

Rùnaire a' Chaibneit airson Ceartas agus Seann-ghaisgich
Cabinet Secretary for Justice and Veterans
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Dear Convener

Utility Warrants in Scotland

Thank you for your correspondence of 6 February seeking information from the Scottish Government's on the points below:

1. the number of warrants to enter a customer's home to disconnect supply or install a prepayment meter which are applied for in Scotland each year, for the past five years
2. what the current processes are for making an application and for judicial consideration of that application
3. how the process operates to protect vulnerable customers – for example, those for whom a prepayment meter is inappropriate and those for whom the requirement to pay via a prepayment might be disproportionate
4. what opportunities and support are available to someone who wishes to oppose a warrant application.

I will take each point in turn.

1. The Scottish Government does not hold this information centrally as this is a court process. The Scottish Courts and Tribunals Service hold operational information in respect of utility warrants for the purpose of processing court fees with the number of applications recorded. SCTS do not routinely record the number of utility warrants granted. SCTS has now established a working group to review the process for dealing with utility warrants, including the data recorded, with a view to improving the information currently available. The Government welcomes the announcement of a review into the process for warrants.

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2. A utility company will apply for a warrant under the Right of Entry (Gas and Electricity Boards) Act 1954. These applications are dealt with by Scotland's Justice of the Peace court and utility companies have to satisfy a Justice of the Peace that they have met their obligations to the customer. These obligations include a letter to the customer fourteen days before the utility company applies for the warrant. A hearing is required before the warrant will be granted. On the day of the hearing the representative of the utility company must confirm, under oath, that all reasonable steps were taken to inform the customer of the right to request a hearing but that no hearing was requested. It is the JP's decision as to whether the warrant is appropriate and reasonable before granting it.
3. Each application is considered separately by a Justice of the Peace based on its individual facts and circumstances, taking into account the relevant statutory tests. In Scotland, no utility warrants are considered in bulk. Guidance is in place for Justices of the Peace which sets out the steps to be followed when an application is being considered. These measures aim to safeguard the vulnerability of the domestic customer and that any action taken is proportionate. If there are any objections received the JP will not consider the warrant and the utility company must make their application for a warrant by summary application to the Sheriff.
4. Prior to going to court the utility company requires to have made all reasonable efforts to obtain the consent of the occupier to exercise their right of entry under the Rights of Entry (Gas and Electricity Boards) Act 1954. If no consent is given by the customer and the company intends to seek a warrant to enter the premises, then the utility company must inform the customer of their intention to do this by letter. This letter must be sent to the customer at least 14 days prior to the application for a warrant being heard by the JP and must advise the customer where and when the application for a warrant will take place. The customer must also be advised of the actions they need to take should they wish to object to the warrant being granted and of their right to request a hearing. Advocacy support is available through partner organisations such as Advice Direct Scotland and Citizen Advice Scotland

With regards to work being undertaken in this area, it should be noted that the Scottish Government has no power to change the warrant process. That being said, the Scottish Government opposes the forced installation of prepayment meters, which increases the risk of self-rationing and self-disconnection. We have continuously called upon the UK Government to provide additional and targeted support to vulnerable consumers, including those with prepayment meters.

We used the Emergency Budget Review to double the Fuel Insecurity Fund to £20 million for this financial year, ensuring support continues to be available to people struggling with high energy costs over the winter. The Scottish Budget on 15 December re-affirmed this commitment with a protected allocation of £20 million for 2023/24.

The Scottish Government's partner organisation Advice Direct Scotland provides help and support to anyone struggling with their energy bills. Advice Direct Scotland services, through our Fuel Insecurity Fund, include Home Heating and Energy advice, with the option to refer people onwards for further targeted support.

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We are engaging with Ofgem regarding its request to suppliers to immediately halt forced installations and remote switching to prepayment meters until 31 March 2023, as well as its consultation on the rules and guidance on the use of prepayment meters by suppliers. We will use this engagement to ensure that the rights and interests of Scottish consumers are fully considered.

Last year, the First Minister chaired two energy summits which were attended by energy suppliers. We continue to build upon the progress made at these summits, and are looking to suppliers for assurance that they are exploring all possible options to support struggling customers, especially those living in vulnerable circumstances.

I hope this information is helpful.



KEITH BROWN

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