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Dear James

Fuel Poverty (Targets, Definition and Strategy)(Scotland) Act 2019 – Enhanced Heating Regulations

In my letter of 30 August 2019, I outlined our expected timetable for bringing forward the various pieces of secondary legislation required to implement the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 (“the Act”). As you will be aware the main Commencement Regulations were laid, as planned, on 5 September and brought the majority of the Act into force on 19 September. Regrettably there has been some slippage in our expected timeline for the Enhanced Heating Regulations, which I previously suggested would be laid in Parliament in October 2019.

The delay has arisen because it has taken more time than anticipated to fully analyse all the issues raised in the responses to our consultation on the households that should have an enhanced heating regime applied when calculating fuel poverty. Although the clear majority of respondents to the consultation agreed with our proposed approach a number of issues were raised that I wanted to fully explore. This has involved working across Government and seeking views and advice from a range of other policy areas. This work is still ongoing and I am keen that we respond to the points made in the consultation in a robust manner. In light of this work which is still underway I am now proposing to lay the Enhanced Heating Regulations in December 2019. I also anticipate that the regulations relating to the Remote Rural, Remote Small Town and Island Minimum Income Standard will be laid in December 2019.

I want to assure you that in rescheduling these regulations it is still our intention to ensure that all the elements of the new definition will be in place for the 2020 Scottish House Condition Survey when we will apply the new definition in its entirety for the first time. Work also continues to develop the final Fuel Poverty Strategy that is due to be laid in Parliament in September 2020.

KEVIN STEWART