

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

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted (including, for those amendments ruled by the Presiding Officer to have a potentially significant cost that would bring the costs of the Bill to over £400,000 in any single financial year, the cost for each amendment);
- the text of amendments to be debated at Stage 2, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

At introduction the Presiding Officer determined that a financial resolution was not required for this Bill. Under Rule 9.12.6C, it is for the Presiding Officer to determine whether an amendment either individually or in combination with other amendments, cause (or might cause) the Bill, to which they relate, to require a financial resolution which it would not otherwise require. The Presiding Officer ruled that the costs associated with amendments 48 and 62 would in themselves be significantly more than £400,000 (the current threshold for what is considered significant) and for them to be agreed the Bill would require a financial resolution. Amendment 62 has been withdrawn. Amendment 48 may be debated, but may not be agreed to in the absence of a financial resolution.

The Presiding Officer has also ruled that amendments 93, 21, 81, 84, 82 and 85 are cost bearing amendments. However, the potential cumulative cost of those amendments would not lead to the cost of the Bill exceeding £400,000 in any single financial year. As such, these amendments, and any amendments consequential on those amendments, may be debated and the question put on them.

Groupings of amendments

Meaning of fuel poverty: matters to be deducted to determine remaining adjusted net income

99, 56, 61, 100, 63

Enhanced heating: eligibility

57, 58, 59, 60, 64, 96, 97

Minimum income standard: households in remote areas, remote small town or island areas etc.

20, 21, 21A, 21B, 22, 23, 37

Strategy and periodic reports: preparation, consultation and procedure for agreement

101, 31, 102, 103, 32, 104, 36, 87

Strategy and periodic reports: matters to be set out

45, 68, 46, 47, 48, 71, 72, 49, 73, 50, 51, 98

Notes on amendments in this group

Amendment 48 has been determined to cost £60,000,000

Strategy: review and revise

74, 75, 76, 83

Frequency of periodic reports

81, 82, 84, 85

Notes on amendments in this group

Each of the following pairs of amendments are direct alternatives: 81 and 82 and 84 and 85

Fuel poverty target report

89, 88

Notes on amendments in this group

Amendments 89 and 88 are direct alternatives

Scottish Fuel Poverty Advisory Panel: target years

93A, 93B

Commencement

39, 1

Amendments already debated

Fuel poverty target year

66, 67, 69, 70, 77, 78, 79, 80, 86, 90, 91, 92

Notes on amendments in this group

Amendment 66 is pre-empted by amendment 26 in group “Interim targets”

Amendment 67 is pre-empted by amendment 27 in group “Interim targets”

Amendment 69 is pre-empted by amendment 29 in group “Interim targets”

Amendment 70 is pre-empted by amendment 30 in group “Interim targets”

Amendment 77 is pre-empted by amendment 33 in group “Interim targets”

Amendment 78 is pre-empted by amendment 34 in group “Interim targets”

Amendment 79 is pre-empted by amendment 35 in group “Interim targets”

Fuel poverty target

2

Extreme fuel poverty and fuel poverty gap

24, 25, 38

Local targets

7, 6, 10, 9, 12, 11, 14, 13

Scottish Fuel Poverty Advisory Panel

93, 94, 95

Interim targets

26, 27, 29, 30, 33, 34, 35, 40, 41, 42, 43, 44

Notes on amendments in this group

Amendment 26 pre-empts amendment 66 in group “Fuel poverty target year”

Amendment 27 pre-empts amendment 67 in group “Fuel poverty target year”

Amendment 29 pre-empts amendment 69 in group “Fuel poverty target year”

Amendment 30 pre-empts amendment 70 in group “Fuel poverty target year”

Amendment 33 pre-empts amendment 77 in group “Fuel poverty target year”

Amendment 34 pre-empts amendment 78 in group “Fuel poverty target year”

Amendment 35 pre-empts amendment 79 in group “Fuel poverty target year”

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Amendments in debating order

Meaning of fuel poverty: matters to be deducted to determine remaining adjusted net income

Jackie Baillie

- 99 In section 2, page 1, line 14, after first <costs> insert <, benefits received for a care need or disability (if any)>

Jackie Baillie

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

Jackie Baillie

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

Jackie Baillie

- 100 In section 2, page 2, line 21, at end insert—
- <() “benefits received for a care need or disability” means benefits received for a care need or a disability under—
- (i) section 31 of the Social Security (Scotland) Act 2018 (disability assistance),
 - (ii) section 77 of the Welfare Reform Act 2012 (personal independence payment),
 - (iii) section 64 of the Social Security Contributions and Benefits Act 1992 (attendance allowance),
 - (iv) section 71 of the Social Security Contributions and Benefits Act 1992 (disability living allowance),>

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,>

Enhanced heating: eligibility

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—

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- (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>

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).>

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>

Minimum income standard: households in remote areas, remote small town or island areas etc.

Kevin Stewart

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

Kevin Stewart

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

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<(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.>

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>

Kevin Stewart

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

Strategy and periodic reports: preparation, consultation and procedure for agreement

Jackie Baillie

101 In section 3, page 3, line 13, at end insert—

<() The fuel poverty strategy must be prepared with the involvement of—

- (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.>

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Kevin Stewart

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

Graham Simpson

- 102 In section 4, page 3, line 35, at end insert—
- <(4) The Scottish Ministers must lay the proposed fuel poverty strategy and any proposed revised strategy before the Scottish Parliament—
 - (a) before the expiry of the period of 1 year beginning with the day on which section 3 comes into force, or
 - (b) in the case of a proposed revised strategy, following a review under section 3(4).
 - (5) The Scottish Ministers may not complete their preparation of the fuel poverty strategy or any revised strategy until after the expiry of the period of 40 days beginning with the day on which the proposed strategy or, as the case may be, proposed revised strategy is laid before the Scottish Parliament (taking no account of any time during which the Parliament is dissolved or in recess for more than 4 days).>

Graham Simpson

- 103 In section 5, page 4, line 2, at beginning insert <As soon as reasonably practicable after the end of the period mentioned in section 4(5),>

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.>

Graham Simpson

- 104 In section 5, page 4, line 5, leave out subsection (2)

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—

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- <(b) disabled people,
- (c) people with long-term illness,
- (d) older people, and
- (e) individuals living in rural areas.>

Strategy and periodic reports: matters to be set out

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),>

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,>

THIS IS NOT THE MARSHALLED LIST

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—

- <(3A) 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.
- (3B) The Scottish Ministers must by regulations define for the purposes of this section—
- (a) “rural areas”,
 - (b) “rural co-operatives”,
 - (b) “sustainable energy solutions”.>

Pauline McNeill

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

Pauline McNeill

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

Claudia Beamish

98 In section 11, page 5, line 31, at end insert—

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<() Regulations under section 3(3B) are subject to the negative procedure.>

Strategy: review and revise

Alex Rowley

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

<(4) The Scottish Ministers are to keep the fuel poverty strategy under review.

(5) 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.>

Alex Rowley

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

Alex Rowley

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

Alex Rowley

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

Frequency of periodic reports

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>

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>

Fuel poverty target report

Alex Rowley

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

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Alex Rowley

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

Scottish Fuel Poverty Advisory Panel: target years

Graham Simpson

- 93A** As an amendment to amendment 93, line 10, leave out <2032 target> and insert <fuel poverty targets>

Graham Simpson

- 93B** As an amendment to amendment 93, line 11, leave out <2032 target> and insert <fuel poverty targets>

Commencement

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.>

Andy Wightman

- 1** Leave out section 13 and insert—
- <**Commencement**
- This Act comes into force on the day after Royal Assent.>

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