in subsection (2) are to be dealt with by local authorities as appropriate consent authorities.
- (2) The applications are—
 - (a) a heat network consent application,
 - (b) a heat network consent modification application,
 - (c) an application for consent, agreement or approval required by a condition to which a heat network consent is subject.
- (3) Regulations under subsection (1) may in particular make provision—
 - (a) for enabling the Scottish Ministers to give directions restricting the grant of an application mentioned in subsection (2), either indefinitely or during such period as may be specified in the directions, in respect of any such heat network, or in respect of a heat network of any such description, as may be so specified,
 - (b) for enabling the Scottish Ministers to give directions to a local authority as appropriate consent authority requiring it, in respect of any such heat network, or in respect of a heat network of any such description, as may be specified in the directions—

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- (i) to consider, where the local authority is minded to grant a network consent, imposing a condition specified in, or of a nature indicated in, the directions, and
 - (ii) (unless the directions are withdrawn) not to grant the heat network consent without first satisfying the Scottish Ministers that such consideration has been given and that such a condition either will be imposed or need not be imposed,
- (c) for requiring, or enabling directions to be made requiring, a local authority as the appropriate consent authority to give to the Scottish Ministers and to such other persons as may be specified in the regulations (or in directions given by the Scottish Ministers under the regulations) such information as may be so specified with respect to applications for heat network consent made to the local authority, including information as to the manner in which any such application has been dealt with.>

Paul Wheelhouse

38 After section 24, insert—

<Appeals regarding applications for heat network consent etc. to local authorities

- (1) Subsection (2) applies where a local authority as the appropriate consent authority—
 - (a) refuses a heat network consent application,
 - (b) grants a heat network consent, but subject to a condition or limitation,
 - (c) refuses an application for consent, agreement or approval required by a condition to which a heat network consent is subject,
 - (d) grants an application for consent, agreement or approval required by a condition to which a heat network consent is subject, but subject to a condition,
 - (e) modifies a heat network consent under section 23(1) (whether following a heat network consent modification application or on its own initiative),
 - (f) refuses a heat network consent modification application,
 - (g) fails to give notice, within the relevant period, of its decision to the applicant in relation to—
 - (i) a heat network consent application,
 - (ii) a heat network consent modification application,
 - (iii) an application for consent agreement or approval to which a heat network consent application is subject.
- (2) The applicant may appeal to the Scottish Ministers against the decision or failure (as the case may be) of the local authority.
- (3) In subsection (1)(g), “relevant period” means—
 - (a) such period as may be specified in regulations under section 27(1), or
 - (b) such other period as may be agreed in writing between the applicant and the local authority in relation to the application (before or after it is made).
- (4) The Scottish Ministers may by regulations make further provision about appeals under subsection (2).
- (5) Regulations under subsection (4) may in particular include provision about—

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- (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.
- (6) The provision that may be made by virtue of subsection (5)(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.
- (7) The maximum penalty that may be provided for in regulations under subsection (4) 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.
- (8) Regulations under subsection (4) may modify any enactment (including this Act).>

Andy Wightman

137 After section 24, insert—

<Revocation of heat network consent: local authorities

- (1) After the end of the period of 5 years beginning with the day section 24 comes into force, a local authority may revoke a heat network consent, so far as it relates to listed assets of the heat network located within its area, in such circumstances and in such manner as may be specified by the Scottish Ministers by regulations.
- (2) For the avoidance of doubt, the Scottish Ministers may not revoke a heat network consent after the end of the period of 5 years beginning with the day section 24 comes into force.>

Andy Wightman

138 In section 25, page 11, line 16, at end insert—

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<() Before making regulations under subsection (1), the Scottish Ministers must consult local authorities and such other persons as they consider appropriate.>

Paul Wheelhouse

41 In section 26, page 11, line 25, leave out <Scottish Ministers> and insert <appropriate consent authority>

Andy Wightman

139 In section 26, page 11, line 26, at end insert—

<() Before making a determination under subsection (1), the Scottish Ministers must consult local authorities and such other persons as they consider appropriate.>

Andy Wightman

140 In section 27, page 12, line 7, at end insert—

<() Before making regulations under subsection (1), the Scottish Ministers must consult local authorities and such other persons as they consider appropriate.>

Paul Wheelhouse

51 After section 27, insert—

<Applications and decisions under Part 2 where there is more than one appropriate consent authority

- (1) The Scottish Ministers may by regulations make provision about the making of any application or decision under this Part in circumstances where there is more than one appropriate consent authority in relation to an application or decision.
- (2) Regulations under subsection (1) may modify this Act and any regulations made under it.>

Paul Wheelhouse

61 In section 35, page 16, line 3, after <23(1)> insert <, or pursuant to an appeal under section (*Appeals regarding applications for heat network consent etc. to local authorities*)(2),>

Paul Wheelhouse

62 In section 35, page 16, line 10, after <23(1)> insert <, or pursuant to an appeal under section (*Appeals regarding applications for heat network consent etc. to local authorities*)(2),>

Andy Wightman

150 In section 35, page 16, line 24, at end insert—

<(2E) After the end of the period of 5 years beginning with the day section 35 of the Heat Networks (Scotland) Act 2021 comes into force, a local authority may give a direction under subsection (2C) or (2D).

(2F) For the avoidance of doubt, the Scottish Ministers may not give a direction under subsection (2C) or (2D) after the period of 5 years beginning with the day section 35 of the Heat Networks (Scotland) Act 2021 comes into force.”.>

Paul Wheelhouse

63 After section 35, insert—

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<Combining applications to local authorities for heat network consent and planning permission

- (1) This section applies where—
 - (a) a person who proposes to construct a heat network must first make both—
 - (i) a heat network consent application in relation to the construction of the heat network, and
 - (ii) an application for planning permission in respect of the construction of the heat network, and
 - (b) both applications must be made to a local authority as the appropriate consent authority (in relation to heat network consent application) and the planning authority (in relation to the application for planning permission).
- (2) Both of the applications are to be considered by the local authority together but this is subject to any provision made in any regulations under subsection (3).
- (3) The Scottish Ministers may by regulations—
 - (a) provide that such procedural provisions of this Act as are specified in the regulations are not to apply to the person's heat network consent application,
 - (b) provide that such procedural provisions made of, or under the Town and Country Planning (Scotland) Act 1997 as are specified in the regulations are to apply to the heat network consent application instead,
 - (c) modify provisions made of, or under the Town and Country Planning (Scotland) Act 1997 as they apply to the heat network consent application by virtue of paragraph (b).
- (4) In this section—

“planning authority” has the meaning given in section 1 of the Town and Country Planning (Scotland) Act 1997,

“planning permission” means planning permission under Part 3 of that Act,

“procedural provisions” means any provisions for or in connection with the procedure for determining an application.>

Paul Wheelhouse

124 In section 77, page 37, line 31, at end insert—

<() a local authority,>

Paul Wheelhouse

125 In section 77, page 38, line 11, at end insert—

<() in relation to a local authority—

- (i) the performance by a local authority of any of its functions under Part 2 as the appropriate consent authority,
- (ii) anything done by the local authority that is calculated to facilitate, or is conducive or incidental to, the performance of any such function.>

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Paul Wheelhouse

- 126 In section 81, page 41, line 13, after <4(b),> insert <(Designation of local authority as consent authority for the area of the local authority)(1),>

Paul Wheelhouse

- 130 In section 83, page 41, line 30, at end insert—
 <“appropriate consent authority” is to be construed in accordance with section (Meaning of “appropriate consent authority”),>

Paul Wheelhouse

- 133 In section 83, page 42, line 9, at end insert—
 <(ii) pursuant to an appeal under section (Appeals regarding applications for heat network consent etc. to local authorities)(2), or>

Andy Wightman

- 144 In section 84, page 42, line 12, after <sections> insert <19 to 24,>

Andy Wightman

- 157 In section 84, page 42, line 12, after <sections> insert <35,>

Revocation of heat network consent: process and appeals

Paul Wheelhouse

- 32 In section 24, page 11, line 2, leave out <and in such manner>

Paul Wheelhouse

- 34 In section 24, page 11, line 3, at end insert—
- <(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 (Appeals against notice of revocation given by local authority)(2)).

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- (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).>

Paul Wheelhouse

35 After section 24, insert—

<Appeals against notice of revocation given by local authority

- (1) Where a local authority gives a notice of revocation to a person under section 24(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.
- (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.

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- (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).>

Applications for heat network consent etc. under Part 2

Paul Wheelhouse

40 In section 26, page 11, line 22, at end insert—

- <(1A) In determining under subsection (1)(b) the information that is to be included in a relevant application, the Scottish Ministers may determine that a relevant application of such description as may be specified in the determination must include a community engagement report.
- (1B) A “community engagement report”, in relation to a relevant application, is a report describing—
 - (a) the community engagement undertaken by the applicant in relation to the proposed application before making the application in accordance with any guidance issued under section (*Effective community engagement: guidance*)(1), and
 - (b) how the applicant has taken account of any representations received by virtue of the community engagement before making the application.>

Paul Wheelhouse

42 In section 26, page 11, line 27, leave out second <section> and insert <sections (*Effective community engagement: guidance*) and>

Paul Wheelhouse

43 After section 26, insert—

<Effective community engagement: guidance

- (1) The Scottish Ministers may issue guidance about undertaking effective community engagement in relation to a relevant application for the purpose of preparing a community engagement report.
- (2) Guidance under subsection (1) may in particular include guidance on—
 - (a) persons, or persons of a particular description, to be considered as forming part of a community for the purpose of undertaking effective community engagement in relation to a relevant application,
 - (b) how applicants are to undertake effective community engagement before making a relevant application including ways in which applicants should—
 - (i) consult communities, and
 - (ii) encourage participation by communities in the consultation.
- (3) Before issuing guidance under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.

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- (4) The Scottish Ministers must publish guidance issued under subsection (1) in such manner as they consider appropriate.
- (5) A person whose relevant application must include a community engagement report in accordance with a determination under section 26(1)(b) must have regard to any guidance issued under subsection (1) in connection with the application.
- (6) In this section, “community engagement report” has the meaning given in section 26(1B).>

Paul Wheelhouse

- 44 In section 27, page 11, line 34, after <in> insert <—
(i)>

Paul Wheelhouse

- 45 In section 27, page 11, line 34, at end insert <, or
(ii) deciding whether to modify a heat network consent as mentioned in section 23(2)(b),>

Paul Wheelhouse

- 46 In section 27, page 12, line 1, at end insert—
<() publication and notification of a decision to modify a heat network consent as mentioned in section 23(2)(b).>

Paul Wheelhouse

- 47 In section 27, page 12, line 3, leave out <agreeing to> and insert <determining>

Paul Wheelhouse

- 48 In section 27, page 12, line 3, after <application> insert <or deciding whether to modify a heat network consent as mentioned in section 23(2)(b)>

Paul Wheelhouse

- 49 In section 27, page 12, line 4, leave out from <environmental> to the end of line 7 and insert <effect of the construction or operation (as the case may be) of the heat network concerned—
(a) on the environment generally and, in particular, in contributing to the reduction of greenhouse gas emissions (within the meaning of the Climate Change (Scotland) Act 2009), and
(b) in contributing to meeting the fuel poverty targets.>

Designation of heat network zones by local authorities

Mark Ruskell

- 151 In section 37, page 16, line 34, leave out <may designate an area in its area that is> and insert <—
(a) where it considers an area in its area to meet such conditions as the Scottish Ministers may by regulations specify, must designate that area,

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- (b) otherwise, may designate that area,
as>

Heat networks delivery plan and supply targets

Mark Ruskell

141 In section 39, page 18, line 4, at end insert—

- <() the potential for a heat network in the area to contribute to meeting the targets set out in regulations under section (*Heat network supply targets*)(1),>

Maurice Golden

154 After section 76, insert—

<PART

HEAT NETWORKS DELIVERY PLAN

Heat networks delivery plan

- (1) The Scottish Ministers must prepare a heat networks delivery plan, setting out how the provisions of this Act, and any other supporting policies, will contribute to increasing the use of heat networks in Scotland.
- (2) A heat networks delivery plan must set out—
 - (a) the approach the Scottish Ministers intend to take to increase the use of heat networks in Scotland,
 - (b) how the aggregate heat output of all heat networks in Scotland will be measured,
 - (c) how the deployment of heat networks in Scotland will contribute to meeting emissions reductions targets set in the Climate Change (Scotland) Act 2009.
- (3) In preparing the heat networks delivery plan the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The Scottish Ministers must—
 - (a) publish the heat networks delivery plan, and
 - (b) lay a copy of it before the Parliament,no later than 1 April 2022.
- (5) The Scottish Ministers are to keep the heat networks delivery plan under review and may revise it at any time.
- (6) At the end of each of the reporting periods the Scottish Ministers must—
 - (a) review the heat networks delivery plan,
 - (b) lay a report before the Parliament on that review.
- (7) A report under subsection (6) must consider—
 - (a) how this Act and associated policies have contributed to an increase in the use of heat networks in Scotland in the reporting period,
 - (b) what progress has been made in the aggregate heat output of all heat networks in Scotland in the reporting period,

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- (c) how the deployment of heat networks in Scotland has contributed to meeting emissions reductions targets set in the Climate Change (Scotland) Act 2009 during the reporting period.
- (8) The reporting periods are—
 - (a) the period of 2 years beginning with the day on which the first heat networks delivery plan is published under subsection (4),
 - (b) each subsequent period of 2 years.>

Mark Ruskell

142 Before section 77, insert—

<Heat network supply targets

Heat network supply targets

- (1) The Scottish Ministers must make regulations setting one or more targets relating to the supply of thermal energy by heat networks in Scotland.
- (2) The Scottish Ministers may by regulations make provision about targets under subsection (1).
- (3) Regulations under subsection (2) may in particular make provision about—
 - (a) the matters to be taken into account by the Scottish Ministers in setting targets,
 - (b) the criteria to be applied in setting targets,
 - (c) carrying out reviews of targets.>

Maurice Golden

155 Before section 77, insert—

<Heat network supply targets

Heat network supply targets

- (1) The Scottish Ministers must ensure that the combined supply of thermal energy by heat networks in Scotland reaches—
 - (a) 2 terawatt hours of output by 2025,
 - (b) 6 terawatt hours of output by 2030.
- (2) The Scottish Ministers must set out how they intend to meet these targets in the heat networks delivery plan published under (*Heat networks delivery plan* (4)).
- (3) The Scottish Ministers must provide the Parliament with an update on progress in meeting these targets at the end of each reporting period.
- (4) The reporting periods are—
 - (a) the period of 2 years beginning with the day on which the first heat networks delivery plan is published under (*Heat networks delivery plan* (4)),
 - (b) each subsequent period of 2 years up until 2030.>

Mark Ruskell

143 In section 81, page 41, line 13, leave out <and 75(1)> insert <, 75(1) and (*Heat network supply targets*)(1)>

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Mandatory connection to heat network

Mark Ruskell

153 After section 40, insert—

<Power to require connection to a heat network

- (1) A local authority may require any suitable building within its area to connect to a heat network if—
 - (a) the building falls within a designated heat network zone, and
 - (b) the heat network can provide heating at a competitive cost.
- (2) In deciding whether a building is suitable to be required under subsection (1) to connect to a heat network, regard is to be had, in particular, to any building assessment report received under section 54.>

Revocation of heat network zone permits: process and appeals

Paul Wheelhouse

67 In section 50, page 23, line 5, leave out <if>

Paul Wheelhouse

68 In section 50, page 23, line 6, at beginning insert <if>

Paul Wheelhouse

69 In section 50, page 23, line 9, at end insert <or

- (c) in such other circumstances as may be specified by the Scottish Ministers by regulations.>

Paul Wheelhouse

70 In section 50, page 23, line 16, at end insert—

- <() The Scottish Ministers may by regulations make further provision about the procedure to be followed in connection with the revocation of a heat network zone permit under subsection (1).>

Paul Wheelhouse

71 After section 50, insert—

<Appeals against revocation of heat network zone permit

- (1) The Scottish Ministers may by regulations make provision for or about appeals against revocation of heat network zone permits.
- (2) Regulations under subsection (1) may in particular make provision about—
 - (a) who may appeal,
 - (b) grounds of appeal,

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- (c) the way in which appeals are to be made,
 - (d) the information to be provided when making appeals,
 - (e) the procedure for determining appeals,
 - (f) who may determine appeals,
 - (g) how the determination of appeals is to be notified.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).>

Paul Wheelhouse

72 After section 50, insert—

<Compensation on revocation of heat network zone permit

- (1) The Scottish Ministers may by regulations make provision for or about the payment of compensation to the person holding a heat network zone permit in consequence of the revocation of a heat network zone permit as mentioned in section 50(1)(c).
- (2) Regulations under subsection (1) may in particular make provision about—
 - (a) the circumstances in which compensation is payable,
 - (b) the calculation of compensation,
 - (c) the procedure to be followed in connection with claiming compensation,
 - (d) the review of decisions made under the regulations,
 - (e) appeals against decisions made under the regulations.>

Paul Wheelhouse

127 In section 81, page 41, line 13, after <48(1),> insert <(Compensation on revocation of heat network zone permit)(1),>

Supply of thermal energy by means of a heat network to state-funded educational buildings

Liam McArthur

158 Before section 52, insert—

<PART

TARGETS FOR THE SUPPLY OF THERMAL ENERGY BY MEANS OF A HEAT NETWORK TO STATE-FUNDED EDUCATIONAL BUILDINGS

Targets for the supply of thermal energy by means of a heat network to state-funded educational buildings

- (1) The Scottish Ministers must ensure that—
 - (a) from 1 April 2022 all newly built state-funded educational buildings are connected to a supply of thermal energy by means of a heat network,
 - (b) by 1 April 2030 all existing state-funded educational buildings are connected to a supply of thermal energy by means of a heat network.

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- (2) For the purposes of subsection (1)(a) newly built state-funded educational buildings are those for which construction is started on or after 1 April 2022.>

Liam McArthur

159 In section 52, page 24, line 11, at end insert—

<(2A) Where a report prepared under subsection (1) is in relation to a state-funded educational building, the report must set out—

- (a) an assessment of the actions necessary to provide for the supply of thermal energy by means of a heat network to that building,
- (b) how providing for the supply of thermal energy by means of a heat network to that building will contribute to meeting net zero targets—
 - (i) from 1 April 2022 where it is a newly built state-funded educational building, and
 - (ii) by 1 April 2030 where it is an existing state-funded educational building.

(2B) For the purposes of subsection (2A)(b), newly built state-funded educational buildings are those for which construction is started on or after 1 April 2022.>

Network wayleave rights

Paul Wheelhouse

73 In section 58, page 26, line 6, at end insert <to convey steam or liquids in land for a purpose connected with the supply of thermal energy by means of a heat network by the licence holder.>

Paul Wheelhouse

74 In section 58, page 26, line 6, at end insert—

<() A network wayleave right in respect of land includes a power—>

Paul Wheelhouse

75 In section 58, page 26, line 7, leave out <on, under or over any> and insert <in the>

Paul Wheelhouse

76 In section 58, page 26, leave out lines 11 and 12 and insert—

<() to carry out any works in respect of the land that are reasonably necessary or incidental to the exercise of the network wayleave right.>

Paul Wheelhouse

77 In section 58, page 26, line 14, leave out from <agreement> to <agreement”> in line 15 and insert <the owner of the land, either—

- (i) by agreement with the licence holder, or
- (ii) unilaterally,>

Paul Wheelhouse

78 In section 58, page 26, line 16, at end insert <, or

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() by positive prescription (see subsection (2E)).>

Paul Wheelhouse

79 In section 58, page 26, line 16, at end insert—

<(2A) A wayleave document may include a development condition.

(2B) A “development condition” is a condition in a wayleave document restricting or regulating the development or use of the land to which the wayleave document relates by a relevant person as may be required to prevent interference with the exercise of the network wayleave right conferred by the wayleave document.

(2C) A development condition may in particular include a condition—

- (a) requiring such operations or activities as may be specified in the wayleave document to be carried out on, under or over the land,
- (b) requiring the land to be used in such way as may be so specified.

(2D) In subsection (2B), a “relevant person” means—

- (a) the owner or tenant of the land,
- (b) any other person (other than the licence holder) who has a right to use the land.>

Paul Wheelhouse

80 In section 58, page 26, line 16, at end insert—

<(2E) Subsection (2) of section 3 of the Prescription and Limitation (Scotland) Act 1973 (positive servitudes and public rights of way) applies to a network wayleave right in respect of land as it applies to a positive servitude over land but as if—

(a) in that subsection—

- (i) a reference to a positive servitude were a reference to a network wayleave right, and
- (ii) a reference to possession of a servitude were a reference to possession by a licence holder of a network wayleave right, and

(b) subsection (4) of that section does not apply to the application of subsection (2) of that section by this subsection.>

Paul Wheelhouse

81 In section 58, page 26, line 16, at end insert—

<() A network wayleave right constitutes a real right.>

Paul Wheelhouse

82 In section 58, page 26, line 16, at end insert—

<() The installation of heat network apparatus in land by a licence holder in the exercise of a network wayleave right does not confer ownership of the heat network apparatus on the owner of the land.>

Paul Wheelhouse

83 In section 58, page 26, line 18, leave out <equipment or structure> and insert <apparatus>

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Paul Wheelhouse

- 84 In section 58, page 26, line 19, at end insert <and includes any structure for housing, or for providing access to, such apparatus>

Paul Wheelhouse

- 86 In section 58, page 26, line 21, at end insert—
- <“owner”, in relation to land, means a person who has a right to the land whether or not that person has completed title; but if, in relation to the land (or, if the land is held pro indiviso, in relation to any pro indiviso share in it) more than one person falls within that description of owner, then “owner” means such person who has most recently acquired such right,
- “wayleave document” means a written document conferring a network wayleave right on a licence holder under subsection (2)(a).>

Paul Wheelhouse

- 87 In section 58, page 26, line 21, at end insert—
- <() In this Part, a reference to heat network apparatus in land includes a reference to heat network apparatus under, over, across, along or on the land.>

Paul Wheelhouse

- 88 In section 59, page 26, line 31, at end insert—
- <() A necessary wayleave may in particular include a development condition.
- () “Development condition” is to be construed in accordance with section 58(2B) to (2D) except that the references in subsections (2B) and (2C) of that section to a wayleave document are to be read as if they were references to a necessary wayleave.>

Paul Wheelhouse

- 89 In section 59, page 26, line 34, at beginning insert <either—
- (i)>

Paul Wheelhouse

- 90 In section 59, page 26, line 35, leave out <enter into a wayleave agreement> and insert <acquire a network wayleave right under section 58(2)(a)>

Paul Wheelhouse

- 91 In section 59, page 26, line 35, after <agreement,> insert <or
- (ii) where the licence holder cannot ascertain the name or address of the owner of the land after reasonable enquiry, the licence holder has given notice in such form and manner as may be specified by the Scottish Ministers by regulations,>

Paul Wheelhouse

- 92 In section 59, page 26, line 38, leave out <a wayleave agreement> and insert <or grant a wayleave document>

THIS IS NOT THE MARSHALLED LIST

Paul Wheelhouse

- 93 In section 59, page 27, line 1, leave out <a wayleave agreement> and insert <or grant a wayleave document>

Paul Wheelhouse

- 94 In section 59, page 27, line 4, leave out <agreement> and insert <document>

Paul Wheelhouse

- 95 In section 59, page 27, line 5, leave out from <a> to end of line 7 and insert <or grant a wayleave document before the end of the period specified by the licence holder in the notice given under subsection (3)(a)(i) or (ii).>

Paul Wheelhouse

- 96 In section 59, page 27, line 8, leave out <The notice> and insert <A notice under subsection (3)(a)(i)>

Paul Wheelhouse

- 97 In section 59, page 27, line 9, leave out <wayleave agreement is proposed> and insert <conferral of a network wayleave right is sought>

Paul Wheelhouse

- 98 In section 59, page 27, line 11, leave out <a wayleave agreement> and insert <or grant a wayleave document>

Paul Wheelhouse

- 99 Leave out section 60

Paul Wheelhouse

- 100 In section 61, page 28, line 6, leave out <agreement> and insert <document>

Paul Wheelhouse

- 101 After section 61, insert—

<Variation of network wayleave right

- (1) A network wayleave right in respect of land (however conferred) may only be varied—
 - (a) by agreement between the owner of the land and the licence holder entitled to the benefit of the network wayleave right (a “variation agreement”), or
 - (b) in accordance with this section.
- (2) A licence holder may apply to the Scottish Ministers to vary a network wayleave right in respect of land under this section only if—
 - (a) either—
 - (i) the licence holder has given notice to the owner of the land setting out the licence holder’s request to vary the network wayleave right, or

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- (ii) where the licence holder cannot ascertain the name or address of the owner of the land after reasonable enquiry, the licence holder has given notice in such form and manner as may be specified by the Scottish Ministers by regulations, and
 - (b) one of the conditions mentioned in subsection (3) applies.
- (3) The conditions are that the owner of the land—
 - (a) has given the licence holder notice in writing that the owner will not enter into a variation agreement,
 - (b) has agreed to enter into a variation agreement but (either or both)—
 - (i) subject to terms and conditions to which the licence holder objects,
 - (ii) a person with an interest in the land (other than the owner) will not enter into, or consent to, the variation agreement,
 - (c) has not agreed to enter into a variation agreement before the end of the period specified by the licence holder in the notice given under subsection (2)(a)(i) or (ii).
- (4) An owner of land may apply to the Scottish Ministers to vary a network wayleave right in respect of land under this section only if—
 - (a) the owner has given notice to the licence holder setting out the owner's request to vary the network wayleave right, and
 - (b) one of the conditions mentioned in subsection (5) applies.
- (5) The conditions are that the licence holder—
 - (a) has given the owner of the land notice in writing that the licence holder will not enter into a variation agreement,
 - (b) has agreed to enter into a variation agreement but subject to terms and conditions to which the owner of the land objects,
 - (c) has not agreed to enter into a variation agreement before the end of the period specified by the owner of the land in the notice given under subsection (4)(a).
- (6) A notice under subsection (2)(a)(i) or (4)(a) must—
 - (a) state the reasons why the variation agreement 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) after which, if agreement is not reached, the person giving the notice may apply to the Scottish Ministers for the grant of a variation.
- (7) The Scottish Ministers may—
 - (a) following an application by a licence holder entitled to the benefit of a network wayleave right, grant a variation of the network wayleave right if they consider that it is necessary or expedient for the licence holder to exercise the right as varied for a purpose connected with the supply of thermal energy by means of a heat network by the licence holder,
 - (b) following an application by the owner of land in respect of which a network wayleave right is exercisable, grant a variation of the network wayleave right if they consider it is appropriate to do so.

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- (8) In considering for the purposes of subsection (7)(b) whether it is appropriate to grant a variation of a network wayleave right, the Scottish Ministers may in particular consider whether—
- (a) the exercise of the network wayleave right appears to them to materially prejudice the owner's enjoyment or use of the land,
 - (b) any variation would not substantially increase the cost or diminish the quality of the supply provided by the licence holder's heat network to persons who rely (or may in the future rely) on the supply of thermal energy by means of the heat network concerned, and
 - (c) any variation would not result in the licence holder incurring substantial additional expenditure.
- (9) Before granting a variation of a network wayleave right, the Scottish Ministers must—
- (a) where an application is made by the licence holder, give the following persons the opportunity to make representations—
 - (i) the owner of the land,
 - (ii) where sub-paragraph (ii) of subsection (3)(b) applies, the person referred to in that sub-paragraph,
 - (b) where an application is made by the owner of the land, give the licence holder the opportunity to make representations.>

Paul Wheelhouse

102 After section 61, insert—

<Compensation on variation of a network wayleave right

- (1) Where a network wayleave right is varied under section (*Variation of network wayleave right*)(7)(a) so as to place or increase a burden on—
- (a) an occupier of the land, or
 - (b) where the occupier is not also the owner of the land, the owner,
- either or both of those persons may recover from the licence holder compensation in respect of the variation of the network wayleave right.
- (2) Any dispute about compensation under this section is to be referred to and determined by the Lands Tribunal for Scotland.
- (3) Sections 9 and 11 of the Land Compensation (Scotland) Act 1963 apply in relation to any determination under subsection (1) as if—
- (a) this section were referred to in section 9(1) of that Act, and
 - (b) references in section 11 of that Act to the acquiring authority were references to the licence holder concerned.
- (4) The Scottish Ministers may by regulations make further provision about compensation payable under this section.>

Paul Wheelhouse

103 After section 61, insert—

<Discharge of network wayleave right

THIS IS NOT THE MARSHALLED LIST

- (1) A network wayleave right in respect of land (however conferred) may only be discharged by the licence holder entitled to the benefit of the network wayleave right, either—
 - (a) by agreement with the owner of the land, or
 - (b) unilaterally.
- (2) A licence holder must discharge a network wayleave right under subsection (1)(a) if (and to the extent that) the right relates to heat network apparatus that has ceased to be used for the purposes of a heat network.>

Paul Wheelhouse

104 After section 61, insert—

<Registration of network wayleave rights

- (1) The Scottish Ministers may by regulations make provision for or about the registration of network wayleave rights.
- (2) Regulations under subsection (1) may in particular include provision about—
 - (a) how a network wayleave right is to be registered,
 - (b) the information (including information in the form of a document) that must be included as part of any entry in the register,
 - (c) who is required to establish and maintain a register of network wayleave rights,
 - (d) fees payable in connection with the registration of a network wayleave right,
 - (e) the form and manner of any register of network wayleave rights,
 - (f) how the register is to be made available for inspection by members of the public,
 - (g) what payment (if any) the licence holder is entitled to charge for supplying documents relating to network wayleave rights to members of the public,
 - (h) the consequences of failure to comply with the requirements of the registration.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).>

Paul Wheelhouse

105 In section 62, page 28, line 12, leave out subsections (1) to (5) and insert—

<(A1) This section applies where—

- (a) a person (the “right holder”) has a right to remove (or require the removal of) any heat network apparatus installed in the land by a licence holder, and
 - (b) the right holder seeks the removal of all or part of the heat network apparatus.
- (1) The right holder must give written notice to the licence holder who is operating (or who has most recently operated) the heat network of which the heat network apparatus forms part requiring the licence holder to remove such part of the heat network apparatus as may be specified in the notice.>

Paul Wheelhouse

106 In section 63, page 29, line 9, leave out from first <a> to <right> in line 10 and insert <the exercise of a network wayleave right by or on behalf of a licence holder>

THIS IS NOT THE MARSHALLED LIST

Paul Wheelhouse

107 In section 64, page 29, line 27, leave out <, or a person authorised by a licence holder,>

Paul Wheelhouse

108 In section 64, page 29, line 30, leave out <, or a person authorised by a licence holder,>

Paul Wheelhouse

109 In section 65, page 30, line 16, leave out <, or a person authorised by a licence holder,>

Paul Wheelhouse

110 In section 65, page 30, line 21, leave out <on, under or over any> and insert <in>

Paul Wheelhouse

111 In section 65, page 30, line 23, leave out <on, under or over the> and insert <in>

Paul Wheelhouse

112 In section 65, page 30, line 28, after <by> insert <or on behalf of>

Paul Wheelhouse

113 In section 65, page 30, line 33, leave out <, or a person authorised by a licence holder,>

Paul Wheelhouse

114 In section 65, page 30, line 34, leave out <person's>

Paul Wheelhouse

115 In section 65, page 30, line 34, after <intention> insert <by or on behalf of the licence holder>

Paul Wheelhouse

116 In section 65, page 30, line 37, leave out <, or a person authorised by a licence holder,>

Paul Wheelhouse

117 In section 65, page 30, line 40, leave out <, or a person authorised by a licence holder,>

Paul Wheelhouse

118 In section 65, page 30, line 41, leave out <or (as the case may be) the authorised person>

Paul Wheelhouse

119 In section 66, page 31, line 33, leave out <, or a person authorised by a licence holder,>

Paul Wheelhouse

120 In section 67, page 32, line 20, leave out from first <a> to <65(1)> in line 21 and insert <the exercise of a power under section 64(1) or 65(1) by or on behalf of a licence holder>

Paul Wheelhouse

122 In section 68, page 33, line 9 leave out <agreement" has the meaning given in section 58(2)(a)> and insert <document" has the meaning given in section 58(3)>

THIS IS NOT THE MARSHALLED LIST

Paul Wheelhouse

- 123 In section 68, page 33, line 10, leave out subsection (2)

Road works powers of certain holders of heat networks licences

Paul Wheelhouse

- 85 In section 58, page 26, line 19, at end insert—

<“land” does not include a road within the meaning of section 107 of the New Roads and Street Works Act 1991,>

Paul Wheelhouse

- 121 After section 67, insert—

<Road works

Power to carry out road works

- (1) A licence holder may, for a purpose connected with the supply of thermal energy by means of a heat network, carry out the works mentioned in subsection (2) if the heat networks licence held by the licence holder provides that the licence holder may carry out such works.
- (2) The works referred to in subsection (1) are—
 - (a) installing heat network apparatus in a road,
 - (b) inspecting, maintaining, adjusting, repairing, altering or renewing heat network apparatus installed in a road,
 - (c) changing the position of heat network apparatus in a road,
 - (d) removing heat network apparatus from a road,
 - (e) works required for or incidental to works mentioned in any of paragraphs (a) to (d), including in particular—
 - (i) opening or breaking up a road,
 - (ii) opening or breaking up a sewer, drain or tunnel under a road,
 - (iii) tunnelling or boring under a road, and
 - (iv) removing or using all earth and materials in or under a road.
- (3) The power of a licence holder under subsection (1) to—
 - (a) place on, over or along a road a structure for housing any other heat network apparatus, or
 - (b) inspect, maintain, adjust, repair, alter or renew any such structure,may be exercised only with the consent of the road works authority.
- (4) But consent is not required under subsection (3) if it is withheld unreasonably by the road works authority.
- (5) The power of a licence holder under subsection (1) to open or break up a road which is not a public road may be exercised only with the consent of the road works authority.

THIS IS NOT THE MARSHALLED LIST

- (6) But consent is not required under subsection (5) if—
- (a) the opening or breaking up of the road constitutes emergency works, or
 - (b) consent is withheld unreasonably by the road works authority.
- (7) It is for the Scottish Ministers to determine any question which arises as to whether consent has been withheld unreasonably for the purposes of subsection (4) or (6)(b), and their decision is final.
- (8) In this section—
- “emergency works” has the same meaning as in Part 4 of the New Roads and Street Works Act 1991 (see section 111 of that Act),
 - “public road” means a road which a roads authority has a duty to maintain,
 - “road” has the same meaning as in Part 4 of the New Roads and Street Works Act 1991 (see section 107 of that Act),
 - “road works authority” has the same meaning as Part 4 of that Act (see section 108 of that Act),
 - “roads authority” has the same meaning as in section 151 of the Roads (Scotland) Act 1984.
- (9) In this section, a reference to heat network apparatus in a road includes a reference to heat network apparatus under, over, across, along or on the road.>

Strategy: local authority costs

Graham Simpson

156 After section 77, insert—

<Strategy: local authority costs

- (1) The Scottish Ministers must prepare a strategy setting out the costs to local authorities in relation to their duties under this Act.
- (2) The strategy prepared under subsection (1)—
- (a) must set out the costs associated with the duties of local authorities under this Act,
 - (b) must set out the approach the Scottish Ministers intend to take to fund local authorities to fulfil their duties under this Act,
 - (c) must set out the approach the Scottish Ministers intend to take to ensure local authorities have the capacity to fulfil their duties under this Act,
 - (d) may include such other information as the Scottish Ministers consider appropriate.>

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