



# Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019

## 2019 asp 10

### *General*

#### **16 Power to modify section 3**

The Scottish Ministers may by regulations amend section 3 so as to—

- (a) modify the meaning of—
  - (i) requisite temperatures,
  - (ii) requisite number of hours,in subsection (3) of that section,
- (b) modify the definitions for the time being in subsection (10) of that section,
- (c) make different provision as to when a household's remaining adjusted net income is sufficient, or is insufficient, to maintain an acceptable standard of living for members of the household.

#### **17 Regulation-making powers**

- (1) Regulations under section 1(4), 3(4) or (6)(b), 5(7), 14(7)(a) or (b), 15(5) or 16—
  - (a) are subject to the affirmative procedure,
  - (b) may make—
    - (i) incidental, supplementary, consequential, transitional, transitory or saving provision,
    - (ii) different provision for different purposes.
- (2) Before laying a draft of a Scottish statutory instrument containing regulations under section 3(4) or 16, the Scottish Ministers must consult such persons as they consider appropriate.
- (3) The persons consulted under subsection (2) must include individuals who are living, or have lived, in fuel poverty.
- (4) It is immaterial that anything done by way of consultation in relation to regulations under section 3(4) was done—
  - (a) before the Bill for this Act was passed, or

- (b) after that but before this section comes into force.

## **18 Consequential modifications**

- (1) The Housing (Scotland) Act 2001 is amended as follows.
- (2) Section 88 (statement on fuel poverty), together with the italic heading preceding it, is repealed.
- (3) In section 89 (local housing strategies), after subsection (11) insert—

“(12) For the purpose of subsection (5)(b), a person lives in fuel poverty if the person is a member of a household which is in fuel poverty for the purposes of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019.”.
- (4) Section 95 (meaning of “fuel poverty”), together with the italic heading preceding it, is repealed.

## **19 Interpretation**

In this Act—

- “the 2040 target” means the target set out in section 1(2),  
“the 2040 target in relation to each local authority area in Scotland” means the target set out in section 1(3),  
“the fuel poverty targets” means the targets set out in sections 1 and 2,  
“the Scottish Fuel Poverty Advisory Panel” means the Panel established under section 14(1).

## **20 Commencement**

- (1) Section 19, this section and section 21 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
  - (a) make different provision for different purposes,
  - (b) include transitional, transitory or saving provision.

## **21 Short title**

The short title of this Act is the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019.