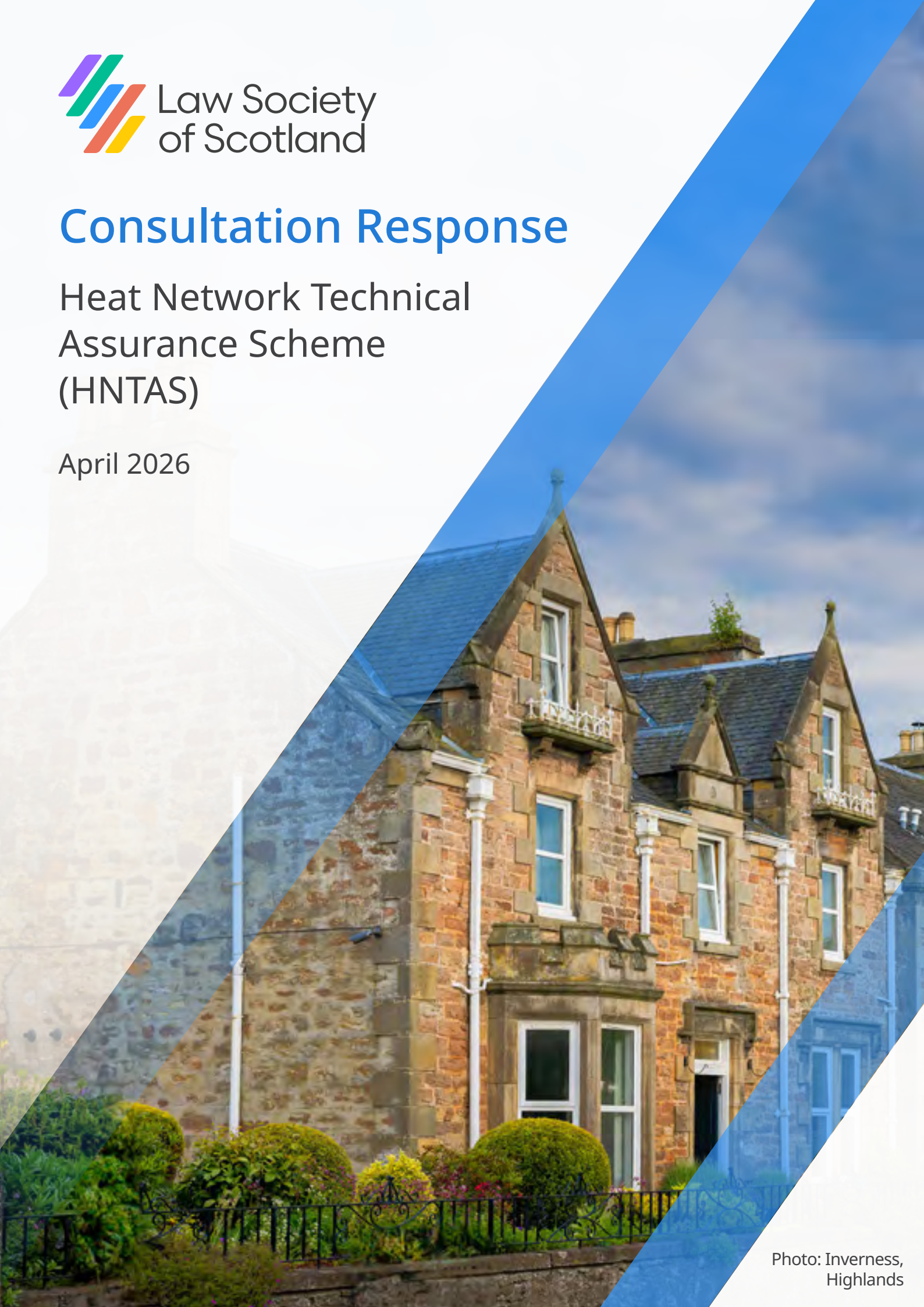
Law Society of Scotland

Consultation Response

Heat Network Technical Assurance Scheme (HNTAS)

April 2026



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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Energy Law sub-committee welcomes the opportunity to consider and respond to the UK Government consultation: *Heat Network Technical Standards*.[1] The sub-committee has the following comments to put forward for consideration.

[1] Heat Network Technical Assurance Scheme (HNTAS) - GOV.UK

General Comments

The proposed Heat Network Technical Assurance Scheme (HNTAS) will operate within a multi-layered legislative and regulatory environment in Scotland. The success of this scheme will depend not only on the technical robustness of the standards themselves, but on clarity of legal status, accountability, and effective integration with existing statutory regimes, so that businesses, consumers and the wider public can readily understand their rights and obligations without unnecessary complexity or delay.

The regulation of heat networks in Scotland reflects the Scotland Act 1998, with responsibilities divided between the Scottish and UK Governments. Heat network development, planning, zoning and licensing are addressed through devolved legislation, notably the Heat Networks (Scotland) Act 2021 and associated secondary legislation.[2] Consumer protection and market regulation, by contrast, operate within a Great Britain-wide framework, primarily through the Energy Act 2023, with Ofgem designated as the regulator across Great Britain.[3]

As a result, heat networks in Scotland are subject to overlapping legal regimes operating at different levels and for different purposes. Scottish Ministers and local authorities exercise functions relating to heat network zones, consents and public-sector duties, while Ofgem exercises regulatory powers across Great Britain. In Scotland, those powers must operate alongside, and in practical terms interact with, devolved statutory arrangements. This creates a system that is not hierarchical but interdependent, requiring coordination between institutions rather than reliance on a single chain of authority.

The different statutory provisions have particular implications for matters of enforcement, dispute resolution and appeals. Different aspects of the regulatory framework may engage different legal routes of challenge, including regulatory processes, contractual mechanisms and, where appropriate, the Scottish courts. Without clear delineation, there is a risk that stakeholders may face uncertainty as to the applicable forum, procedure or governing law. We consider that ensuring that routes of challenge are transparent, coherent and accessible is central to maintaining confidence in the scheme and upholding access to justice.

The current framework has evolved incrementally through multiple Acts, statutory instruments and consultations. While each component responds to identifiable policy objectives, the cumulative effect is a landscape that is complex and, at times, difficult to navigate in practice. The introduction of HNTAS represents a further significant layer within that system, with the potential to influence authorisation, compliance, enforcement and investment decisions across the sector.

[2] Heat Networks (Scotland) Act 2021
[3] Energy Act 2023

We consider how the proposed scheme will function within the existing legal framework vital, alongside whether it supports a regulatory environment that is intelligible, predictable and capable of effective implementation.

For businesses, including developers, operators and public-sector bodies, regulatory complexity increases compliance costs and decision-making risk. For consumers and the public, it can undermine transparency and confidence. For advisers and the courts, it increases the likelihood of disputes arising not from substantive non-compliance, but from uncertainty as to how different regimes interact.

As such, this response is structured around five core principles fundamental to the effective functioning of an effective heat network regime:

- the rule of law, including legality, clarity and accessibility of obligations.
- access to justice, encompassing fairness, due process and effective routes of challenge.
- the public interest, particularly the balance between regulatory ambition, delivery and public confidence.
- the functioning of the legal system, including workability, enforceability and the avoidance of unnecessary dispute.
- professional practice implications, recognising the role of legal advisers in enabling compliance and implementation.

These principles provide a framework for assessing whether HNTAS will operate coherently within Scotland's devolved and UK-wide regulatory landscape, and whether it will support—rather than hinder—the effective delivery of heat networks.

Questions

Part 2- Introduction

Question 1: Do you agree with the proposed approach to not include the Consumer Heat System in scope of HNTAS after the construction phase? If not, can you please suggest an alternative approach and set out your justification.

We have no comments.

Part 3 Scope of HNTAS

Question 2: Do you support the use of 6 properties or more for domestic-only networks, or the connection capacity equivalent for non-domestic/mixed use networks, as an appropriate minimum heat network size to which HNTAS participation would be mandatory for new networks after scheme go-live? Please provide reasoning for your answer and, if you answer is `no` please provide an alternative approach.

We consider that the proposed threshold appears ~~is~~ to be a proportionate starting point, provided that the equivalent thresholds for non-domestic and mixed-use networks are clearly defined so that operators can readily identify whether they fall within scope.

Question 3: Based on the trade-offs between the benefits and costs of bringing smaller networks in scope of HNTAS, what, in your view, is the appropriate minimum heat network size to which HNTAS participation would be mandatory for existing networks?

If this differs from the proposed use of 11 properties for domestic networks, or the connection capacity equivalent for non-domestic/mixed use networks, please provide supporting evidence and justification.

For existing domestic networks, we consider the proposed threshold of eleven properties to be a reasonable starting point. A lower threshold than this may impose disproportionate costs on smaller existing schemes, particularly where those costs may ultimately fall on a limited number of consumers. A proportionate approach is therefore important in balancing improved standards with practical deliverability.

Question 4: Do you consider there to be need to subject existing networks with between six and ten properties to minimum network performance and monitoring requirements, or any other HNTAS requirements? What do you consider to be the implications of doing so?

We consider that there may be merit in applying basic monitoring and minimum performance requirements to existing networks serving between six and ten properties, without necessarily requiring full participation in all aspects of HNTAS from the outset. Such an approach could support early identification of performance issues and improve consumer outcomes, while avoiding disproportionate burdens on smaller operators and older systems.

Question 5: Do you agree with the proposals for minimum network measurement and that industrial networks (as defined above) should be exempt from HNTAS at scheme launch? Please give reasons why you agree or do not agree with the proposal.

We agree that minimum network measurement is important in order to understand performance and demonstrate compliance. Subject to clear guidance and proportionate implementation, we consider this to be a reasonable provision.

The proposed exemption for industrial networks at scheme launch may also be appropriate as an initial measure, provided the category is clearly defined and does not create a continuing gap in circumstances where consumer interests may be affected.

Question 6: What, in your view, are the implications of including consumer heat pumps on Ambient loop and Shared Ground Loop networks within HNTAS past the design and construction phases? If you think an alternative approach is needed, please provide details and reasoning, including (if applicable) if this differs with respect to new build networks and existing networks.

We highlight that in relation to ambient loop and shared ground loop networks, extending HNTAS obligations beyond the design and construction phases may raise important questions about responsibility and control where individual heat pumps are maintained by occupiers or landlords rather than network operators. We consider that this could create uncertainty in relation to access, data handling, privacy and the allocation of costs. If such systems are brought within scope beyond the construction phase, responsibilities should be clearly delineated so that obligations remain workable and enforceable in practice.

Part 4 HNTAS Governance Structure

Question 7: Do you agree or disagree with our proposed governance structure, and in particular with the appointment of a Code Manager? Please provide reasons for your response.

We agree that a robust governance structure is essential. However, we consider that further clarity is required as to how the proposed Code Manager will operate within Scotland's dual regulatory framework. This could be done through a Memorandum of Understanding or statutory guidance.

Heat network regulation in Scotland spans devolved and GB-wide regimes. In that context, it is important that the respective roles of the Code Manager, Scottish Ministers and Ofgem are clearly defined. This includes how decisions taken at UK level will interact with devolved statutory functions and processes.

We also consider that the final scheme should make clear how accountability is maintained across jurisdictions, particularly where decisions may have implications for enforcement or challenge within Scotland. We highlight our answer to question 8 for further comments regarding our concerns around accountability.

Question 8: Do you agree or disagree with the need for a Code Management Committee and sub-committees to ensure the views, interests and experiences of those involved in, or impacted by, HNTAS are taken into account to further evolve and improve the scheme? Please provide reasons to support your views.

We recognise that a Code Management Committee and appropriate sub-committees could provide a structured forum through which the views and experiences of affected stakeholders are considered as the scheme develops.

However, we highlight that in the Scottish context, particular care is required to ensure that such governance arrangements sit coherently within existing constitutional and accountability frameworks. Whilst Scottish Government representation may assist in reflecting devolved interests at an operational level, we do not consider this assurance of effective parliamentary scrutiny or oversight.

Given that elements of the scheme may influence the operation of devolved statutory regimes in Scotland, it is important that governance arrangements are sufficiently transparent and accountable to the Scottish and UK Parliaments, and that there is clarity as to how decisions are subject to appropriate scrutiny and challenge. Without this, there is a risk that material decisions affecting devolved matters are taken through governance structures outside of devolved structures and established routes of democratic accountability, which risks undermine confidence in the scheme as it evolves.

We note from the consultation paper that the approach toward common standards will be agreed between the Scottish and the UK Governments.[4] We further note that the Scottish Government is named as a member stakeholder of the Code Management Committee.[5] We are concerned about lack of scrutiny, accountability and transparency in general for this practise of policy making. We are concerned by the lack of an appropriate mechanism to understand and scrutinise the agreement between the Scottish and UK Governments and therefore a limited role for either the Scottish or UK Parliament to scrutinise the agreement. This is due to the lack of primary legislation, and the mechanisms of scrutiny afforded under the legislative consent convention alongside a lack of a Common Framework, which could also act as a focal point for parliamentary scrutiny.

We observe that the powers to establish these standards derive from the Energy Act 2023, for which consent was sought from the Scottish Parliament and

[4] Heat network technical standards: consultation document, page 6
[5] Heat network technical standards: consultation document, page 31

(ultimately) granted. We note that the Delegated Powers and Law Reform Committee of the Scottish Parliament has noted that there is an increasing number of delegated powers being taken by the UK Government in non-former EU areas.[6] This places it outside of the protocol on such powers.[7] We further note that the Committee has noted and observed the deficiencies in the process surrounding legislative consent memorandums.[8] Whilst we note the comments in the consultation that stress that the Scottish and UK Governments have agreed a common approach, we note from the previously approved Legislative Consent Memorandum on the Energy Act 2023 that a Memorandum of Understanding was due to be published concerning the use of the powers under Clause 220 of the Energy Act 2023.[9] We would welcome clarity on whether the status of this Memorandum and any future policy proposals being developed in this space.

[6] Legacy report of the Delegated Powers and Law Reform Committee, Session 6, para 38
[7] Statutory Instrument protocol
[8] Legacy report of the Delegated Powers and Law Reform Committee, Session 6, para 42
[9] Supplementary Legislative Consent Memorandum section 220

We consider the exercise of ministerial powers in devolved areas without any clear appropriate scrutiny method to be undesirable.

Question 9: Do you support our proposal for the Code Manager to be housed within DESNZ initially, whilst we work through long term governance options? Please provide a justification for your answer.

We recognise the practical rationale for initially locating the Code Manager within DESNZ to support timely implementation. However, it is important that this interim arrangement is supported by clear safeguards in relation to transparency, accountability and decision-making.

In particular, stakeholders should be able to understand how decisions are made, how they may be reviewed, and through which mechanisms they may be challenged. This is especially important in a cross-jurisdictional context, where decisions may engage different legal frameworks in Scotland.

We consider that the final design should also clearly set out how any transition to longer-term governance arrangements will be managed. This will support legal certainty and confidence in the scheme.

Question 10: Do you support our proposal to recover 100% of the Code Manager's costs through the gas and electricity licence fee mechanism in the short term? Please give reasons or supporting evidence for your answer and clearly outline any alternative proposals.

We recognise the practical rationale for transitional funding arrangements during the initial implementation of the scheme. However we consider that in the Scottish context, further clarity would be helpful as to the constitutional and accountability basis for recovering the costs of the Code Manager through gas and electricity licence fees, where those costs relate to functions performed by a UK Government department in an area of devolved competence.

Where Scottish gas and electricity consumers are contributing to the funding of scheme governance arrangements that may influence devolved statutory regimes in Scotland, we consider it important that the rationale for this approach is clearly articulated, and that appropriate mechanisms exist for transparency, scrutiny and accountability. Without such clarity, we consider that there is a risk of uncertainty as to how responsibility and oversight are allocated.

Question 11: Do you support our proposal to recover the Code Manager's costs through a blend of gas and electricity licence fees and fees from the heat network sector in the longer term? Please give reasons or supporting evidence for your answer and clearly outline any alternative proposals.

We do not seek to express a view on the merits of particular funding models.

However, the governance and accountability considerations highlighted in response to Question 10 remain relevant to any longer-term approach. Where funding arrangements involve contributions from gas and electricity consumers in Scotland, we consider it important that there is clarity as to the legal basis on which such costs are recovered, how they relate to functions performed within devolved areas, and how appropriate oversight and accountability are secured within the devolution settlement.

Ensuring that funding mechanisms are transparent and constitutionally coherent will support confidence in the scheme and reduce the risk of uncertainty or dispute as the framework matures.

Question 12. Do you support the preferred approach of a Deed Poll relationship between heat network operators and the Code Manager?

We recognise the need to establish a clear legal relationship between heat network operators and the Code Manager. However, we have reservations about the proposed use of a Deed Poll mechanism. This mechanism is not applicable in Scots Law. We consider that a contract or statutory declaration would be a better mechanism given this.

We consider that this approach may introduce additional legal complexity by creating contractual obligations alongside existing regulatory requirements. We highlight that in a Scottish context, it will be important to clarify issues such as governing law, jurisdiction and the interaction with existing statutory enforcement processes.

In particular, stakeholders should be able to understand clearly how compliance will be enforced, and whether issues are to be addressed through regulatory action, contractual remedies, or both. Without this clarity, there is a risk of uncertainty and potential dispute.

The design of this mechanism should ensure that the overall framework remains coherent, accessible and consistent with the rule of law.

Part 5 HNTAS Requirements: Technical, Assessment and Certification

Question 13: Do you agree with the proposed approach of KPIs, Statements of Conformity and assessment gateways that will ultimately contribute to certification?

Please give reasons why you agree or do not agree with the proposal.

We are broadly supportive of a staged approach using KPIs, Statements of Conformity and assessment gateways.

However, it is important that these requirements are implemented in a way that is clear, proportionate and aligned with existing processes. In Scotland, heat network developers are already subject to a range of statutory requirements, and we consider that additional layers should not create unnecessary duplication or delay.

We consider that clear guidance will be essential so that duty holders understand what is required at each stage. Alignment with existing project milestones would also support effective delivery.

This will support the public interest and the functioning of the legal system by reducing uncertainty and avoiding unnecessary dispute.

Question 14: Do you agree with the gateways for new build heat networks being at the end of design, then end of construction/commissioning, followed by proof of measured in-use performance after 2 years.

We have no comments.

Question 15: If you anticipate that introducing HNTAS will have any impact on the Government's housing supply ambitions please provide expected impacts with reasoning and evidence to support your answer

We consider that the introduction of HNTAS may have some short-term impact on delivery timetables and costs for developments that propose to use heat networks, particularly if assessment or certification capacity is limited in the early stages of implementation. In the longer term, however, we consider that a clear and effective assurance framework may support better quality, reduced defects and greater confidence in heat networks as part of new development. We consider that the design of the scheme should therefore seek to minimise avoidable delay at the point of introduction.

Question 16: Do you support the proposed milestones for existing heat networks given in Table 6, or do you think there is a case for the final certification standard to be set at Milestone 2? Please provide reasons for your answer including your assessment of the impact on consumers of your preferred option.

We consider that the proposed milestone approach for existing heat networks appears capable of providing a practical route toward improved compliance over time. We consider that a staged approach may better reflect the constraints affecting existing systems, while still supporting progress toward improved technical performance and consumer outcomes.

Question 17: Do you agree with the milestones for existing networks? If you think there is a case for requiring these milestones for existing networks to be met more quickly or more slowly, please give details to explain your answer.

We support the objective of improving technical performance and consumer outcomes through clear standards and assurance processes. However, these proposals should be considered alongside existing statutory duties and delivery frameworks in Scotland.

Clarity around the timing and operation of milestones is particularly important where compliance may affect regulatory decisions or the progression of projects already underway.

Misalignment between regimes could give rise to delays, increased costs and uncertainty. Greater coordination will therefore be important to ensure that the framework operates effectively in practice.

Question 18: What is your estimation of the cost of meeting the Milestone 2 and Milestone 4 requirements? Please provide information such as the size, age, and number of consumer connections on your network to help contextualise your estimates.

Please also indicate if your network is fully metered.

We have no comments.

Question 19: If not already provided in your answer to question 18, what is your estimation of the costs this approach would create for private landlords, registered providers of social housing, leaseholders or their respective tenants? Are there any particular scenarios we should be aware of? Where possible, please provide quantitative evidence to support your answer.

We have no comments.

Question 20 Do you think our proposed treatment of Mixed Age heat networks is effective in appropriately applying different assurance pathways to newer and older parts of a heat network? Please provide reasons for your response.

We consider that the proposed treatment of mixed-age heat networks to be, in principle, a proportionate one. Applying different assurance pathways to newer and older parts of a network may help to avoid a rigid one-size-fits-all approach, while recognising that older infrastructure may face practical or cost-related constraints.

Question 21: Do you agree that the HNTAS Metering and Monitoring Standard should cover both the monitoring points and the Automatic and Remote Monitoring Systems(ARMS)? Please provide reasons for your answer.

We have no comments.

Question 22: Do you agree that the HNTAS Metering and Monitoring Standard should also cover smart metering systems and a Metering and Monitoring Strategy? Please provide reasons for your answer

We consider that the inclusion of smart metering systems and a Metering and Monitoring Strategy may assist in ensuring that monitoring is planned coherently across the lifecycle of a network. We consider it important that a strategy should provide clarity around responsibility, data quality, access, retention and the use of information for compliance and performance improvement purposes.

Question 23: Do you agree with the proposed metering milestones and timelines for existing networks? Do you agree that they allow sufficient time for installation while ensuring consumer outcomes and network performances can be improved as soon as practicable? If you disagree, please set out your reasons and a justification for an alternative proposal.

We have no comments.

Question 24: Do you agree that “smart meter” requirements should also be mandated, and included in the HNTAS metering and monitoring specifications?

We have no comments.

Question 25: Do you agree with our proposal to disallow the use of wired M-Bus, and other unencrypted communication protocols, on new heat networks with remote disconnection capability from the point at which HNTAS commences?

We have no comments.

Question 26: Do you agree with our proposal to allow the continued use of unencrypted communication protocols, where they are already in place on existing systems, until either the first HNTAS certificate deadline, or until meters reach the end of their life (whichever is soonest)?

We have no comments.

Question 27: Do you agree that unencrypted systems with remote disconnect should have the function removed or meters/protocol be replaced as soon as possible and within five years after HNTAS commences?

We have no comments.

Question 28: Do you agree with our approach to set the minimum level of accuracy at the equivalent of at least Class 2 of the MID 2014?

We have no comments.

Question 29: Do you agree that ongoing testing and recalibration is required for existing networks?

We have no comments.

Question 30: Do you agree with the proposal to extend metering requirements to existing buildings of supported housing, almshouse accommodation and purpose-built student accommodation, so that they can be covered by HNTAS?

We have no comments.

Question 31: Do you think HNTAS requirements, including metering requirements, should be applied to buildings with leasehold related HNMBR exemptions? Please provide reasons for your answer.

We have no comments.

Question 32: What options do you think should be explored to better enable the adoption of consumption-based billing in buildings with leasehold related HNMBR exemptions?

We have no comments.

Question 33: Do you foresee any challenges arising from the installation of metering and monitoring systems and/or the undertaking of performance improvement works to meet HNTAS requirements in networks supplying leasehold customers? Please provide potential solutions to these challenges.

We have no comments.

Question 34: Do you agree with the proposal to disallow the use of heat cost allocators to demonstrate compliance with HNTAS requirements? Please give reasons why you agree or do not agree with the proposal.

We have no specific comments on the proposal. We understand the rationale for not relying on heat cost allocators to demonstrate compliance where the objective is to obtain robust and reliable evidence of performance. At the same time, where existing systems currently depend on such arrangements, we highlight that proportionate transition may be necessary to avoid imposing immediate and impracticable burdens in legacy cases.

Question 35: Do you have any comments on our proposal to provide heat network operators powers of entry to conduct necessary maintenance of heat network equipment for health and safety reasons, meeting required technical standards and to install and maintain metering systems?

We recognise that powers of entry may in some circumstances be necessary to enable operators to maintain safety-critical equipment, meet technical standards, and install or maintain metering systems. However, we consider that any such powers should be clearly defined, proportionate, and subject to appropriate safeguards, particularly where entry to domestic premises is concerned. We note

that there are already existing powers of entry for energy companies contained existing legislation, as noted in the consultation document.[10]

Question 36: Do you have any comments on our proposal to provide the HNTAS Code Manager with powers of entry to enable meter accuracy activities to be conducted, replicating the powers of entry currently provided to OPSS under HNMBR?

We consider that the proposal to confer powers of entry on the Code Manager gives rise to additional concerns as to necessity, proportionality and accountability, particularly if the Code Manager is not itself exercising powers in the same manner as a statutory regulator. We consider that if such powers are to be conferred, their scope and safeguards should be clearly and tightly defined.

Question 37: Do you have any comments on our approach to provide necessary and proportionate protection to customers regarding the use of power of entry?

We consider it important that customer protections relating to the exercise of any power of entry should be clear, proportionate and enforceable. In particular, we consider that the framework should make clear the circumstances in which entry may be sought, the notice to be given, the purposes for which powers may be exercised, and the remedies available where concerns arise.

Question 38: Do you agree that heat networks which have not yet submitted planning applications at the point of HNTAS commencement should be subject to the same requirements and assurance pathway as new build networks? Please provide reasons for your answer.

Where a heat network has not yet submitted a planning application at the point HNTAS commences, we consider it reasonable in principle to apply the new-build requirements and assurance pathway. At that stage, there should still be a meaningful opportunity to incorporate relevant standards into project development.

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Question 39: Do you agree that heat networks which have already submitted planning applications but have not yet signed M&E construction contracts at the point of HNTAS commencement should be subject to the new build requirements and assurance pathway from stage 3 (i.e. technical design) onwards? Please provide reasons for your answer.

Where a project has submitted a planning application but has not yet entered into M&E construction contracts, we consider that there may still be scope to incorporate relevant standards into detailed design and procurement. We highlight that applying the new-build pathway from the technical design stage onwards may therefore be a reasonable and proportionate approach.

Question 40: Do you agree that two years from completion is an appropriate timeframe to base the decision on the appropriate entry point at which pre-operation heat networks would join the existing network assurance pathway? Please provide reasons for your answer.

We consider that the proposed two-year period from completion appears, in principle, to provide a reasonable basis for determining the appropriate entry point for pre-operation networks. We consider that the key element will be whether the chosen timeframe provides sufficient clarity while reflecting genuine differences in the practical status of networks.

Question 41: Do you agree that pre-operation heat networks should register to a shorter deadline than other categories of heat network? Please provide reasons for your answer.

We consider that a shorter registration deadline for pre-operation heat networks may be justified if the intention is to ensure that standards are considered before key design and delivery decisions become fixed. Earlier engagement may reduce the need for later remedial action and support better long-term outcomes.

Question 42: Do you support the proposal to permit non-conformities in certain circumstances where non-conformities are unavoidable and have a negligible impact on heat network performance?

We have no comments.

Question 43: In addition to physical constraints and specific technology applications, are there any other categories of non-conformities that you think should be permitted?

We are interested in suggestions where permitting non-conformities would have little impact on network performance and would not negatively impact consumer outcomes.

In addition to physical constraints and specific technology applications, we consider that there may be limited scope for certain narrowly defined and low-risk non-conformities to be permitted. This could include, for example, temporary non-conformities during planned upgrade works or minor legacy documentation gaps in older networks, provided that performance can still be adequately evidenced and there is a clear plan toward compliance.

Question 44: Do you support the process outlined for duty holders to submit, and assessors to grant, a dispensation for permitted non-conformities?

We have no comments.

Question 45: Do you support the process outlined for the handling of non-conformities present at assessment?

We have no comments.

Question 46: Do you support the process outlined for the handling of non-conformities present at certification?

We have no comments.

Question 47: Do you agree with the milestones for End of Life heat networks? If you think there is a case for requiring these milestones to be different, or to be met more quickly or more slowly, please give details to explain your answer.

We consider that a milestone-based approach for end-of-life heat networks appears sensible in principle, as major replacement or refurbishment works may provide a natural opportunity to bring systems closer to current standards in a proportionate way. At the same time, we consider that there may need to be some flexibility where access constraints, timing issues or delivery limitations make immediate compliance unrealistic, provided that there are clear improvement plans and appropriate interim consumer protections.

Question 48: What is your estimation of the impact HNTAS will have on heat network insolvency and market exit risks? Do you agree that the risk is low and manageable? Further to existing proposals, what mitigations would you suggest?

We have no comments.

Question 49: Do you have views on how, in the event that a heat network has failed to engage with the End of Life process, exhausted commercial options to exit the market, and where these prevailing incentives have not led to another interested party 'stepping in', policy can support market led insolvency arrangements?

We consider that in circumstances where a heat network has failed to engage with the end-of-life process and no market participant is willing to step in, it is appropriate that policy should seek to support an orderly market-led outcome that protects continuity of service and consumers as far as possible. We highlight that clarity around responsibilities, continuity arrangements and consumer safeguards would be particularly important in such cases.

Question 50: Do you agree with the general approach set out in the data hierarchy (pyramid) above?

We have no comments.

Question 51: Do you support the development of a 'golden thread' of evidence throughout a network's life, to ultimately be maintained by the heat network operator?

We have no comments.

Question 52: Do you agree with the appointment of duty holders (Designated designer, Contractor and operators) to ensure responsibilities are clear at each stage?

We have no comments.

Part 6 Assessors

Question 53: Do you agree with the proposed assessment stages, and the roles for assessors and Assessment Organisations set out? If not, please provide details.

We have no comments.

Question 54: Do you agree with the proposed approach of registered Assessment Organisations issuing Statements of Conformity at various stages of a heat network's life?

We have no comments.

Question 55: Do you agree that accreditation of assessment activities should be divided in the way set out? Do you have any views on the minimum experience and qualification level for each assessment activity? Please provide details.

We consider that the proposed division of accreditation by assessment activity sensible in principle, given that different stages of a heat network's lifecycle are likely to require different forms of expertise and experience.

Question 56: Do you agree with the application process for individual assessors? If not, then please provide details.

We have no comments.

Question 57: Do you agree with the proposed assessor oversight, training and reaccreditation processes set out? If not, please provide details.

We have no comments.

Question 58: Do you agree with the proposed accreditation process for Assessment Organisations? Do you have any views on the minimum requirements for Assessment Organisations? Please provide details.

We have no comments.

Question 59: Do you agree with the proposed Assessment Organisation oversight and re-accreditation processes set out? If not, please provide details.

We have no comments.

Question 60: Do you agree with proposals to allow second-party execution of assessment activities under HNTAS? Do you agree that project specific consultancy advice should be permitted where it helps ensure standards are met? If not, please provide details.

We consider that allowing some degree of second-party execution of assessment activities may be a pragmatic way of supporting capacity, particularly in the earlier stages of the scheme. However, we stress that any such approach should be carefully controlled. Where project-specific consultancy advice is permitted, the framework should maintain a clear separation between advisory and assessment functions in order to protect independence and avoid conflicts of interest.

Part 7 Certifiers

Question 61: Do you agree with the proposed certification process and timings, and the role of certifiers set out? If not, please provide details.

We have no comments.

Question 62: Do you agree that HNTAS certification function should be carried out by a single, centralised Certification Body, that is an appropriately qualified body, appointed by the Code Manager?

We have no comments.

Question 63: Do you have any views on the criteria or process for individual HNTAS certifiers? If so, please provide details.

We have no comments.

8 Complaints, Appeals and Enforcement

Question 64: Do you agree with our proposed arrangements for handling complaints against and non-compliance of heat network operators? Do you consider that remedies other than withdrawal of certificates, such as financial penalties on non-compliant heat network operators, would be appropriate?

We agree that robust arrangements are required to address non-compliance. However, we stress that these must be clearly defined, proportionate and aligned with existing regulatory frameworks.

We consider it important to ensure that HNTAS enforcement mechanisms operate coherently alongside statutory regulatory powers. Stakeholders should be able to understand how enforcement actions interact and what consequences arise from non-compliance.

We highlight that particular care is required in Scotland, where enforcement and challenge may engage different legal routes, including regulatory processes and the Scottish courts. The scheme should clearly set out how these routes interact.

Clear enforcement pathways and procedural safeguards will support access to justice and reduce the risk of unnecessary dispute.

Question 65: Do you agree with our proposed arrangements in handling complaints and appeals against Assessment Organisations? Are there any other factors you think we should take into consideration in how complaints and appeals against Assessment Organisations are handled?

We agree that a clear framework for complaints and appeals is necessary. These processes must be independent, transparent and accessible.

Given the role of Assessment Organisations, we consider it important that decisions can be challenged through a fair and clearly defined process. Whilst oversight by the Code Manager is appropriate, consideration should be given to an independent escalation route.

In a Scottish context, we consider it should also be clear how such appeals interact with existing legal routes of challenge, including access to the courts where appropriate.

Question 66: Do you agree with our proposed arrangements in handling complaints and appeals against the Certification Body, Training Provider and Scheme Operator? Are there any other factors you think we should take into consideration in how complaints and appeals against these entities are handled?

We agree that effective complaints and appeals mechanisms are required in relation to all scheme participants.

We consider it important that these mechanisms should be clearly defined and include appropriate safeguards to ensure independence. It should also be clear how complaints can be escalated beyond internal processes, particularly where decisions have significant regulatory or commercial implications.

We further consider that clarity on jurisdiction and applicable processes will be important to ensure that stakeholders in Scotland can access appropriate routes of redress.

Question 67: Do you agree with our proposed arrangements in handling complaints and appeals against the Code Manager?

We have significant concerns about the proposed arrangements for appeals against Code Manager decisions.

Given the central role of the Code Manager, we consider it important that its decisions are subject to independent and transparent review. Internal review mechanisms alone may not provide sufficient assurance of independence. We welcome clarity on whether judicial review will apply to the Code Manager in both the English and Scottish courts.

Consideration should therefore be given to providing a clearly defined external route of appeal for significant decisions. We consider this particularly important in Scotland, where questions may arise as to the appropriate forum and applicable legal framework for such challenges.

Clear and accessible appeal routes will support access to justice and confidence in the scheme.

Question 68: Do you agree with the proposed measures against the Code Manager to ensure that the Secretary of State is able to intervene in cases of poor performance?

We agree that appropriate oversight of the Code Manager is necessary, including the ability for the Secretary of State to intervene where required.

We consider that further clarity would be helpful on how such intervention powers would operate in practice, including how continuity of the scheme would be maintained.

We also recommend that oversight arrangements take account of the devolved context in Scotland, and how intervention decisions may interact with devolved functions and responsibilities.

We reiterate that clear and transparent oversight mechanisms will support confidence in the governance of the scheme.

9 Incentives

Question 69: Do you believe that there is a need for additional grands and/or financial support for installing particular types of equipment to support HNTAS. If so, what types of equipment would you propose?

We have no comments.

Question 70: Do you believe there is a need for additional grants and/or financial support for services undertaken as part of HNTAS? If so, what types of services would you propose?

We have no comments.

Question 71: Do you believe there is a need to encourage early movers toward HNTAS certification. If so, what form would incentives take and when would these need to be applied?

We have no comments.

Question 72: Do you believe there is a need for subsidised training to support all the above? Please specify what you believe are the key skills gaps.

We have no comments.

Question 73: Please suggest any other types of incentives not considered above that could assist existing heat networks in becoming compliant with HNTAS?

We have no comments.

Question 74: Do you agree that incentives should focus on supporting and encouraging existing heat networks as they are likely to have a more difficult transition pathway to meeting HNTAS requirements?

We have no comments.

Question 75: Do you think introducing this type of strengthened and targeted framework could help the heat network sector? Are there other areas that could form part of the frameworks?

We welcome the focus on incentives and support mechanisms, particularly in relation to existing heat networks.

From a public interest perspective, we consider it important that compliance costs do not undermine project viability or place undue burdens on consumers. Targeted financial support may therefore be appropriate.

We also note that the complexity of the framework will require engagement from a range of professionals, including legal advisers. Clear guidance and accessible support will assist in facilitating compliance across jurisdictions.

A clear and proportionate regulatory framework can itself act as an incentive by reducing uncertainty and supporting early adoption.

10 Carbon Emissions: Calculating and Reporting

Question 76: Please provide any other comments you may have on the policy proposals within the consultation.

We have no comments.

For further information, please contact:

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