

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

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## Marshalled List of Amendments selected for Stage 3

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

#### Graham Simpson

1 In section 1, page 1, line 5, at end insert—

<( ) This section makes provision for the 2040 fuel poverty targets.>

#### Alex Rowley

1A As an amendment to amendment 1, line 2, leave out <2040> and insert <2032>

#### Alex Rowley

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

#### Graham Simpson

2 In section 1, page 1, line 13, leave out subsection (1A) and insert—

<(1A) The target is that in the year 2040, as far as reasonably possible no household in any local authority area in Scotland is in fuel poverty and, in any event, the objectives set out in paragraphs (a) to (c) of subsection (1) are met in relation to households in each local authority area.>

#### Alex Rowley

2A As an amendment to amendment 2, line 2, leave out <2040> and insert <2032>

#### Alex Rowley

66 In section 1, page 1, line 13, leave out <2040> and insert <2032>

#### Alex Rowley

67 In section 1, page 1, line 15, leave out <change> and insert <modify>

**Alex Rowley**

68 In section 1, page 1, line 15, after <year> insert <set out in subsection (1) or (1A)>

**Alex Rowley**

69 In section 1, page 1, line 17, at end insert <or could reasonably be met earlier>

**Alex Rowley**

70 In section 1, page 1, line 17, at end insert—

<( ) Regulations under subsection (1B) may modify—

- (a) the date specified in subsections (3) and (5) of section 6,
- (b) the reporting date specified in section 9(1) or, as the case may be, section (*report on the 2040 target in relation to each local authority area*)(1),
- (c) the years specified in section (*report on the 2040 target in relation to each local authority area*)(2)(b).>

**Section 1A**

**Graham Simpson**

3 In section 1A, page 1, line 18, at end insert—

<( ) This section makes provision for a number of interim fuel poverty targets.>

**Alex Rowley**

71 In section 1A, page 1, line 19, leave out <2030> and insert <2026>

**Graham Simpson**

4 In section 1A, page 1, line 24, at end insert—

<( ) The target is that in the year 2035—

- (a) no more than 10% of households in Scotland are in fuel poverty,
- (b) no more than 3% 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 £300 adjusted in accordance with section 2B(5) to take account of changes in the value of money.>

**Section 2**

**Jackie Baillie**

15 In section 2, page 2, line 15, leave out <is> and insert <temperatures are>

**Jackie Baillie**

16 In section 2, page 2, line 22, leave out <is> and insert <hours are>

**Jackie Baillie**

- 17 In section 2, page 2, line 28, leave out <enhanced heating is appropriate.> and insert <—  
(a) enhanced heating temperatures,  
(b) enhanced heating hours,  
are appropriate.>

**Kevin Stewart**

- 18 In section 2, page 3, line 26, at end insert—  
<( ) section 68 of the Social Security Contributions and Benefits Act 1992  
(severe disablement allowance),>

**Section 2A**

**Kevin Stewart**

- 19 In section 2A, page 4, line 21, after first <costs> insert <, benefits received for a care need or disability (if any)>

**Section 3**

**Kevin Stewart**

- 20 In section 3, page 5, line 19, after <take> insert <or consider should be taken>

**Andy Wightman**

- 21 In section 3, page 5, line 20, at end insert—  
<(zaa)set out the approach the Scottish Ministers intend to take in relation to each of the  
four drivers of fuel poverty to ensure that the fuel poverty targets are met,>

**Kevin Stewart**

- 22 In section 3, page 5, line 21, after <take> insert <or consider should be taken>

**Graham Simpson**

- 72 In section 3, page 5, line 21, leave out <to ensure that the 2040 target is met> and insert <towards meeting the fuel poverty targets>

**Alex Rowley**

- 73 In section 3, page 5, line 21, leave out <2040> and insert <2032>

**Jackie Baillie**

- 74 In section 3, page 5, line 28, leave out <or>

**Jackie Baillie**

75 In section 3, page 5, line 28, at end insert—

<(ia) are likely to be in fuel poverty in consequence of being the type of household for which enhanced heating is appropriate, or>

**Jackie Baillie**

76 In section 3, page 5, line 29, at end insert—

<(cza)set out the approach to addressing fuel poverty in households falling into subsection 2(c)(ia),>

**Kevin Stewart**

23 In section 3, page 5, line 30, after <approach> insert <the Scottish Ministers intend to take>

**Kevin Stewart**

24 In section 3, page 5, line 30, leave out <with low levels of energy efficiency>

**Kevin Stewart**

25 In section 3, page 5, line 31, at end insert—

<( ) which are used as homes by a household in fuel poverty,>

**Kevin Stewart**

26 In section 3, page 5, line 32, leave out <requiring improvements> and insert <where improvements would be required>

**Kevin Stewart**

27 In section 3, page 5, line 35, leave out <and cost effective> and insert <, cost effective and affordable>

**Kevin Stewart**

28 In section 3, page 5, line 35, leave out <such a performance certificate> and insert <an energy performance certificate band C or higher>

**Claudia Beamish**

78\* In section 3, page 6, line 1, after <to> insert—

<(a) improve energy efficiency in housing—

(i) in owner occupation,

(ii) subject to a tenancy within the meaning of section 1 of the Private Housing (Tenancies) (Scotland) Act 2016,

(iii) where the landlord is a local authority landlord within the meaning of the Housing (Scotland) Act 2001,

- (iv) where the landlord is a registered social landlord (being a body registered in the register maintained under section 20(1) of the Housing (Scotland) Act 2010),
  - (v) in multiple occupation within the meaning of section 125 of the Housing (Scotland) Act 2006,
  - (vi) subject to a Scottish secure tenancy or a short Scottish secure tenancy,
  - (vii) which is on land comprised in a lease constituting—
    - (A) a 1991 Act tenancy (within the meaning of the Agricultural Holdings (Scotland) Act 2003),
    - (B) a short limited duration tenancy (within the meaning of that Act),
    - (C) a limited duration tenancy (within the meaning of that Act),
    - (D) a modern limited duration tenancy (within the meaning of that Act),
    - (E) a repairing tenancy (within the meaning of that Act),
  - (viii) subject to multiple types of tenancies,
  - (ix) of such other type as the Scottish Ministers may prescribe in regulations,
- (b)>

**Alexander Burnett**

77 In section 3, page 6, line 2, after <poverty> insert <to ensure that the fuel poverty targets are met>

**Pauline McNeill**

79 In section 3, page 6, line 2, at end insert—  
 <(2AA)The Scottish Ministers must, in setting out an approach under subsection (2A)(a), also set out what financial and fiscal incentives will be afforded to the owners of the types of housing listed under subsection (2A)(a) to improve the energy efficiency of the housing they own.>

**Kevin Stewart**

29 In section 3, page 6, line 5, at end insert <and may at any time revise it>

**Kevin Stewart**

30 In section 3, page 6, line 5, at end insert—  
 <( ) Unless the context requires otherwise, a reference in this Act to the fuel poverty strategy includes a reference to the fuel poverty strategy as revised following a review under subsection (4).>

**Kevin Stewart**

31 In section 3, page 6, line 6, leave out <first>

**Kevin Stewart**

- 32 In section 3, page 6, line 6, leave out <or any revised strategy>

**Andy Wightman**

- 33 In section 3, page 6, line 9, at end insert—  
<( ) For the purposes of subsection (2)(zaa) “four drivers of fuel poverty” has the same meaning as in section 9A(11).>

**Section 4**

**Kevin Stewart**

- 34 In section 4, page 6, line 11, leave out <and any revised strategy>

**Jackie Baillie**

- 35 In section 4, page 6, line 15, at end insert—  
<( ) disabled people,  
( ) people with long-term illness,  
( ) older people,  
( ) individuals living in rural areas.>

**Alex Rowley**

- 80 In section 4, page 6, line 15, at end insert—  
<( ) the Scottish Fuel Poverty Advisory Panel.>

**Kevin Stewart**

- 36 In section 4, page 6, line 20, leave out <and any proposed revised strategy>

**Kevin Stewart**

- 37 In section 4, page 6, line 22, at beginning insert <in the case of the first strategy,>

**Kevin Stewart**

- 38 In section 4, page 6, line 24, leave out <proposed>

**Kevin Stewart**

- 39 In section 4, page 6, line 25, leave out <or any revised strategy>

**Kevin Stewart**

- 40 In section 4, page 6, line 27, leave out <or, as the case may be, proposed revised strategy>

## Section 5

### Kevin Stewart

- 41 In section 5, page 6, line 33, leave out <and any revised strategy>

## Section 6

### Alexander Burnett

- 81 In section 6, page 7, line 11, after <steps> insert <and what steps have been taken for the purpose of removing low levels of energy efficiency as a driver of fuel poverty>

### Graham Simpson

- 6 In section 6, page 7, line 11, leave out from second <(including> to end of line 13

### Alex Rowley

- 82 In section 6, page 7, line 12, leave out <2040> and insert <2032>

### Andy Wightman

- 42 In section 6, page 7, line 13, at end insert—  
<(aa) the steps that have been taken in the reporting period to address the four drivers of fuel poverty for the purpose of meeting the fuel poverty targets,>

### Alexander Burnett

- 83 In section 6, page 7, line 14, after <targets> insert <(including what progress has been made in removing low levels of energy efficiency as a driver of fuel poverty)>

### Graham Simpson

- 7 In section 6, page 7, line 15, leave out from <(including> to <area> in line 16

### Alex Rowley

- 84 In section 6, page 7, line 15, leave out <2040> and insert <2032>

### Alexander Burnett

- 85 In section 6, page 7, line 19, after first <steps> insert <and what steps the Scottish Ministers propose to take for the purpose of removing low levels of energy efficiency as a driver of fuel poverty>

### Graham Simpson

- 8 In section 6, page 7, line 19, leave out from <(including> to end of line 21

### Alex Rowley

- 86 In section 6, page 7, line 20, leave out <2040> and insert <2032>

**Andy Wightman**

43 In section 6, page 7, line 21, at end insert—

<(ca) the steps that the Scottish Ministers propose to take in the next reporting period to address the four drivers of fuel poverty for the purpose of meeting the fuel poverty targets,>

**Pauline McNeill**

87 In section 6, page 7, line 21, at end insert—

<( ) the effectiveness of any financial or fiscal incentives contained within the strategy under section 3(2AA) in encouraging the owners of the types of housing listed under section 3(2A)(a) to improve the energy efficiency of the housing they own.>

**Graham Simpson**

9 In section 6, page 7, line 21, at end insert—

<(1A) A report under subsection (1) must also set out, with respect to meeting the 2040 target in relation to each local authority area in Scotland—

- 5
- (a) the steps that have been taken during the reporting period for the purpose of meeting that target,
  - (b) the progress made in that period towards meeting that target, and
  - (c) the steps that the Scottish Ministers propose to take or consider should be taken in the next reporting period in order to meet that target.>

**Alex Rowley**

9A As an amendment to amendment 9, line 2, leave out <2040> and insert <2032>

**Alex Rowley**

88 In section 6, page 7, line 25, leave out <2040> and insert <2032>

**Kevin Stewart**

44 In section 6, page 7, line 27, after third <the> insert <first>

**Kevin Stewart**

45 In section 6, page 7, line 27, leave out <or any revised strategy>

**Graham Simpson**

10 In section 6, page 7, line 30, leave out <purpose of paragraph (c) of subsection (1)> and insert <purposes of subsections (1)(c) and (1A)(c)>

**Alex Rowley**

89 In section 6, page 7, line 31, leave out <2040> and insert <2032>

**Kevin Stewart**

- 46 In section 6, page 7, line 33, after <take> insert <or consider should be taken>

**Andy Wightman**

- 47 In section 6, page 7, line 37, at end insert—  
<( ) For the purposes of subsection (1)(aa) “four drivers of fuel poverty” has the same meaning as in section 9A(11).>

**Section 7**

**Alex Rowley**

- 90 In section 7, page 8, line 7, at end insert—  
<( ) the Scottish Fuel Poverty Advisory Panel.>

**Section 9**

**Alex Rowley**

- 91 In section 9, page 8, line 14, leave out <2042> and insert <2034>

**Alex Rowley**

- 92 In section 9, page 8, line 15, leave out <2040> and insert <2032>

**Alex Rowley**

- 93 In section 9, page 8, line 17, leave out <2040> and insert <2032>

**Alex Rowley**

- 94 In section 9, page 8, line 18, leave out <2040> and insert <2032>

**After section 9**

**Graham Simpson**

- 11 After section 9, insert—  
**<Report on the 2040 target in relation to each local authority area**  
(1) The Scottish Ministers must, no later than 31 December 2043, lay before the Scottish Parliament a report on the 2040 target in relation to each local authority area in Scotland.  
5  
(2) The report must include—  
(a) such information as the Scottish Ministers can reasonably obtain as to whether the 2040 target in relation to each local authority area in Scotland has been met, and  
(b) combined data about the percentage of households in each local authority area in fuel poverty in the period 2040 to 2042.  
10

- (3) The report may contain such other information as the Scottish Ministers consider appropriate.>

**Alex Rowley**

- 11A** As an amendment to amendment 11, line 2, leave out <2040> and insert <2032>

**Alex Rowley**

- 11B** As an amendment to amendment 11, line 3, leave out <2043> and insert <2035>

**Alex Rowley**

- 11C** As an amendment to amendment 11, line 4, leave out <2040> and insert <2032>

**Alex Rowley**

- 11D** As an amendment to amendment 11, line 8, leave out <2040> and insert <2032>

**Alex Rowley**

- 11E** As an amendment to amendment 11, line 10, leave out <2040> and insert <2032>

**Alex Rowley**

- 11F** As an amendment to amendment 11, line 10, leave out <2042> and insert <2037>

## **Section 9A**

**Alex Rowley**

- 95** In section 9A, page 8, line 23, leave out <(in this Act referred to as “the Panel”)>

**Graham Simpson**

- 12** In section 9A, page 8, leave out line 28

**Alex Rowley**

- 96** In section 9A, page 9, line 2, at end insert—

- <( ) The Panel may from time to time provide advice to a committee of the Scottish Parliament with the subject of fuel poverty within its remit on—
- (a) the matters mentioned in subsection (3),
  - (b) such other matters as are prescribed in regulations under subsection (6).>

**Kevin Stewart**

- 48** In section 9A, page 9, line 3, leave out from <make> to end of line 4 and insert <—

- (a) make further provision about the Panel,
- (b) make provision about the dissolution of the Panel after the target year for the time being mentioned in section 1 has passed.>

**Kevin Stewart**

49 In section 9A, page 9, line 5, leave out <(6)> and insert <(6)(a) or (as the case may be) (b)>

**Kevin Stewart**

50 In section 9A, page 9, line 5, at end insert <, in particular>

**Kevin Stewart**

51 In section 9A, page 9, line 6, leave out <specify> and insert <make provision about>

**Kevin Stewart**

52 In section 9A, page 9, line 6, at end insert <(including the process for appointment of members)>

**Kevin Stewart**

53 In section 9A, page 9, line 7, leave out <specify> and insert <make provision about the>

**Kevin Stewart**

54 In section 9A, page 9, line 7, leave out <to be> and insert <that may be>

**Kevin Stewart**

55 In section 9A, page 9, line 9, leave out <about> and insert <relating to>

**Kevin Stewart**

56 In section 9A, page 9, line 10, at end insert—  
<( ) modify any enactment (including this Act).>

**Kevin Stewart**

57 In section 9A, page 9, line 11, leave out subsections (8) and (9)

**Kevin Stewart**

59 In section 9A, page 9, line 15, leave out <(6)> and insert <(6)(a)>

**Alex Rowley**

97 In section 9A, page 9, leave out lines 18 to 21 and insert—  
<(a) low net adjusted household incomes,  
(b) high household fuel prices,  
(c) homes having low levels of energy efficiency,  
(d) inefficient use of fuel in homes.  
(12) For the purpose of subsection (11), “adjusted”, “household” and “net income” have the same meanings as in section 2(6).>

## After section 9A

### Kevin Stewart

60 After section 9A, insert—

#### <Funding of the Scottish Fuel Poverty Advisory Panel

- 5 (1) Subject to subsection (2), the Scottish Ministers must provide such financial resources as they consider necessary to support the operation of the Scottish Fuel Poverty Advisory Panel.
- (2) The total costs for the operation of the Panel must not exceed £82,000, adjusted in accordance with subsection (3), in any operating period.
- 10 (3) For the purpose of subsection (2), the sum of £82,000 is to be adjusted to reflect the percentage increase (if any) in the annual average consumer prices index from the day on which this section comes into force.
- (4) In subsection (3), the consumer prices index means the all consumer prices index published by the Office of National Statistics.
- (5) The Scottish Ministers may by regulations amend this section to replace references to one prices index with references to another.
- 15 (6) In this section, an “operating period” is—
- (a) the period of 3 years beginning with the day on which this section comes into force,
  - (b) each subsequent period of 3 years.>

### Andy Wightman

60A As an amendment to amendment 60, line 13, after <amend> insert <—

- (a) the figure mentioned in subsection (2), and
- (b)>

## Section 11

### Kevin Stewart

61 In section 11, page 9, line 34, leave out <9A(6)> and insert <9A(6)(a) or (b)>

### Kevin Stewart

62 In section 11, page 9, line 34, after <9A(6)> insert <(funding of the Scottish Fuel Poverty Advisory Panel)(5)>

## Section 12A

### Graham Simpson

13 In section 12A, page 10, line 26, leave out <section 1> and insert <section 1(1)>

**Graham Simpson**

- 14** In section 12A, page 10, line 26, at end insert—  
<“the 2040 target in relation to each local authority area in Scotland” means the target set out in section 1(1A),”>

**Alex Rowley**

- 98** In section 12A, page 10, line 27, at end insert—  
<“the Scottish Fuel Poverty Advisory Panel” means the Panel established under section 9A(1).>

**Section 13**

**Andy Wightman**

- 64** In section 13, page 10, line 29, leave out first <Section> and insert <Sections 1, 1A,>



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