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STATUTORY INSTRUMENTS

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**2014 No. 3120**

**The Heat Network (Metering and Billing) Regulations 2014**

**PART 1**

Introductory

**Citation and commencement**

1.—(1) These Regulations may be cited as the Heat Network (Metering and Billing) Regulations 2014.

(2) Except as provided in paragraphs (3) and (4), these Regulations come into force on 18th December 2014.

(3) Regulation 9 comes into force on 31st December 2014.

(4) Regulations 4(4) and 6 come into force on 31st December 2016.

**Interpretation**

2. In these Regulations—

[<sup>F1</sup>“almshouse accommodation” means—

- (a) accommodation in an almshouse provided by an almshouse charity; or
- (b) any low cost rental accommodation provided by a charity which is maintained as an almshouse (whether it is called an almshouse or not);]

“authorised person” means—

- (a) the Secretary of State,
- (b) the Scottish Ministers, or
- (c) a person authorised under regulation 10(2);

“bill” means a demand for payment from a heat supplier to a final customer for the supply of heating, cooling or hot water by that heat supplier;

“billing” means the issuing of a bill;

“billing information” means the information specified in paragraph 4 of Schedule 2 provided by the heat supplier to a final customer in respect of the supply of heating, cooling or hot water from a district heat network or communal heating operated by that heat supplier;

“communal heating” means the distribution of thermal energy in the form of steam, hot water, or chilled liquids from a central source in a building which is occupied by more than one final customer, for the use of space or process heating, cooling or hot water;

“district heat network” means the distribution of thermal energy in the form of steam, hot water or chilled liquids from a central source of production through a network to multiple buildings or sites for the use of space or process heating, cooling or hot water;

[<sup>F1</sup>“existing building” means—

- (a) a building which is connected to a district heat network or communal heating—
  - (i) before 27th November 2020; or
  - (ii) on or after 27th November 2020, where the building is not newly constructed and was not originally constructed for connection to a district heat network or communal heating;
- (b) a building mentioned in regulation 2A(2)(b) which ceases to meet the criteria in paragraph (i) or (ii) of that regulation; or
- (c) a building mentioned in regulation 2A(3)(a) which ceases to meet the criteria in paragraph (i) or (ii) of that regulation;]

“final customer” means a person who purchases heating, cooling or hot water for their own end consumption from a heat supplier;

“heat cost allocator” means an instrument for the measurement of energy consumption of a room heating radiator where that energy has been supplied from the district heat network or communal heating operated by a heat supplier;

“heat supplier” means a person who supplies and charges for the supply of heating, cooling or hot water to a final customer, through—

- (a) communal heating; or
- (b) a district heat network;

[<sup>F1</sup>“low cost rental accommodation” means accommodation which is made available for rent below the market rate in accordance with rules designed to ensure that it is made available to people whose needs are not adequately served by the commercial housing market;]

“meter” means an instrument designed to measure, memorise and display the consumption of heating, cooling or hot water by a final customer where that heating, cooling or hot water has been supplied from a district heat network or communal heating operated by a heat supplier; and

“Scottish network” means a district heat network or communal heating where the majority of final customers of the network or communal heating are located in Scotland.

[<sup>F1</sup>“social housing provider” means—

- (a) in England, a registered provider of social housing as defined in section 80(2) of the Housing and Regeneration Act 2008;
- (b) in Northern Ireland, a registered housing association within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992 or the Northern Ireland Housing Executive;
- (c) in Scotland, a social landlord as defined in section 165 of the Housing (Scotland) Act 2010;
- (d) in Wales a registered social landlord within the meaning of Part 1 of the Housing Act 1996 or a local authority;]

[<sup>F1</sup>“student accommodation” means rental accommodation provided under an agreement which grants a right of occupation in a building or dwelling for persons who are in full-time education at a university, college, school or other educational establishment;]

[<sup>F1</sup>“supported housing” means any of the following low cost rental accommodation provided by a social housing provider—

- (a) sheltered housing or extra care housing providing additional support for residents;
- (b) emergency accommodation for the homeless;
- (c) a domestic violence refuge or a domestic abuse refuge;

- (d) housing which is provided in conjunction with support and is made available exclusively for—
  - (i) people with drug or alcohol problems;
  - (ii) people with mental health problems;
  - (iii) people with learning disabilities;
  - (iv) people with physical disabilities;
  - (v) offenders and people at risk of offending;
  - (vi) young people leaving care;
  - (vii) teenage parents; or
  - (viii) refugees.]

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#### Textual Amendments

- F1** Words in reg. 2 inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), 3

#### [<sup>F2</sup>Classes of building

- 2A.**—(1) The following buildings are in the viable class—
- (a) a building not in the open class or the exempt class which is connected to communal heating on or after 1st September 2022, where the building is newly constructed or was originally constructed for connection to communal heating;
  - (b) a building which is connected to a district heat network on or after 27th November 2020, where the building is newly constructed or was originally constructed for connection to a district heat network;
  - (c) an existing building where the building is supplied by a district heat network and on or after 27th November 2020 the building undergoes major renovations relating to the technical services of that building;
  - (d) a building to which regulation 7(2) applied before that regulation was revoked on 27th November 2020.
- (2) The following buildings are in the open class—
- (a) a building not in the exempt class which is connected to communal heating on or after 27th November 2020 and before 1st September 2022, where the building is newly constructed or was originally constructed for connection to communal heating;
  - (b) a building not in the exempt class which is connected to communal heating on or after 1st September 2022, where the building is newly constructed or was originally constructed for connection to communal heating and where—
    - (i) there is more than one entry point for the pipes of the communal heating into any private dwelling or non-domestic premises in the building; or
    - (ii) the building or any part of the building is supported housing, almshouse accommodation or purpose-built student accommodation;
  - (c) an existing building not in the viable class or the exempt class.
- (3) Subject to paragraph (4), the following buildings are in the exempt class—

- (a) a building not consisting mainly of private dwellings which is connected to communal heating on or after 27th November 2020, where the building is newly constructed or was originally constructed for connection to communal heating and where—
- (i) heat is distributed in the building by means of a system other than hot water; or
  - (ii) cooling is supplied and the cooling distribution system uses a transfer fluid other than water;
- (b) an existing building not in the viable class and not consisting mainly of private dwellings, where—
- (i) heat is distributed in the building by means of a system other than hot water; or
  - (ii) cooling is supplied and the cooling distribution system uses a transfer fluid other than water;
- (c) an existing building not in the viable class in which more than 10% of the total number of private dwellings and non-domestic premises are subject to a leasehold interest, where the lease—
- (i) began before 27th November 2020; and
  - (ii) contains a provision which would prevent billing based on actual consumption unless the lease is varied, renewed, or comes to an end;
- (d) an existing building not in the viable class, where the building or any part of the building is—
- (i) supported housing;
  - (ii) almshouse accommodation; or
  - (iii) purpose-built student accommodation.
- (4) A building mentioned in paragraph (3)(c) or (d) is not in the exempt class if, for each private dwelling and non-domestic premises in the building—
- (a) a meter to which regulation 4(3) or (4) applies has been installed; or
  - (b) heat cost allocators, thermostatic radiator valves and a hot water meter to which regulation 6(2) applies have been installed.
- (5) For the purpose of paragraph (1)(c)—
- “building envelope” means the integrated elements of a building which separate its interior from the outdoor environment;
- “major renovations” means the renovation of a building where the total cost of the renovation of the building envelope or the technical services is higher than 25% of the value of the building, excluding the value of the land upon which the building is situated;
- “technical services” means technical equipment for the heating, cooling, ventilation, hot water or lighting (or any combination thereof) of a building; and
- “value of the building” means the reinstatement costs of the building for insurance purposes at the time immediately before the renovation of the building is commenced.]

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**Textual Amendments**

- F2** [Reg. 2A](#) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), 4

## PART 2

### Duties in respect of metering and billing

#### Duty to notify

3.—(1) Heat suppliers must, in relation to each district heat network or communal heating operated by them, submit a notification to the Secretary of State, or in relation to a Scottish network the Scottish Ministers, as to the following—

- (a) the location of that district heat network or communal heating;
  - (b) the estimated total for that district heat network or communal heating, per calendar year, of—
    - (i) installed heating capacity,
    - (ii) heat generated, and
    - (iii) heat supplied;
  - (c) the number and type of buildings supplied by that district heat network or communal heating;
  - [<sup>F3</sup>(ca) the number of buildings supplied by that district heat network or communal heating in each class;]
  - (d) the number and type of meters or heat cost allocators installed in any buildings supplied by that district heat network or communal heating;
  - (e) the number of final customers supplied by that district heat network or communal heating;
  - (f) the name and business address of the heat supplier;
  - (g) where any analysis [<sup>F4</sup>has been carried out in accordance with Schedule 1 for the purpose of regulation 4 or 6], the results of that analysis together with details of any meters or heat cost allocators which have been installed as a result;
  - (h) the expected frequency and content of billing information provided by the heat supplier to the final customers; and
  - (i) any other information reasonably required by an authorised person for the purpose of determining whether the heat supplier has complied with the duties in these regulations.
- (2) Heat suppliers must comply with the duty in paragraph (1)—
- (a) on or before the [<sup>F5</sup>31st December 2015]; or
  - (b) in relation to a district heat network or communal heating that commences operation after [<sup>F5</sup>31st December 2015], on or before the first date of operation.
- (3) [<sup>F6</sup>Subject to paragraph (4), a] heat supplier must submit an updated notification within four years of the date of the first notification submitted and within every four year period thereafter from the date of the previous notification.
- [<sup>F7</sup>(4) If an updated notification is due to be submitted by a heat supplier in the period beginning on 27th November 2020 and ending on 1st September 2022, the heat supplier may submit the updated notification at any time before the end of that period.
- (5) A change of heat supplier in relation to a district heat network or communal heating does not alter the period within which the heat supplier must comply with paragraph (3).
- (6) A notification or updated notification must be submitted in a form approved by the Secretary of State or, in relation to a Scottish network, the Scottish Ministers.
- (7) The Secretary of State or, in relation to a Scottish network, the Scottish Ministers may—

- (a) reject a notification or updated notification that does not comply with paragraph (6); and
- (b) require the heat supplier to resubmit the notification or updated notification in a form that complies with that paragraph.

(8) In this regulation, “class” in relation to a building supplied by a district heat network or communal heating means viable class, open class or exempt class within the meaning of regulation 2A.]

**Textual Amendments**

- F3** Reg. 3(1)(ca) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **5(2)(a)**
- F4** Words in reg. 3(1)(g) substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **5(2)(b)**
- F5** Words in reg. 3(2) substituted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **3**
- F6** Words in reg. 3(3) substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **5(3)**
- F7** Reg. 3(4)-(8) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **5(4)**

**Duty to install meters**

4.—(1) Where heating, cooling or hot water is supplied from a district heat network to a building occupied by more than one final customer, the heat supplier must ensure that meters are installed to measure that heating, cooling or hot water to that building.

(2) A meter installed in accordance with paragraph (1) must be situated at a heat exchanger in that building or at the point of entry of the district heat network pipes into the building.

[<sup>F8</sup>(2A) Heat suppliers must comply with paragraph (3) or (4) in respect of all buildings in the viable class supplied by a district heat network or communal heating operated by them.

(2B) A heat supplier must comply with paragraph (3) or (4) before 1st September 2022 in respect of a building which first falls within the open class before that date, where the heat supplier determines that it is cost effective and technically feasible to install meters in the building.

(2C) A determination for the purpose of paragraph (2B) is to be made—

- (a) before 27th November 2021, where the building first falls within the open class before that date; or
- (b) otherwise, before 1st September 2022.

(2D) Where a heat supplier determines that it is cost effective and technically feasible to install meters in a building which first falls within the open class on or after 1st September 2022, the heat supplier must comply with paragraph (3) or (4) when the building first falls within the open class.]

(3) Where only one final customer occupies a building supplied by a district heat network, the heat supplier must ensure that meters are installed to measure the consumption of heating, cooling or hot water by that final customer.

(4) Where there is more than one final customer in a building supplied by a district heat network, or by communal heating, the heat supplier must ensure that [<sup>F9</sup>sufficient] meters are installed to measure the consumption of heating, cooling or hot water by each final customer.

<sup>F10</sup>(5) .....

[<sup>F11</sup>(6) A determination as to whether it is cost effective and technically feasible to install meters in a building must be made on the basis of an analysis carried out in accordance with Schedule 1.

(7) Within four years of making a determination, a heat supplier who determines that it is not cost effective or technically feasible to install meters in the building—

- (a) must make a further determination; and
- (b) if the heat supplier then determines that it is cost effective and technically feasible to install meters in the building, must comply with paragraph (3) or (4) within that four year period.

(7A) Paragraph (7) does not apply where meters to which paragraph (3) or (4) applies or heat cost allocators, thermostatic radiator valves and hot water meters to which regulation 6(2) applies have been installed in the building.]

(8) Where a meter to which paragraph (3) or (4) applies is installed, the heat supplier must ensure that temperature control devices are installed to enable the control of the consumption of heating or cooling by a final customer from that district heat network or communal heating.

<sup>F12</sup>(9) .....

**Textual Amendments**

- F8** Reg. 4(2A)-(2D) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **6(2)**
- F9** Word in reg. 4(4) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **6(3)**
- F10** Reg. 4(5) omitted (27.11.2020) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **6(4)**
- F11** Reg. 4(6)-(7A) substituted for reg. 4(6)(7) (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **6(5)**
- F12** Reg. 4(9) omitted (20.4.2015) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **4**

**Commencement Information**

- I1** S. 4(1)-(3), (5)-(9) in force at 18.12.2014, s. 4(4) in force at 31.12.2016, see reg. 1

[<sup>F13</sup>**Requirements relating to meters**

5. Where [<sup>F14</sup>a meter is installed, the] heat supplier must ensure that the meter accurately measures, memorises and displays the consumption of heating, cooling or hot water by a final customer.]

**Textual Amendments**

- F13** Reg. 5 substituted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **5**
- F14** Words in reg. 5 substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **7**

**Duty to install heat cost allocators, thermostatic radiator valves and hot water meters**

6.—(1) Where—

- (a) there is more than one final customer in a building supplied by a district heat network or communal heating,
- (b) the heat supplier supplies both heating and hot water to that building, and
- (c) the heat supplier has determined that it is not cost effective or technically feasible to install meters in accordance with regulation 4(4),

the heat supplier must comply with paragraph (2).

(2) A heat supplier must ensure that the following are installed—

- (a) heat cost allocators and thermostatic radiator valves at each room heating radiator in order to determine and enable the control of the consumption of heating by each final customer, and
- (b) a hot water meter.

[<sup>F15</sup>(2A) A heat supplier must comply with paragraph (2) before 1st September 2022 in respect of a building which first falls within the open class before that date where—

- (a) the heat supplier determines that it is cost effective to install heat cost allocators, thermostatic radiator valves and hot water meters in the building; and
- (b) it is technically possible to do so.

(2B) A determination for the purpose of paragraph (2A)(a) is to be made—

- (a) before 27th November 2021, where the building first falls within the open class before that date; or
- (b) otherwise, before 1st September 2022.

(2C) Where a heat supplier determines that it is cost effective to install heat cost allocators, thermostatic radiator valves and hot water meters in a building which first falls within the open class on or after 1st September 2022 and it is technically possible to do so, the heat supplier must comply with paragraph (2) when the building first falls within the open class.]

<sup>F16</sup>(3) .....

[<sup>F17</sup>(4) A determination as to whether it is cost effective to install heat cost allocators, thermostatic radiator valves and hot water meters in a building must be made on the basis of an analysis carried out in accordance with Schedule 1.

(5) A heat supplier who determines that it is not cost effective to install heat cost allocators, thermostatic radiator valves and hot water meters in a building—

- (a) may employ alternative methods for determining charges for the supply of heating and hot water including using meters installed in accordance with regulation 4(1); and
- (b) within four years of making a determination as to cost effectiveness—
  - (i) must make a further determination as to cost effectiveness; and
  - (ii) if the heat supplier then determines that it is cost effective to install heat cost allocators, thermostatic radiator valves and hot water meters in the building, must comply with paragraph (2) within that four year period.

(5A) Paragraph (5) does not apply where meters to which regulation 4(3) or (4) applies or heat cost allocators, thermostatic radiator valves and hot water meters to which paragraph (2) applies have been installed in the building.]

(6) [<sup>F18</sup>Where <sup>F19</sup>... a heat cost allocator is installed,] the heat supplier must ensure that it accurately measures, memorises and displays the consumption of heat by a room heating radiator.

<sup>F20</sup>(7) .....

(8) A “hot water meter” is a meter to measure consumption of hot water by a final customer.



### Textual Amendments

- F15** Reg. 6(2A)-(2C) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **8(2)**
- F16** Reg. 6(3) omitted (27.11.2020) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **8(3)**
- F17** Reg. 6(4)-(5A) substituted for reg. 6(4)(5) (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **8(4)**
- F18** Words in reg. 6(6) substituted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **6(1)**
- F19** Words in reg. 6(6) omitted (27.11.2020) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **8(5)**
- F20** Reg. 6(7) omitted (20.4.2015) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **6(2)**

### Replacement of existing meters<sup>F21</sup> ...

7.—(1) Where an existing meter which is part of a district heat network or communal heating is replaced the heat supplier must ensure that the replacement meter [<sup>F22</sup>accurately measures, memorises and displays the consumption of heating, cooling or hot water by a final customer].

<sup>F23</sup>(2) .....

(3) A heat supplier need not comply with paragraph (1) if it would be technically impossible to do so or the estimated cost would be unreasonable.

<sup>F24</sup>(4) .....

### Textual Amendments

- F21** Words in [reg. 7 heading](#) omitted (27.11.2020) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **9(2)**
- F22** Words in [reg. 7\(1\)](#) substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **9(3)**
- F23** [Reg. 7\(2\)](#) omitted (27.11.2020) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **9(4)**
- F24** [Reg. 7\(4\)](#) omitted (27.11.2020) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **9(4)**

### On-going obligations in relation to meters and heat cost allocators

8. [<sup>F25</sup>Where <sup>F26</sup>... meters or heat cost allocators are installed,] the heat supplier must so far as possible ensure those meters and heat cost allocators are —

- (a) continuously operating [<sup>F27</sup>correctly], and
- (b) properly maintained and periodically checked for errors.

### Textual Amendments

- F25** Words in [reg. 8](#) substituted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **8**

- F26** Words in reg. 8 omitted (27.11.2020) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **10(a)**
- F27** Word in reg. 8 inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **10(b)**

## Billing

9.—(1) Subject to paragraphs (2) and (4), [<sup>F28</sup>where <sup>F29</sup>... meters or heat cost allocators] are installed, the heat supplier must ensure that bills and billing information for the consumption of heating, cooling or hot water by a final customer are—

- (a) accurate;
- (b) based on actual consumption; and
- (c) compliant with the requirements in Schedule 2.

(2) A heat supplier need not comply with paragraph (1) unless it is technically possible and economically justified to do so.

(3) A determination of what is technically possible and economically justified under paragraph (2) must be made by the heat supplier in accordance with Schedule 2.

(4) Where bills or billing information are based on meter readings to be provided by a final customer but that customer has not provided a meter reading, a bill may be based on an estimate of consumption.

(5) The heat supplier must not make a specific charge to a final customer for the provision of a bill or billing information other than in respect of the supply of additional copies of that bill or that billing information.

(6) Where bills and billing information relate to the consumption of heating, cooling or hot water by final customers in a building occupied by more than one final customer—

- (a) the heat supplier's costs of providing such bills and billing information may be passed on to those final customers provided that no profit is made from such charges, or
- (b) where the heat supplier has assigned the task of providing bills or billing information to a third party the reasonable costs of providing them may be passed on to those final customers.

(7) Heat suppliers must—

- (a) supply a final customer's billing information to an energy services provider at the request of that final customer;
- (b) provide electronic billing and billing information at the request of a final customer;
- (c) provide a clear explanation of the information contained in a bill, including how the bill was calculated and specifying fixed and variable charges; and
- (d) ensure that information and estimates of energy costs are provided to a final customer promptly where requested, and in a format which enables customers to compare the charges of different energy suppliers.

(8) In paragraph (7)(a), “energy services provider” means a person who supplies energy efficiency services.

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### Textual Amendments

- F28** Words in reg. 9(1) substituted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **9**

**F29** Words in reg. 9(1) omitted (27.11.2020) by virtue of The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **11**

**Modifications etc. (not altering text)**

- C1** Reg. 9 applied (with modifications) (1.11.2022) by The Energy Bill Relief Scheme Pass-through Requirement (Heat Suppliers) (England and Wales and Scotland) Regulations 2022 (S.I. 2022/1101), regs. 1(2), **7(2)(3)**
- C2** Reg. 9 applied (with modifications) (5.11.2022) by The Energy Bill Relief Scheme Pass-through Requirement (Heat Suppliers) (Northern Ireland) Regulations 2022 (S.I. 2022/1124), regs. 1(2), **7(1)-(3)**
- C3** Reg. 9 applied (with modifications) (26.4.2023) by The Energy Bills Discount Scheme Pass-through Requirement (Heat Suppliers) Regulations 2023 (S.I. 2023/455), regs. 1(2), **7**

## **PART 3**

### **Enforcement**

#### **Enforcement authority**

**10.**—(1) These Regulations shall be enforced by the Secretary of State or in relation to a Scottish network by the Scottish Ministers.

(2) The Secretary of State, or the Scottish Ministers in relation to a Scottish network, may authorise in writing any person who appears suitable to act on the Secretary of State's or the Scottish Ministers' behalf to carry out any functions and to exercise any power conferred by these Regulations other than those in regulation 15.

(3) Schedule 3 (powers of entry and warrants) and Schedule 4 (civil sanctions) have effect.

#### **Offences**

**11.**—(1) It is an offence for any heat supplier to fail to comply with—

(a) regulation 3 (duty to notify);

(b) regulation 4 (duty to install meters);

[<sup>F30</sup>(ba) regulation 5 (requirements relating to meters);]

(c) regulation 6 (heat cost allocators and hot water meters);

(d) regulation 7 (replacement of meters, new buildings and major renovations);

(e) regulation 8 (on-going obligations); or

(f) regulation 9 (billing).

(2) No person may be prosecuted for an offence under paragraph (1) in respect of any failure to comply which occurred before 30th April 2015.

[<sup>F31</sup>(2A) No person may be prosecuted for—

(a) an offence under paragraph (1)(b) in respect of any failure to comply with regulation 4(8) which occurred before 1st September 2022;

(b) an offence under paragraph (1)(ba) in respect of any meter installed before 27th November 2020 where the offence occurred before 1st September 2022;

- (c) an offence under paragraph (1)(c) in respect of any failure to comply with regulation 6(6) which occurred before 1st September 2022 where a heat cost allocator was installed other than in compliance with a duty under these Regulations;
  - (d) an offence under paragraph (1)(d) in respect of any failure to comply with regulation 7(1) which occurred before 1st September 2022 where a replacement meter was installed other than in compliance with a duty under these Regulations;
  - (e) an offence under paragraph (1)(e) in respect of any failure to comply with regulation 8 which occurred before 1st September 2022 where a meter or heat cost allocator was installed other than in compliance with a duty under these Regulations;
  - (f) an offence under paragraph (1)(f) in respect of any failure to comply with regulation 9(1) which occurred before 1st September 2022 where a meter or heat cost allocator was installed other than in compliance with a duty under these Regulations.]
- (3) It is an offence to obstruct an authorised person acting in the pursuance of their powers or duties under these Regulations.
- (4) In this regulation, “powers or duties” include powers or duties exercisable by virtue of a warrant under paragraph 3(1) of Schedule 3.

#### Textual Amendments

- F30** Reg. 11(1)(ba) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **12(2)**
- F31** Reg. 11(2A) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **12(3)**

#### Bodies corporate in Scotland

12.—(1) Where in relation to a Scottish network—

- (a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
  - (i) a relevant individual; or
  - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
  - (i) a director, manager, secretary or other similar officer of the body;
  - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

## Penalties

**13.**—(1) Any person found guilty of an offence under regulation 11(1)(a), (e) or (f) or (3) shall be liable on summary conviction to a fine <sup>F32</sup>... or in Scotland [<sup>F33</sup>or Northern Ireland] a fine not exceeding level 5 on the standard scale.

(2) Any person found guilty of an offence under regulation 11(1)(b) to (d) shall be liable—  
[<sup>F34</sup>(aa) on summary conviction in England and Wales to a fine;]

(a) on summary conviction [<sup>F35</sup>in Scotland or Northern Ireland] to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to a fine.

### Textual Amendments

**F32** Words in reg. 13(1) omitted (20.4.2015) by virtue of [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **10(a)**

**F33** Words in reg. 13(1) inserted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **10(b)**

**F34** Reg. 13(2)(aa) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **13(a)**

**F35** Words in reg. 13(2)(a) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **13(b)**

## Time limit for prosecution of offences

**14.**—(1) An offence under [<sup>F36</sup>regulation 11(1)(a), (e) or (f) or (3) may be tried] if—

(a) in England and Wales, the information is laid;

(b) in Northern Ireland, the complaint is made; or

(c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the authorised person, or in Scotland the Procurator Fiscal, thinks is sufficient to justify the proceedings comes to that authorised person's or Procurator Fiscal's knowledge.

(2) For the purposes of paragraph (1)—

(a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the authorised person's or Procurator Fiscal's knowledge is to be conclusive evidence of that fact; and

(b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.

### Textual Amendments

**F36** Words in [reg. 14\(1\)](#) substituted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **11**

## PART 4

### Review

#### Review

15.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how [F37 Articles 9(1) and (3), 10 and 11 of Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency are] implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

#### Textual Amendments

**F37** Words in [reg. 15\(2\)](#) substituted (20.4.2015) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2015 \(S.I. 2015/855\)](#), regs. 1, **12**

Department of Energy and Climate Change

*Amber Rudd*  
Parliamentary Under Secretary of State

**Changes to legislation:**

There are currently no known outstanding effects for the The Heat Network (Metering and Billing) Regulations 2014.