



# Heat Networks (Scotland) Act 2021

## 2021 asp 9

### PART 3

#### HEAT NETWORK ZONES

##### *Designation of heat network zone*

#### **46 Power to designate heat network zone**

- (1) A local authority may at any time designate an area in its area that is particularly suitable for the construction and operation of a heat network in accordance with section 48.
- (2) The Scottish Ministers may designate an area in the area of a local authority that is particularly suitable for the construction and operation of a heat network in accordance with section 49.
- (3) In this Part, “heat network zone” means an area designated by—
  - (a) a local authority—
    - (i) under subsection (1), or
    - (ii) pursuant to a direction under section 53(1)(a) or (2), or
  - (b) the Scottish Ministers under subsection (2).

#### **Commencement Information**

- II** [S. 46](#) in force at 30.5.2023 by [S.S.I. 2023/148](#), [reg. 2\(1\)\(2\)\(a\)](#)

#### **47 Duty on local authority to review heat network zoning in area**

- (1) Each local authority must carry out a review to consider whether one or more areas in its area is likely to be particularly suitable for the construction and operation of a heat network.
- (2) A local authority must carry out—

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**Changes to legislation:** There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Cross Heading: Designation of heat network zone. (See end of Document for details)

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- (a) its first review under subsection (1) as soon as practicable after the day on which this section comes into force,
  - (b) each subsequent review under that subsection by no later than 5 years after the day on which the local authority last published a statement under subsection (6).
- (3) In carrying out a review under subsection (1), a local authority must have regard to the matters mentioned in section 48(1).
- (4) If, following a review under subsection (1), the local authority considers that one or more areas considered as part of the review is likely to be particularly suitable for the construction and operation of a heat network, the local authority must, in relation to each area—
- (a) proceed to consider whether to designate the area as a heat network zone in accordance with section 48, or
  - (b) request that the Scottish Ministers consider whether to designate the area as a heat network zone in accordance with section 49.
- (5) But a local authority may not make a request under subsection (4)(b) if the area is the subject of a direction under section 53.
- (6) After each review, the local authority must publish a statement in relation to each area considered as part of the review—
- (a) explaining whether the local authority considers that the area is likely to be particularly suitable for the construction and operation of a heat network,
  - (b) explaining the reasons for that view, and
  - (c) if the local authority considers that the area is likely to be particularly suitable for the construction and operation of a heat network—
    - (i) identifying the area by reference to a map, and
    - (ii) giving reasons for its decision under subsection (4)(a) or (b).
- (7) The Scottish Ministers may specify by regulations, in relation to a statement published under subsection (6)—
- (a) any further information that must be included in a statement,
  - (b) how it is to be published,
  - (c) the persons to whom copies of it are to be sent, and
  - (d) such other requirements relating to the statement as they consider appropriate.

#### Commencement Information

**I2** S. 47 in force at 16.1.2023 for specified purposes by S.S.I. 2022/376, reg. 2, sch.

**I3** S. 47 in force at 30.5.2023 in so far as not already in force by S.S.I. 2023/148, reg. 2(1)(2)(b)

## 48 Designation of heat network zone by local authority

- (1) A local authority must, in considering whether to designate an area in its area as a heat network zone, have regard to the following matters—
- (a) the potential for use by a heat network of—
    - (i) thermal energy generated from renewable sources,
    - (ii) waste heat or cold,

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- (b) buildings in the area that require considerable and consistent use of thermal energy,
  - (c) the nature and extent of existing infrastructure in the area that could assist in the development of a heat network in the area,
  - (d) the potential for a heat network in the area to contribute to meeting the fuel poverty targets,
  - (e) the potential for a heat network in the area to contribute to meeting the targets specified in section 92(1),
  - (f) any building assessment report received under section 65, and
  - (g) such other matter as the Scottish Ministers may specify by regulations.
- (2) Before deciding whether to designate an area as a heat network zone, a local authority must consult such persons, and in such manner, as the Scottish Ministers may specify by regulations.
- (3) Having had regard to the matters mentioned in subsection (1) and complied with the requirements under subsection (2), the local authority may—
- (a) designate the area as a heat network zone, or
  - (b) decide not to designate the area as a heat network zone.
- (4) If a local authority designates an area as a heat network zone it must—
- (a) identify the area in a document by reference to a map,
  - (b) specify in the document the day on which the designation takes effect, and
  - (c) publish the document in such manner as the Scottish Ministers may specify by regulations.
- (5) In subsection (1)(a)(ii), “waste heat or cold” means heat or cold generated as a result of a use of (or process affecting) land, which would disperse unused if released into air or water.

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**Commencement Information**

- I4** S. 48 in force at 16.1.2023 for specified purposes by S.S.I. 2022/376, reg. 2, sch.  
**I5** S. 48 in force at 30.5.2023 in so far as not already in force by S.S.I. 2023/148, reg. 2(1)(2)(c)

## **49 Designation of heat network zone by Scottish Ministers**

- (1) This section applies where the Scottish Ministers are considering whether to designate an area in the area of a local authority as a heat network zone—
- (a) pursuant to a request by the local authority under section 47(4)(b), or
  - (b) on the Scottish Ministers' own initiative.
- (2) The Scottish Ministers must, in considering whether to designate the area as a heat network zone, have regard to the matters mentioned in section 48(1).
- (3) Before deciding whether to designate the area as a heat network zone, the Scottish Ministers must consult—
- (a) each local authority in whose area the proposed heat network zone would be situated,
  - (b) such other persons as they consider appropriate.

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- (4) Having had regard to the matters mentioned in section 48(1) and complied with the requirements under subsection (3), the Scottish Ministers may—
- (a) designate the area as a heat network zone, or
  - (b) decide not to designate the area as a heat network zone.
- (5) If the Scottish Ministers designate an area as a heat network zone, they must—
- (a) identify the area in a document by reference to a map,
  - (b) specify in the document the day on which the designation takes effect, and
  - (c) publish the document in such manner as they consider appropriate.

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**Commencement Information**

**I6** S. 49 in force at 30.5.2023 by S.S.I. 2023/148, reg. 2(1)(2)(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021,  
Cross Heading: Designation of heat network zone.