



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

2019 asp 10

Fuel poverty targets

3 Meaning of fuel poverty

- (1) A household is in fuel poverty if—
- (a) the fuel costs necessary for the home in which members of the household live to meet the conditions set out in subsection (2) are more than 10% of the household's adjusted net income, and
 - (b) after deducting such fuel costs, benefits received for a care need or disability (if any) and the household's childcare costs (if any), the household's remaining adjusted net income is insufficient to maintain an acceptable standard of living for members of the household.
- (2) For the purpose of subsection (1)(a), the conditions are that—
- (a) the requisite temperatures are met for the requisite number of hours, and
 - (b) the household's other reasonable fuel needs within the home are met.
- (3) For the purpose of subsection (2)(a)—
- (a) the requisite temperatures are—
 - (i) in the case of a household for which enhanced heating temperatures are appropriate—
 - (A) 23 degrees Celsius for the living room,
 - (B) 20 degrees Celsius for any other room,
 - (ii) otherwise—
 - (A) 21 degrees Celsius for the living room,
 - (B) 18 degrees Celsius for any other room,
 - (b) the requisite number of hours is—
 - (i) in the case of a household for which enhanced heating hours are appropriate, 16 hours a day,
 - (ii) otherwise—
 - (A) 9 hours a day on a weekday,
 - (B) 16 hours a day during the weekend.

- (4) The Scottish Ministers may by regulations specify the types of household for which—
- (a) enhanced heating temperatures,
 - (b) enhanced heating hours,
- are appropriate.
- (5) Subject to subsection (6), a 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 at least 90% of the minimum income standard applicable to the household after deduction of the notional costs allocated as part of that standard to—
- (a) rent,
 - (b) council tax and water rates,
 - (c) fuel,
 - (d) childcare.
- (6) 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.
- (7) Regulations under subsection (6)(b) must—
- (a) define “remote rural area”, “remote small town” and “island area”, and
 - (b) specify a person who is to determine, in relation to households in such areas or towns, the additional amount mentioned in subsection (6)(b).
- (8) The person specified in regulations under subsection (6)(b) must make a separate determination on the additional amount in relation to households in island areas.
- (9) In defining “island area” in regulations under subsection (6)(b), the Scottish Ministers must ensure that the definition encompasses all island areas.
- (10) In this section—
- (a) “adjusted” means adjusted by deducting housing costs,
 - (b) “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 68 of the Social Security Contributions and Benefits Act 1992 (severe disablement allowance),
 - (v) section 71 of the Social Security Contributions and Benefits Act 1992 (disability living allowance),
 - (c) “childcare costs” means the costs of any care or supervised activity provided—

- (i) for a child who is below school age or who is receiving primary education (within the meaning of section 135 of the Education (Scotland) Act 1980), and
 - (ii) other than care or supervised activity provided in the course of the child's compulsory education or where the main reason for incurring the costs is the child's participation in the activity,
- (d) "household" means—
 - (i) one person living alone in a private dwelling, or
 - (ii) a group of people living together as a family or other unit (whether or not related) in a private dwelling, who—
 - (A) have the dwelling as their only or main residence, and
 - (B) share living accommodation and cooking facilities,
- (e) "housing costs" means—
 - (i) rent or mortgage costs,
 - (ii) council tax (within the meaning of section 99(1) of the Local Government Finance Act 1992), and
 - (iii) charges for the provision of water services and sewerage, incurred in respect of the home in which members of the household live,
- (f) "minimum income standard" means the minimum income standard for the United Kingdom determined by—
 - (i) the Centre for Research in Social Policy at Loughborough University, or
 - (ii) such other person as the Scottish Ministers may from time to time determine,
- (g) "net income" means the income of all adults in the household after deduction of—
 - (i) the income tax payable on that income, and
 - (ii) the national insurance contributions for which those adults are liable under Part 1 of the Social Security Contributions and Benefits Act 1992.