

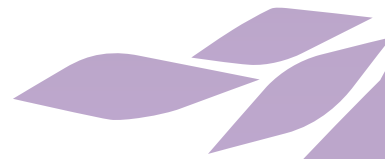


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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill: as amended at Stage 2



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 21 May 2019, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill as amended at Stage 2 ("the Bill").ⁱ
2. The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
3. This Scottish Government Bill was introduced by the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP, on 26 June 2018. The Lead Committee is the Local Government and Communities Committee.
4. The Delegated Powers and Law Reform Committee published its Stage 1 Report, [61st Report, 2018 \(Session 5\)](#), on the Bill on 27 November 2018.
5. The Bill completed Stage 2 on 3 April 2019 with a number of amendments made to the Bill. There is an amendment relating to one existing delegated power and four new delegated powers have been added. The Government lodged a Supplementary Delegated Powers Memorandum ("SDPM") after Stage 2.ⁱⁱ
6. The Committee reports on the delegated powers provisions in the Bill as amended as follows.

ⁱ The Bill as amended is available [here](#).

ⁱⁱ The Supplementary Delegated Powers Memorandum is available [here](#).

Bill overview

7. As introduced, the Bill contained 14 sections. It set a target relating to the eradication of fuel poverty, that by the year 2040 no more than 5% of households in Scotland are in fuel poverty. It contained a complex definition of fuel poverty.
8. The Bill also required the Scottish Ministers to consult on and publish a fuel poverty strategy and five-yearly reports on progress towards the fuel poverty target, as well as a final report. The Bill also consequentially amended and repealed existing provisions on fuel poverty contained in the Housing (Scotland) Act 2001.
9. The Bill as amended at Stage 2 now includes an additional interim fuel poverty target for the year 2030 and amendments to the 2040 target that align with the new parameters contained in this interim target. Changes have also been made to the meaning of fuel poverty and relating to the determination of the “minimum income standard”, including a new uplift for additional costs associated with living in remote rural areas, remote small towns and island areas. Other amendments made at Stage 2 include: new definitions of extreme fuel poverty and the median fuel poverty gap; enhanced requirements in relation to consultation on, and the content and publication of, the fuel poverty strategy; further requirements in relation to periodic reporting; and the establishment of a Scottish Fuel Poverty Advisory Panel.

Delegated powers provisions

10. The Committee considered each of the delegated powers in the Bill as amended. The Committee determined that it did not need to draw the attention of the Parliament to the delegated powers in the following provisions-
 - Section 2(6)(e)(ii) – Power to determine other person to determine “minimum income standard”
 - Section 2(5A)(b) – meaning of fuel poverty
 - Section 2B(7) – meaning of fuel poverty gap
 - Section 9A(6) – Scottish Fuel Advisory Panel
11. In relation to the delegated power provision in Section 1(1B) - the 2040 target, the Committee is content that the affirmative procedure is to be applied to this power and notes that the printing error in section 11(1), which currently refers to section 1(1A) rather than section 1(1B), will be rectified at printing following Stage 2.

Recommendation

12. **The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill as amended at Stage 2.**

