

# Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill

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## Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 14

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

#### Alex Rowley

- 53 In section 1, page 1, line 6, leave out <2040> and insert <2032>

#### Graham Simpson

- 3 In section 1, page 1, line 6, after <2040,> insert <as far as reasonably possible no household in Scotland is in fuel poverty and, in any event,>

#### Kevin Stewart

- 15 In section 1, page 1, line 7, at end insert—  
<(b) no more than 1% of households in Scotland are in extreme fuel poverty,>

#### Kevin Stewart

- 16 In section 1, page 1, line 7, at end insert—  
<(c) the median fuel poverty gap of households in Scotland in fuel poverty is no more than £250 adjusted in accordance with section (*Meaning of fuel poverty gap*)(5) to take account of changes in the value of money.>

#### Graham Simpson

- 5 In section 1, page 1, line 7, at end insert—  
<( ) The Scottish Ministers must ensure that the 2032 target is met in each local authority area.>

#### Graham Simpson

- 4 In section 1, page 1, line 7, at end insert—  
<( ) The Scottish Ministers must ensure that the 2040 target is met in each local authority area.>

**Alex Rowley**

54 In section 1, page 1, line 7, at end insert—

<(1A) The Scottish Ministers may by regulations change the target year if they receive a report from the Scottish Fuel Poverty Advisory Panel under section (*Scottish fuel poverty advisory panel*)(4) advising that the target will not be met.>

**Kevin Stewart**

17 In section 1, page 1, line 8, leave out subsection (2)

**Alex Rowley**

55 In section 1, page 1, line 8, leave out <2040> and insert <2032>

**After section 1**

**Kevin Stewart**

18 After section 1, insert—

**<The 2030 target**

The target is that in the year 2030—

- (a) no more than 15% of households in Scotland are in fuel poverty,
- (b) no more than 5% of households in Scotland are in extreme fuel poverty,
- (c) the median fuel poverty gap of households in Scotland in fuel poverty is no more than £350 adjusted in accordance with section (*Meaning of fuel poverty gap*)(5) to take account of changes in the value of money.>

**Andy Wightman**

19 After section 1, insert—

**<The interim targets**

- (1) The Scottish Ministers must ensure that—
  - (a) no more than 15% of households in Scotland are in fuel poverty by 2024 and the median fuel poverty gap will be no more than £350,
  - (b) no more than 10% of households in Scotland are in fuel poverty by 2028 and the median fuel poverty gap will be no more than £250.
- (2) In this Act, each target set out in subsection (1) is known as an “interim target”.
- (3) In this section “median fuel poverty gap” means the indicated prices in subsections (1)(a) and (b) in 2015 prices adjusted for inflation.>

**Section 2**

**Jackie Baillie**

56 In section 2, page 1, line 14, leave out <childcare> and insert <care>

**Jackie Baillie**

57 In section 2, page 2, line 9, at end insert—

<( ) Enhanced heating is appropriate for a household in which a member of the household has a physical or mental impairment that—

- (i) has a significant and not short-term adverse effect on the individual's ability to carry out normal day-to-day activities, or
- (ii) otherwise gives rise to a significant and not short-term need.>

**Jackie Baillie**

58 In section 2, page 2, line 9, at end insert—

<( ) Enhanced heating is appropriate for a household in which a member of the household is of pensionable age.>

**Jackie Baillie**

59 In section 2, page 2, line 9, at end insert—

<( ) Enhanced heating is appropriate for a household in which a member of the household is under the age of 5 years.>

**Jackie Baillie**

60 In section 2, page 2, line 10, leave out second <the> and insert <other>

**Kevin Stewart**

20 In section 2, page 2, line 12, at beginning insert <Subject to subsection (5A),>

**Jackie Baillie**

61 In section 2, page 2, line 19, leave out <childcare> and insert <care>

**Kevin Stewart**

21 In section 2, page 2, line 19, at end insert—

<(5A) Where the home in which members of a household live is in a remote rural area, remote small town or island area, the household's remaining adjusted net income is sufficient to maintain an acceptable standard of living for the purpose of subsection (1)(b) if it is in total at least—

- (a) the amount determined in relation to the household in accordance with subsection (5), and
- (b) such additional amount (if any) as is determined in relation to the household by or in accordance with regulations made by the Scottish Ministers.

(5B) Regulations under subsection (5A)(b) must—

- (a) define “remote rural area”, “remote small town” and “island area”,
- (b) specify a person who is to determine, in relation to households in such areas or towns, the additional amount mentioned in subsection (5A)(b).>

**Liam McArthur**

**21A** As an amendment to amendment 21, line 13, at end insert—

<( ) The person specified in regulations under subsection (5A)(b) must make a separate determination on the additional amount in relation to households in island areas.>

**Liam McArthur**

**21B** As an amendment to amendment 21, line 13, at end insert—

<( ) In defining “island area” in regulations under subsection (5A)(b), the Scottish Ministers must ensure that the definition encompasses all island areas.>

**Jackie Baillie**

**62** In section 2, page 2, line 19, at end insert—

<(5C) Where a member of a household has a physical or mental impairment, the household’s remaining adjusted net income is sufficient to maintain an acceptable standard of living for the purpose of subsection (1)(b) if it is in total at least—

- (a) the amount determined in relation to the household in accordance with subsection (5), and
- (b) such additional amount (if any) as is determined in relation to the household by or in accordance with regulations made by the Scottish Ministers.

<(5D) Regulations under subsection (5C)(b) must—

- (a) define “physical or mental impairment”,
- (b) specify a person who is to determine, in relation to households where a member of the household has a physical or mental impairment, the additional amount mentioned in subsection (5C)(b).>

**Jackie Baillie**

**63** In section 2, page 2, line 21, at end insert—

<( ) “care costs” means—

- (i) childcare costs, or
- (ii) costs of the care of a cared-for person over the age of 18 years,>

**Kevin Stewart**

**22** In section 2, page 3, line 1, after second <standard> insert <for the United Kingdom>

**Kevin Stewart**

**23** In section 2, page 3, line 3, leave out <in conjunction with the Joseph Rowntree Foundation>

**Jackie Baillie**

**64** In section 2, page 3, line 10, at end insert—

<( ) “pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26).>

## After section 2

### Kevin Stewart

24 After section 2, insert—

#### <Meaning of extreme fuel poverty

- (1) A household is in extreme fuel poverty if—
  - (a) the fuel costs necessary for the home in which members of the household live to meet the conditions set out in section 2(2) are more than 20% of the household’s adjusted net income, and
  - (b) after deducting such fuel costs and the household’s childcare costs (if any), the household’s remaining adjusted net income is insufficient to maintain an acceptable standard of living for members of the household.
- (2) Subsections (2) to (6) of section 2 apply in relation to the definition of extreme fuel poverty under this section as they apply in relation to the definition of fuel poverty under that section.>

### Kevin Stewart

25 After section 2, insert—

#### <Meaning of fuel poverty gap

- (1) Where a household is in fuel poverty, the fuel poverty gap is the figure calculated in accordance with subsection (2) or the figure calculated in accordance with subsection (3), whichever is the lower.
- (2) The first figure referred to in subsection (1) is the difference between—
  - (a) the annual fuel costs necessary for the home in which members of the household live to meet the conditions set out in section 2(2), and
  - (b) 10% of the household’s annual adjusted net income.
- (3) The second figure referred to in subsection (1) is the difference between—
  - (a) the annual amount required to maintain an acceptable standard of living for members of the household, and
  - (b) the household’s annual remaining adjusted net income for the purpose of section 2(1)(b).
- (4) For the purpose of subsections (1) to (3)—
  - (a) the amount required to maintain an acceptable standard of living is to be determined in the same way as it is for the purpose of section 2,
  - (b) “adjusted”, “household” and “net income” have the same meanings as in section 2(6).

- (5) Where the fuel poverty gap is being measured against a fuel poverty target, the sums referred to in sections 1(c) and (*the 2030 target*)(c) are to be increased or (as the case may be) decreased by the same percentage as the percentage increase or decrease in the annual average consumer prices index over the period from 2015 to the year to which the target relates.
- (6) In subsection (5), the consumer prices index means the all consumer prices index published by the Office of National Statistics.
- (7) The Scottish Ministers may by regulations amend this section to replace references to one prices index with references to another.>

### Section 3

#### **Jackie Baillie**

- 65 In section 3, page 3, line 13, at end insert—
- <( ) The fuel poverty strategy must be prepared in co-operation with—
- (a) individuals who are living, or have lived in fuel poverty,
  - (b) disabled people,
  - (c) people with long-term illness,
  - (d) older people, and
  - (e) individuals living in rural areas.>

#### **Kevin Stewart**

- 26 In section 3, page 3, line 15, leave out <2040 target is> and insert <fuel poverty targets are>

#### **Alex Rowley**

- 66 In section 3, page 3, line 15, leave out <2040> and insert <2032>

#### **Graham Simpson**

- 7 In section 3, page 3, line 16, at end insert—
- <( ) set out the approach the Scottish Ministers intend to take to ensure that the 2032 target is met in each local authority area,>

#### **Graham Simpson**

- 6 In section 3, page 3, line 16, at end insert—
- <( ) set out the approach the Scottish Ministers intend to take to ensure that the 2040 target is met in each local authority area,>

#### **Pauline McNeill**

- 45 In section 3, page 3, line 16, at end insert—
- <( ) set out the cost of the approach set out under subsection (2)(a),>

**Kevin Stewart**

27 In section 3, page 3, line 18, leave out <2040 target is> and insert <fuel poverty targets are>

**Alex Rowley**

67 In section 3, page 3, line 18, leave out <2040> and insert <2032>

**Alex Rowley**

68 In section 3, page 3, line 18, at end insert—

<( ) set out how the Scottish Ministers intend to identify households in fuel poverty,>

**Andy Wightman**

46 In section 3, page 3, line 21, at end insert—

<( ) set out the approach to identifying residential buildings with low levels of energy efficiency requiring improvements to achieve, by 2032, an energy performance certificate band B or higher (within the meaning of the Energy Performance of Buildings (Scotland) Regulations 2008),>

**Alexander Burnett**

47 In section 3, page 3, line 21, at end insert—

<( ) set out the approach to identifying residential buildings with low levels of energy efficiency—

- (i) requiring improvements to achieve, by 2030, an energy performance certificate band C or higher (within the meaning of the Energy Performance of Buildings (Scotland) Regulations 2008),
- (ii) where it is technically feasible and cost effective to achieve such a performance certificate,>

**Alexander Burnett**

48 In section 3, page 3, line 21, at end insert—

<( ) identify residential buildings with low levels of energy efficiency—

- (i) requiring improvements to achieve, by 2030, an energy performance certificate band C or higher (within the meaning of the Energy Performance of Buildings (Scotland) Regulations 2008),
- (ii) where it is technically feasible and cost effective to achieve such a performance certificate,>

**Kevin Stewart**

29 In section 3, page 3, line 23, leave out <2040 target> and insert <fuel poverty targets>

**Alex Rowley**

69 In section 3, page 3, line 23, leave out <2040> and insert <2032>

**Kevin Stewart**

- 30 In section 3, page 3, line 24, leave out <2040 target is> and insert <fuel poverty targets are>

**Alex Rowley**

- 70 In section 3, page 3, line 24, leave out <2040> and insert <2032>

**Pauline McNeill**

- 71 In section 3, page 3, line 24, at end insert—  
<( ) The approach set out under subsection (2)(a) must include provision for how to remove low levels of energy efficiency as a driver of fuel poverty.>

**Claudia Beamish**

- 72 In section 3, page 3, line 24, at end insert—  
<( ) The approach set out under subsection (2)(a) must include provision for how to remove low levels of energy efficiency as a driver of fuel poverty in relation to housing in multiple occupation within the meaning of section 125 of the Housing (Scotland) Act 2006.>

**Pauline McNeill**

- 49 In section 3, page 3, line 24, at end insert—  
<( ) The approach set out under subsection (2)(a) must include provision for—  
(a) how to remove low levels of energy efficiency as a driver of fuel poverty in relation to housing subject to tenancies and occupancy agreements of the type mentioned in section 16(1) of the Housing (Scotland) Act 2014 (“private rented housing”),  
(b) minimum standards of energy efficiency for such private rented housing.>

**Claudia Beamish**

- 73 In section 3, page 3, line 24, at end insert—  
<(4) The approach set out under subsection (2)(a) must include provision for how in rural areas to support—  
(a) community bodies within the meaning of section 34 of the Land Reform (Scotland) Act 2003,  
(b) rural co-operatives,  
to identify sustainable energy solutions.  
(5) The Scottish Ministers must by regulations define for the purposes of this section—  
(a) “rural areas”,  
(b) “rural co-operatives”,  
(b) “sustainable energy solutions”.>

**Alex Rowley**

74 In section 3, page 3, line 26, at end insert—

- <( ) The Scottish Ministers are to keep the fuel poverty strategy under review.
- ( ) Within 5 years after publishing the first fuel poverty strategy under section 5(1)(a) or any revised strategy, the Scottish Ministers are either—
  - (a) to revise the strategy, or
  - (b) to publish an explanation of why they have decided not to revise it.>

**After section 3**

**Graham Simpson**

8 After section 3, insert—

**<Strategy: procedure**

- (1) The Scottish Ministers may not bring into effect the fuel poverty strategy until a draft of it has been approved by resolution of the Parliament
- (2) The Scottish Ministers may not lay a draft strategy before the Scottish Parliament for approval unless—
  - (a) they have proceeded in accordance with subsections (3) to (6), and
  - (b) following that procedure, they have laid before the Scottish Parliament an explanatory document in accordance with subsection (7).
- (3) The Scottish Ministers must consult—
  - (a) individuals who are living, or have lived, in fuel poverty,
  - (b) local authorities,
  - (c) such other persons as they consider appropriate.
- (4) For the purposes of the consultation required by subsection (3), the Scottish Ministers must—
  - (a) lay before the Scottish Parliament a copy of the proposed draft strategy,
  - (b) send a copy of the proposed draft strategy to any person to be consulted under subsection (3),
  - (c) publish the proposed draft strategy and make it available to the public at large in such manner as they consider appropriate, and
  - (d) have regard to any representations about the proposed draft strategy that are made to them within no more than 120 days of the date on which the copy of the proposed draft strategy is laid before the Parliament under paragraph (a).
- (5) In calculating any period of no more than 120 days for the purposes of subsection (4)(d), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.
- (6) If, as a result of any consultation required by subsection (3), it appears to the Scottish Ministers that it is appropriate to change the whole or any part of their strategy, they must undertake such further consultation with respect to the changes as they consider appropriate.

- (7) The explanatory document referred to in subsection (2)(b) must set out—
  - (a) the consultation undertaken in accordance with subsections (3) and (6),
  - (b) a summary of any representations received as a result of the consultation, and
  - (c) the changes (if any) made to the proposed draft framework as a result of those representations.
- (8) Where a person making a representation in response to consultation under this section has not consented to the disclosure of the representation, the Scottish Ministers must not disclose them.
- (9) If information in a representation made by a person in response to consultation under subsections (3) and (6) relates to another person, the Scottish Ministers must not disclose that information if, or to the extent that—
  - (a) it appears to the Scottish Ministers that the disclosure of that information could adversely affect the interests of that other person, and
  - (b) the Scottish Ministers have been unable to obtain the consent of that other person to the disclosure.
- (10) Subsection (8) and (9) do not affect any disclosure that is requested by, and made to, a committee of the Parliament charged with reporting on the proposed draft strategy.
- (11) The draft strategy must be submitted to the Parliament for approval before the expiry of the period of 1 year beginning with the day on which section 3 comes into force.>

#### **Section 4**

##### **Alex Rowley**

- 75 In section 4, page 3, line 28, after <strategy> insert <and any revised strategy>

##### **Kevin Stewart**

- 31 In section 4, page 3, line 31, at end insert <, and  
( ) local authorities.>

#### **Section 5**

##### **Alex Rowley**

- 76 In section 5, page 4, line 3, after <strategy> insert <and any revised strategy>

##### **Kevin Stewart**

- 32 In section 5, page 4, line 4, at end insert—  
<( ) As soon as reasonably practicable after complying with subsection (1), the Scottish Ministers must—  
(a) publish a report setting out—  
(i) the consultation process taken in order to comply with section 4, and  
(ii) the ways in which views expressed during that process have been taken account of in preparing the fuel poverty strategy,

- (b) lay a copy of the report published under paragraph (a) before the Scottish Parliament, and
- (c) make a statement to the Scottish Parliament in relation to the fuel poverty strategy.>

## **Section 6**

### **Kevin Stewart**

- 33 In section 6, page 4, line 11, leave out <2040 target> and insert <fuel poverty targets>

### **Alex Rowley**

- 77 In section 6, page 4, line 11, leave out <2040> and insert <2032>

### **Graham Simpson**

- 10 In section 6, page 4, line 11, after <target> insert <(including what steps have been taken for the purpose of meeting the 2032 target in each local authority area)>

### **Graham Simpson**

- 9 In section 6, page 4, line 11, after <target> insert <(including what steps have been taken for the purpose of meeting the 2040 target in each local authority area)>

### **Pauline McNeill**

- 50 In section 6, page 4, line 11, after <target> insert <(including the costs of those steps)>

### **Kevin Stewart**

- 34 In section 6, page 4, line 12, leave out <2040 target> and insert <fuel poverty targets>

### **Alex Rowley**

- 78 In section 6, page 4, line 12, leave out <2040> and insert <2032>

### **Graham Simpson**

- 12 In section 6, page 4, line 12, after <target> insert <(including what progress has been made toward meeting the 2032 target in each local authority area)>

### **Graham Simpson**

- 11 In section 6, page 4, line 12, after <target> insert <(including what progress has been made toward meeting the 2040 target in each local authority area)>

### **Pauline McNeill**

- 51 In section 6, page 4, line 14, after <target> insert <(including any additional funding required to take those steps)>

**Kevin Stewart**

- 35 In section 6, page 4, line 14, leave out <2040 target> and insert <fuel poverty targets>

**Alex Rowley**

- 79 In section 6, page 4, line 14, leave out <2040> and insert <2032>

**Graham Simpson**

- 14 In section 6, page 4, line 14, after <target> insert <(including what steps the Scottish Ministers propose to take in the next reporting period in order to meet the 2032 target in each local authority area)>

**Graham Simpson**

- 13 In section 6, page 4, line 14, after <target> insert <(including what steps the Scottish Ministers propose to take in the next reporting period in order to meet the 2040 target in each local authority area)>

**Kenneth Gibson**

- 52 In section 6, page 4, line 14, at end insert—  
<( ) In complying with subsection (1)(b), the Scottish Ministers must set out progress by reference to the percentage of households that are in fuel poverty and extreme fuel poverty—  
(a) in Scotland, and  
(b) in each local authority area.>

**Alex Rowley**

- 80 In section 6, page 4, line 18, leave out <2040> and insert <2032>

**Annabelle Ewing**

- 81 In section 6, page 4, line 20, leave out <5> and insert <4>

**Alex Rowley**

- 82 In section 6, page 4, line 20, leave out <5> and insert <3>

**Alex Rowley**

- 83 In section 6, page 4, line 20, after <strategy> insert <or any revised strategy>

**Annabelle Ewing**

- 84 In section 6, page 4, line 22, leave out <5> and insert <4>

**Alex Rowley**

- 85 In section 6, page 4, line 22, leave out <5> and insert <3>

**Alex Rowley**

- 86 In section 6, page 4, line 24, leave out <2040> and insert <2032>

**Section 7**

**Kevin Stewart**

- 36 In section 7, page 4, line 35, at end insert <, and  
( ) local authorities.>

**Alex Rowley**

- 87 In section 7, page 4, line 35, at end insert—  
<(b) disabled people,  
(c) people with long-term illness,  
(d) older people, and  
(e) individuals living in rural areas.>

**Section 9**

**Alex Rowley**

- 89 In section 9, page 5, line 4, leave out <2042> and insert <2033>

**Alex Rowley**

- 88 In section 9, page 5, line 4, leave out <2042> and insert <2041>

**Alex Rowley**

- 90 In section 9, page 5, line 5, leave out <2040> and insert <2032>

**Alex Rowley**

- 91 In section 9, page 5, line 7, leave out <2040> and insert <2032>

**Alex Rowley**

- 92 In section 9, page 5, line 8, leave out <2040> and insert <2032>

**After section 9**

**Alex Rowley**

- 93 After section 9, insert—

*<Independent advisory panel*

**Scottish Fuel Poverty Advisory Panel**

- (1) The Scottish Fuel Poverty Advisory Panel (in this Act referred to as “the Panel”) is established.
- (2) The Panel is to meet after the publication of each periodic report under section 8 in order to consider the matters mentioned in subsection (3).
- (3) The matters are—
  - (a) progress toward meeting the interim targets (where relevant),
  - (b) progress toward meeting the 2032 target,
  - (c) the likelihood of meeting the 2032 target,
  - (d) the extent to which the four drivers of fuel poverty are being addressed.
- (4) The Panel must make a report to the Scottish Ministers on its consideration of the matters mentioned in subsection (3).
- (5) A report under subsection (4) may—
  - (a) propose changes to the fuel poverty strategy,
  - (b) make such other recommendations to the Scottish Ministers as the Panel considers appropriate.
- (6) The Scottish Ministers may by regulations make provision about the governance, remuneration and membership of the Panel.
- (7) Regulations under subsection (6) may—
  - (a) specify the membership of the Panel,
  - (b) specify remuneration and expenses to be paid to members of the Panel,
  - (c) make provision about the preparation and publication of reports,
  - (d) make such other provision about the functioning of the Panel as the Scottish Ministers consider appropriate.
- (8) Subject to subsection (9), the Scottish Ministers must provide such financial resources as are considered necessary to support the operation of the Panel.
- (9) The total costs for the operation of the Panel must not exceed £20,000 in any single financial year.
- (10) The Scottish Ministers must bring forward regulations under subsection (6) within one year of this section coming into force.
- (11) In this section the “four drivers of fuel poverty” are—
  - (a) incomes,
  - (b) energy costs,
  - (c) energy performance,
  - (d) how energy is used in households.>

## Section 11

**Alex Rowley**

**94** In section 11, page 5, line 23, after <section> insert <1(1A),>

**Kevin Stewart**

37 In section 11, page 5, line 23, after <2(4)> insert <, 2(5A)(b)>

**Kevin Stewart**

38 In section 11, page 5, line 23, after <2(4)> insert <, (*Meaning of fuel poverty gap*)(7)>

**Alex Rowley**

95 In section 11, page 5, line 23, after <2(4)> insert <, (*Scottish fuel poverty advisory panel*)(6)>

**Jackie Baillie**

96 In section 11, page 5, line 30, before <section> insert <—  
(a)>

**Jackie Baillie**

97 In section 11, page 5, line 30, leave out <or 10,> and insert <the Scottish Ministers must consult—  
(i) relevant health bodies within the meaning of section 5(2) of the Patient Rights (Scotland) Act 2011,  
(ii) patients of relevant health bodies,  
(iii) such other persons as they consider appropriate,  
(b) section 10>

**Claudia Beamish**

98 In section 11, page 5, line 31, at end insert—  
<( ) Regulations under section 3(5) are subject to the negative procedure.>

**Kevin Stewart**

39 In section 11, page 5, line 33, at end insert—  
<( ) It is immaterial that anything done by way of consultation in relation to regulations under section 2(4) was done—  
(a) before the Bill for this Act was passed, or  
(b) after that but before this section comes into force.>

**Section 12**

**Kevin Stewart**

40 In section 12, page 6, line 6, leave out <Target> and insert <Targets>

## After section 12

**Kevin Stewart**

41 After section 12, insert—

### <Interpretation

In this Act—

“the 2040 target” means the target set out in section 1,

“the fuel poverty targets” means the targets set out in sections 1 and (*The 2030 target*).>

## Section 13

**Kevin Stewart**

42 In section 13, page 6, line 10, at beginning insert <Section (*Interpretation*),>

**Andy Wightman**

1 Leave out section 13 and insert—

### <13 Commencement

This Act comes into force on the day after Royal Assent.>

## Section 14

**Kevin Stewart**

43 In section 14, page 6, line 17, leave out <Target> and insert <Targets>

## Long Title

**Kevin Stewart**

44 In the long title, page 1, line 1, leave out <a target> and insert <targets>

**Andy Wightman**

2 In the long title, page 1, line 1, leave out <eradication> and insert <reduction>

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