



Heat Networks (Scotland) Act 2021

2021 asp 9

PART 6

POWERS OF LICENCE HOLDERS

Wayleave rights

PROSPECTIVE

77 Compensation in connection with network wayleave rights

- (1) Where a necessary wayleave is granted to a licence holder under section 70(1)—
 - (a) the occupier of the land, and
 - (b) where the occupier is not also the owner of the land, the owner,may recover from the licence holder compensation in respect of the grant.
- (2) Where the exercise of a network wayleave right by or on behalf of a licence holder in relation to land—
 - (a) causes damage to the land or a thing situated on the land, the licence holder is liable to pay compensation to a person with an interest in the land or thing,
 - (b) disturbs a person's enjoyment of the land or a thing situated on the land, the licence holder is liable to pay compensation to the person in respect of the disturbance.
- (3) Any dispute about compensation under this section is to be referred to and determined by the Lands Tribunal for Scotland.
- (4) Sections 9 and 11 of the Land Compensation (Scotland) Act 1963 apply in relation to any determination under subsection (3) 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.
- (5) The Scottish Ministers may by regulations make further provision about compensation payable under this section.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Heat Networks (Scotland) Act 2021, Section 77.