

*Draft Regulations laid before the Scottish Parliament under section 17(1)(a) of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**ENERGY  
HOUSING**

**The Fuel Poverty (Enhanced  
Heating) (Scotland) Regulations 2020**

*Made - - - - 2020*

*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 3(4) of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 17(2) and (3) of that Act they have consulted with individuals who are living, or have lived, in fuel poverty.

In accordance with section 17(1)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Fuel Poverty (Enhanced Heating) (Scotland) Regulations 2020 and come into force on the day after the day on which they are made.

**Interpretation**

2. In these Regulations—

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

“enhanced heating temperatures” means the requisite temperatures in section 3(3)(a)(i) of the 2019 Act,

“standard heating temperatures” means the requisite temperatures in section 3(3)(a)(ii) of the 2019 Act,

“enhanced heating hours” means the requisite number of hours in section 3(3)(b)(i) of the 2019 Act,

“standard heating hours” means the requisite number of hours in section 3(3)(b)(ii) of the 2019 Act,

“cold” means—

- (a) for the purposes of regulations 3 and 4, when heating is required to bring the dwelling up to the enhanced heating temperatures,
- (b) for the purposes of regulation 5, when heating is required to bring the dwelling up to the standard heating temperatures,

“benefits received for a care need or disability” has the meaning given by section 3(10)(b) of the 2019 Act, and has the meaning given by section 3(10)(b) of the 2019 Act, and

“household” has the meaning given by section 3(10)(d) of the 2019 Act.

### **Enhanced Heating Regime 1**

**3.** Enhanced heating temperatures and enhanced heating hours are appropriate for households where both—

- (a) the dwelling is frequently occupied during the morning or afternoon or both on weekdays by any member of the household when it is cold, and
- (b) any member of the household meets one or more of the following criteria—
  - (i) has a physical or mental health condition or illness which has lasted or is expected to last for a minimum period of 12 months,
  - (ii) is in receipt of benefits received for a care need or disability,
  - (iii) is 75 years old or over.

### **Enhanced Heating Regime 2**

**4.** Enhanced heating temperatures and standard heating hours are appropriate for households where both—

- (a) the dwelling is not frequently occupied during the morning or afternoon or both on weekdays by any member of the household when it is cold, and
- (b) any member of the household meets one or more of the following criteria—
  - (i) has a physical or mental health condition or illness which has lasted or is expected to last for a minimum period of 12 months,
  - (ii) is in receipt of benefits received for a care need or disability,
  - (iii) is 75 years old or over.

### **Enhanced Heating Regime 3**

**5.** Standard heating temperatures and enhanced heating hours are appropriate for households where—

- (a) the dwelling is frequently occupied during the morning or afternoon or both on weekdays by any member of the household when it is cold,
- (b) any member of a household is a child aged 5 years old or under, and
- (c) the household is not a household for which enhanced heating temperatures and enhanced heating hours are appropriate under regulation 3.

St Andrew's House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for three enhanced heating regimes under the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019.

Regulation 3 provides that the enhanced heating regime 1 applies higher temperatures for 16 hours every day of the week in a home where a household member or members suffers from a long-term physical or mental illness or condition lasting at least 12 months, is in receipt of benefits for a care need or disability benefit or is 75 years old and where the home is occupied frequently by any member of the household during the morning or afternoon or both on weekdays when it is cold.

Regulation 4 provides that the enhanced heating regime 2 applies higher temperatures for 9 hours on weekdays and 16 hours at weekends where a member or members of the household suffers from a long-term physical or mental illness or condition lasting for at least 12 months, is in receipt of benefits for a care need or disability benefit or is 75 years old and where the home is not occupied frequently by any member of the household during the morning or afternoon or both on weekdays when it is cold.

Regulation 5 provides that the enhanced heating regime 3 applies standard heating temperatures for 16 hours every day of the week in a home where there is a child aged 5 years old or under and where the home is occupied frequently by any member of the household during the morning or afternoon or both on weekdays when it is cold. It also provides the enhanced heating regime 3 does not apply where the enhanced heating regime 1 does.