

Draft Order laid before the Scottish Parliament under section 96(4) of the Climate Change (Scotland) Act 2009 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

PUBLIC BODIES

**The Local Heat and Energy Efficiency
Strategies (Scotland) Order 2022**

Made - - - - 2022
Coming into force - - 21st May 2022

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 44(3) and 96(2) of the Climate Change (Scotland) Act 2009⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 44(7) of the Climate Change (Scotland) Act 2009, the Scottish Ministers have consulted such associations of local authorities and such other persons as they considered appropriate.

In accordance with section 96(4) of that Act⁽²⁾ a draft of this Order has been laid before, and approved by resolution of, the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Heat and Energy Efficiency Strategies (Scotland) Order 2022 and comes into force on 21 May 2022.

(2) In this Order—

“local heat and energy efficiency strategy” has the meaning given in article 3, and

“local heat and energy efficiency delivery plan” has the meaning given in article 4.

Duty to prepare a Local Heat and Energy Efficiency Strategy and Delivery Plan

2.—(1) A local authority must, in accordance with this Order, prepare, publish and update—

(a) a local heat and energy efficiency strategy, and

(1) 2009 asp 12. In section 44(3) “relevant public bodies” has the meaning given by section 44(5) of that Act (“the Act”). It refers to a Scottish public body (within the meaning of section 3(1)(a) of the Freedom of Information (Scotland) Act 2002 (asp 13) which has climate change duties under section 44(1) or by virtue of section 44(3) of the Act.

(2) Section 96(4) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

- (b) a local heat and energy efficiency delivery plan.
- (2) A local authority must publish its first local heat and energy efficiency strategy and its first local heat and energy efficiency delivery plan on or before 31 December 2023.
- (3) A local authority must—
 - (a) keep its local heat and energy efficiency strategy and its local heat and energy efficiency delivery plan under review,
 - (b) publish an updated local heat and energy efficiency strategy at intervals of no more than 5 years after the date of publication of the previous strategy,
 - (c) publish an updated local heat and energy efficiency delivery plan at intervals of no more than 5 years after the date of publication of the previous delivery plan.
- (4) A local authority must have regard to the guidance issued under article 5 when preparing its local heat and energy efficiency strategy and its local heat and energy efficiency delivery plan.

Local heat and energy efficiency strategy

- 3.—(1) A local heat and energy efficiency strategy is a long-term strategic framework for—
 - (a) the improvement of the energy efficiency of buildings in the local authority’s area, and
 - (b) the reduction of greenhouse gas emissions resulting from the heating of such buildings.
- (2) A local heat and energy efficiency strategy is, in particular, to include proposals in relation to the way in which buildings in the local authority’s area are heated can be altered, in order to—
 - (a) improve the energy performance of such buildings,
 - (b) reduce the emission of greenhouse gases produced by or otherwise associated with the heating of such buildings.

Local heat and energy efficiency delivery plan

- 4. A local heat and energy efficiency delivery plan is a document setting out how a local authority proposes to support implementation of its local heat and energy efficiency strategy.

Guidance

- 5.—(1) The Scottish Ministers must publish guidance relating to the production and content of—
 - (a) a local heat and energy efficiency strategy,
 - (b) a local heat and energy efficiency delivery plan.
- (2) The Scottish Ministers must consult with local authorities in preparing guidance under paragraph (1).

Provision of information

- 6. A local authority must, if requested to do so by the Scottish Ministers in order to inform the formulation or implementation of national policy, provide the Scottish Ministers with information in relation to the implementation by that local authority of—
 - (a) its local heat and energy efficiency strategy,
 - (b) its local heat and energy efficiency delivery plan.

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order creates a duty on a local authority to prepare and publish a local heat and energy efficiency strategy and a local heat and energy efficiency delivery plan. The first such strategy and delivery plan must be published on or before 31 December 2023 and subsequent updated strategies and delivery plans are then to be published at least every 5 years.