
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

**The Fuel Poverty (Targets, Definition and Strategy)
(Scotland) Act 2019 (Scottish Fuel Poverty Advisory
Panel and Consequential Amendments) Regulations 2020**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 (Scottish Fuel Poverty Advisory Panel and Consequential Amendments) Regulations 2020 and come into force on the day after the day on which they are made.

(2) In these Regulations—

“the Act” means the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019,

“member” means an individual who is appointed as a member of the Panel in accordance with regulation 2, and

“the Panel” means the Scottish Fuel Poverty Advisory Panel.

(3) In regulation 2(3), “fuel poverty” means the condition when a person has too little money to be able to keep their home warm, and does not have the meaning specified in section 3(1) of the Act.

Membership

2.—(1) The Panel is to consist of the following members—

(a) an individual appointed by the Scottish Ministers to chair the Panel, and

(b) no fewer than 3 nor more than 5 other members appointed by the Scottish Ministers.

(2) Each member is—

(a) to be appointed for a period of no longer than 4 years,

(b) eligible to be re-appointed for one further period of no longer than 4 years (which period may commence immediately after the expiry of the initial period of appointment or on a later date, as may be determined by the Scottish Ministers).

(3) The Scottish Ministers, in appointing members, must have regard to the desirability of securing that the Panel—

(a) taken as a whole, has experience in and knowledge of—

(i) the formulation, implementation and evaluation of policy relating to fuel poverty,

(ii) academic research in connection with fuel poverty,

(iii) working with persons who experience fuel poverty, and

(b) includes at least one member who has experienced fuel poverty.

(4) A member holds and vacates office in accordance with the terms and conditions of appointment by the Scottish Ministers, but may resign office as a member by giving notice in writing to the Scottish Ministers.

Disqualification

3. An individual is disqualified from appointment, and from holding office, as a member if the individual—

- (a) is—
 - (i) a member of the Scottish Parliament,
 - (ii) a member of the House of Commons,
 - (iii) a member of the House of Lords,
 - (iv) a member of the National Assembly for Wales,
 - (v) a member of the Northern Ireland Assembly,
 - (vi) a member of the European Parliament,
 - (vii) a member of any local authority,
 - (viii) the holder of any other “relevant elective office” within the meaning of paragraph 1(8) of schedule 7 of the Political Parties, Elections and Referendums Act 2000(1),
 - (ix) a member of the Scottish Government,
 - (x) a Minister of the Crown,
 - (xi) an office-holder of the Crown in right of Her Majesty’s Government in the United Kingdom,
 - (xii) an office-holder in the Scottish Administration, or
 - (xiii) a civil servant,
- (b) is or has been disqualified from being a company director under the Company Directors Disqualification Act 1986(2),
- (c) is or has been disqualified from being a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005(3), or
- (d) is or has been disqualified under any disqualification provision analogous to either of those mentioned in sub-paragraphs (b) or (c), anywhere in the world.

Removal from office

4. The Scottish Ministers may remove a member from office by giving the member notice in writing, if the Scottish Ministers are satisfied that the member is—

- (a) unable to perform the member’s functions,
- (b) absent from three consecutive meetings of the Panel, or
- (c) otherwise unfit to continue to be a member.

Remuneration and expenses

5.—(1) The members are entitled to such remuneration as the Scottish Ministers may determine.

(2) The Scottish Ministers are to pay or reimburse any expenses which have been reasonably incurred by the members.

(1) 2000 c.41. Paragraph 1(8) of schedule 7 has been amended by S.I. 2004/366 and S.I. 2012/1917.
(2) 1986 c.46.
(3) 2005 asp 10.

Independence and exclusion of Crown status

6.—(1) In performing its functions, the Panel is not subject to the direction or control of any member of the Scottish Government.

(2) Paragraph (1) is subject to any contrary provision in this or any other enactment.

(3) The Panel is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown.

Preparation and publication of reports

7.—(1) In relation to the obligation of the Panel to make each report in accordance with section 14(4) of the Act, the Panel must give its report to the Scottish Ministers in writing as soon as reasonably practicable and no later than 6 months after the publication under section 11 of the Act of each periodic report that the Panel is reporting on.

(2) Each report must be published by the Scottish Ministers within one month from the date on which the report is given to the Scottish Ministers in accordance with paragraph (1).

Consequential amendments

8. The amendments specified in the schedule have effect.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers