

FUEL POVERTY (TARGETS, DEFINITION AND STRATEGY) (SCOTLAND) ACT 2019

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Independent advisory panel

Section 14

67. Section 14 establishes a Scottish Fuel Poverty Advisory Panel. Its statutory function is to meet after the publication of each 3-yearly report and consider progress towards meeting the fuel poverty targets (i.e. both the interim and the 2040 targets), the likelihood of meeting those targets, and the extent to which the four drivers of fuel poverty are being addressed – these drivers being low net adjusted household incomes, high household fuel prices, homes having low levels of energy efficiency, and inefficient use of fuel in homes (although, as noted in relation to section 6, the final of these will have no impact on rates of fuel poverty as measured under the Act). The Panel must then report to the Scottish Ministers on its findings. That report can propose changes to the fuel poverty strategy and can also contain any other recommendations the Panel considers appropriate. The Panel can also choose to provide advice to the Scottish Parliament committee with responsibility for fuel poverty. Such advice may be on the matters which the Panel is required to consider under subsection (3) following a 3-yearly report but also on any other matters that are set out by the Scottish Ministers in regulations.
68. Subsection (7) of section 14 allows the Scottish Ministers to make further provision about the Panel by regulations. It also allows Ministers to dissolve the Panel, but only once the target year set under section 1 has passed. Ministers must lay draft regulations under subsection (7)(a) before the Parliament within one year of the section coming into force. The regulations can (among other things) make provision about the Panel's membership, make provision about the remuneration and expenses to be paid to members (if any), make provision about the Panel's reports, and make such other provision relating to the Panel as Ministers consider appropriate. Such regulations may also modify the Act or other enactments.

Section 15

69. Section 15 deals with the funding of the Scottish Fuel Poverty Advisory Panel. Subject to the cap provided for in subsection (2), the Scottish Ministers are required to provide the financial resources they consider necessary to support the Panel.
70. The cap on the Panel's funding is set at £82,000 in any 3 year operating period, but this sum is to be adjusted to take account of inflation. The first operating period begins on the date the section comes into force, and subsequent operating periods begin immediately upon the conclusion of the previous one.

*These notes relate to the Fuel Poverty (Targets, Definition and Strategy)
(Scotland) Act 2019 (asp 10) which received Royal Assent on 18 July 2019*

71. Inflation is dealt with in subsections (3) to (5). The cap is to be adjusted to take account of any increase that has occurred in the annual average consumer prices index beginning with the day on which the section came into force. There is, however, a power to amend the prices index using regulations.
72. The inflation linking will be done on an ongoing, cumulative basis. This means that any inflation which takes place during an operating period can be taken into account when paying out funds during or in respect of that period. In any calculation for any operating period, the indexing is to be done from the day on which the section came into force, meaning that inflation for the entire period is taken into account.