

DOCUMENT 3

First Minister

HEAT NETWORKS (SCOTLAND) BILL: CROWN CONSENT

Purpose

1. This submission provides a draft letter for your office to send to the Private Secretary to Her Majesty the Queen, seeking the Queen's consent to the provisions of the Heat Networks (Scotland) Bill. The draft letter is attached separately.

Priority

2. Routine. The letter should be issued as soon as possible, with **9 February** being the latest day that we may issue in line with the protocol agreed with the Palace.

Timetable

3. The Bill was introduced to Parliament on 2 March 2020 by the Minister for Energy, Connectivity and the Islands.
4. The Scottish Parliament agreed to the general principles of the Bill, following the Stage 1 Debate on 3 December. Stage 2 is scheduled for 26 January.
5. Crown consent must be signified before the Stage 3 Debate, which is due to take place on 23 February. Due to these timescales, we are requesting that the letter is issued **as soon as possible**. To provide Her Majesty with the minimum 14 day period to respond, the letter must issue by 9 February.

Background on the Bill

6. The Scottish Government's objective for the Bill is to substantially increase the number of heat networks in Scotland. Heat networks are one of the heating systems that homes and non-domestic premises will need to adopt in order to remove emissions from our buildings (caused by the use of gas and oil boilers).
7. The Bill aims to achieve this objective by:
 - a) increasing public confidence in heat networks (through the introduction of: a licencing system for network operators; a consenting system to scrutinise new projects before they are approved; and transfer schemes to ensure arrangements are made for continued supply in the event of an operator exiting the market).
 - b) attracting greater, and lower cost, investment in the sector (through the creation of: duties on local authorities and the Scottish Ministers to identify optimal areas for heat network developments; the award of Permits which will provide assurances over the customer base from which the costs of new developments can be recovered over a long-term; and new rights and powers for developers

and operators to reduce the substantial costs involved in constructing and maintaining the infrastructure).

8. The overall policy of the Bill was approved by the Cabinet Sub-Committee on Legislation on 14 November 2019.

Requirement for Crown consent

9. It is a requirement that Crown consent is obtained for any Bill which affects directly, indirectly, or by implication, the Royal prerogative, the hereditary revenues of the Crown or the personal property or interests of the Sovereign.
10. We consider that Crown consent is engaged given that **[redacted]**.

Conclusion

11. I would be grateful if you would agree that your office will:

- i. send the attached letter to the Private Secretary to Her Majesty The Queen, enclosing 3 copies of the Bill, and one copy each of the Policy Memorandum and the Explanatory Notes; and
- ii. issue copies of the letter, enclosing one copy of the Bill each, to Crown Estate Commissioners, to Crown Estate Scotland and to the Queen's Solicitors in Scotland (addresses at **Annex A**).

[redacted]
Heat Networks Bill Team

7 January 2021

Note: This email included several attachments in the public domain. These are linked below:

[bill-as-introduced-heat-networks-scotland-bill.pdf \(parliament.scot\)](#)

[Policy Memorandum \(parliament.scot\)](#)

[Explanatory Notes \(parliament.scot\)](#)

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Energy, Connectivity and the Islands			X		
Cabinet Secretary for Transport, Infrastructure and Connectivity			X		
Minister for Parliamentary Business and Veterans			X		
DG Economy Kersti Berge Sue Kearns [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] Callum McCaig Energy and Climate Change – Business Management					

ARRANGEMENTS FOR ISSUING LETTER

1. The letter to the Private Secretary to Her Majesty The Queen should be sent accompanied by 3 copies of the Bill, and a copy of the Explanatory Notes and of the Policy Memorandum to:

The Rt Hon Edward Young CVO
Private Secretary to HM The Queen
Buckingham Palace
LONDON
SW1 1AA

2. Copy of the letter, each with a copy of the Bill, to:

Mr Bruce Wood
Solicitor to HM The Queen in Scotland
Morton Fraser LLP
Quartermile Two
2 Lister Square
EDINBURGH
EH3 9GL

Rob Booth
General Counsel and Company Secretary
Crown Estate Commissioners
1 St James's Market,
London,
SW1Y 4AH

Simon Hodge
Chief Executive
Crown Estate Scotland
Head Office,
6 Bells Brae,
Edinburgh,
EH4 3BJ

DOCUMENT 6

From: [redacted] <[redacted]@gov.scot>; >
Sent: 1 February 2021 08:43
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Heat Networks (Scotland) Bill - crown consent

Hello [redacted] – hope you had a good weekend

Happy for you to share with the copy list – my team included

Take care
[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 29 January 2021 16:21
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Heat Networks (Scotland) Bill - crown consent

Hi [redacted],

Thanks very much and yes, on review your understanding is right.

Are you happy if I share this with [redacted]?

Thanks again,

[redacted].

From: [redacted] <[redacted]@gov.scot>
Sent: 28 January 2021 16:17
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: FW: Heat Networks (Scotland) Bill - crown consent
Importance: High

[redacted]

Can I check your understanding on this please.... Happy for you to share wider once we have that clarity

[redacted]

[redacted]
CESU

From: [redacted] <[redacted]@gov.scot>
Sent: 28 January 2021 11:08
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Beattie C (Caroline) <caroline.beattie@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Heat Networks (Scotland) Bill - crown consent
Importance: High

Morning all,

I'm writing from the Heat Networks Bill Team, where we currently have our [Bill](#) provisionally scheduled for its Stage 3 on 23 February.

[redacted]

Apologies for the scatter-gun email, I'm not quite sure who to raise this with – hopefully it's yourselves, in which case grateful for your support to our approach. Otherwise, grateful if you could point me in the right direction of who to talk to about this.

Just finally to say that our lodging deadline is **15 February** so grateful for a response ASAP so that the necessary instructing, drafting, Ministerial approval etc. can be done in time.

[redacted], hopefully I've reflected this correctly, but please do correct me if I'm wrong on any of this.

Unless we receive any objections, we'll proceed on the basis that we will lodge a government amendment on the above.

Thanks,

[redacted].

From: **[redacted]** <[redacted]@gov.scot>
Sent: 26 January 2021 14:08
To: **[redacted]** <[redacted]@gov.scot>; **[redacted]** <[redacted]@gov.scot>; **[redacted]** <[redacted]@gov.scot>
Cc: **[redacted]** <[redacted]@gov.scot>; **[redacted]** <[redacted]@gov.scot>; **[redacted]** <[redacted]@gov.scot>; Beattie C (Caroline) <[redacted]@gov.scot>
Subject: **[redacted]**.

[redacted]

[redacted].

[redacted]

[redacted].

[redacted]

From: **[redacted]** <[redacted]@gov.scot>
Sent: 25 January 2021 17:50
To: **[redacted]** <[redacted]@gov.scot>; **[redacted]** <[redacted]@gov.scot>
Cc: **[redacted]** <[redacted]@gov.scot>
Subject: **[redacted]**.

[redacted]

[redacted].

[redacted]

[redacted].

[redacted].

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 25 January 2021 11:12

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: [redacted]

Subject: [redacted].

[redacted]

[redacted].

[redacted].

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 19 January 2021 20:45

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>

Subject: RE: [redacted].

[redacted]

[redacted].

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 19 January 2021 10:06

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: [redacted]

Subject: [redacted].

[redacted]

[redacted].

[redacted]

[redacted].

From: [redacted] <[redacted]@gov.scot>
Sent: 11 January 2021 10:19
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>
Subject: [redacted].

[redacted]

[redacted]

[redacted]

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 07 January 2021 11:38
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted]
Subject: [redacted].

[redacted]

[redacted].

[redacted].

[redacted].

[redacted]

[redacted]

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DOCUMENT 11

From: [redacted] @gov.scot

Sent: 05 February 2021 11:34

To: [redacted] @gov.scot; [redacted] @gov.scot

Cc: [redacted] @gov.scot; [redacted] @gov.scot; [redacted] @gov.scot; [redacted] @gov.scot; [redacted] @gov.scot

Subject: Heat Networks (Scotland) Bill - Crown Consent

Hi [redacted],

I hope you are well. I just wanted to reach out to you in relation to our activity post-Stage 2. It's been quite busy over last few weeks trying to prepare all revised documents and follow up on commitments made by Minister at Stage 2. I am happy to say that we have now submitted revised Financial Memorandum and Delegated Powers Memorandum to the Parliamentary Clerks. I also wanted to update on our progress in securing the Crown Consent ahead stage 3, see note below. I appreciate if you could update the wider Unit and perhaps sight Mr Dey on this development.

[redacted]

Please let me know if you would have any questions and I am happy to discuss this matter if needed. I also copied SGLD who may advise if any queries were raised.

Many Thanks,

[redacted]

[redacted]

Heat Networks Team | Heat Strategy Unit
Energy and Climate Change Directorate | Scottish Government

3F South | Victoria Quay | Edinburgh | EH6 6QQ

Tel: [redacted] | Mobile: [redacted] | e-mail: [redacted]

Please note I am currently working from home and will only be available on my mobile and Skype.