



The Scottish Parliament
Pàrlamaid na h-Alba

Published 28 December 2019
SP Paper 650
13th Report 2019 (Session 5)

Economy, Energy and Fair Work Committee Comataidh Eaconamaidh, Lùth is Obair Chothromach

Stage 1 Report on the Consumer Scotland Bill



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Introduction	1
Background to the Bill	1
Overview of the Bill	2
EEFW Committee's considerations	2
Consideration by other Committees	2
The need for a new consumer body	3
Duplication	3
Collaboration	4
Advice	5
Advocacy	6
Additional functions	9
Enforcement and redress	9
Reserved and devolved competence	10
Additional objectives	12
Quality assurance of advice	12
Alternative Dispute Resolution (ADR)	12
Research and prevention	13
Product recall	14
Definitions	16
Vulnerability	16
Consumer	16
Consumption	18
Data Collection and Sharing	20
Consumer Duty	23
General Principles of the Bill	25
Annex A	26
Minutes of Meetings	26
Written Evidence	28
Correspondence	30
Work by other Committees	30

Economy, Energy and Fair Work Committee

Remit: To consider and report on economy and fair work matters falling within the responsibilities of the Cabinet Secretary for Economy, Fair Work and Culture; matters relating to the digital economy within the responsibilities of the Cabinet Secretary for Finance, and matters relating to energy falling within the responsibilities of the Minister for Energy, Connectivity and the Islands.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/economy-committee.aspx>



economyenergyandfairwork@parliament.scot



0131 348 5403

Committee Membership



Convener
Gordon Lindhurst
Scottish Conservative
and Unionist Party



Deputy Convener
Willie Coffey
Scottish National Party



Jackie Baillie
Scottish Labour



Colin Beattie
Scottish National Party



Jamie Halcro Johnston
Scottish Conservative
and Unionist Party



Dean Lockhart
Scottish Conservative
and Unionist Party



Richard Lyle
Scottish National Party



Gordon MacDonald
Scottish National Party



Andy Wightman
Scottish Green Party

Introduction

1. The Consumer Scotland Bill ("the Bill") was introduced in the Scottish Parliament on 5 June 2019. It is a Scottish Government Bill and the Economy, Energy and Fair Work (EEFW) Committee was designated as lead committee at stage 1.
2. The Bill would establish a new statutory body called Consumer Scotland with the primary objective of providing consumer advocacy and advice. According to the Policy Memorandum:
 - ” The Bill will enable Consumer Scotland to take a strategic and evidence-led approach to identifying how and why consumers experience harm in Scotland and proposing solutions to mitigate it. In so doing, the body should increase consumer fairness across Scotland.¹
3. Consumer Scotland would have the following overarching aims:
 - reducing harm to consumers in Scotland;
 - increasing confidence among consumers in Scotland in dealing with businesses that supply goods and services to consumers; and
 - increasing the extent to which consumer matters are taken into account by public bodies in Scotland.
4. The Bill's provisions would establish Consumer Scotland as a body which:
 - is accountable to the Scottish Parliament;
 - must use its powers in a collaborative way;
 - must specifically consider the needs of vulnerable consumers;
 - has powers to require certain bodies to provide information.

Background to the Bill

5. In 2014, the Smith Commission was set up to make recommendations for further powers which should be devolved to the Scottish Parliament. In response to these recommendations the Scotland Act 2016 devolved powers for the Scottish Parliament to legislate for the delivery of consumer advice and advocacy.
6. A levy was also introduced for energy and postal operators to fund consumer support services in these areas. Energy and post businesses can be required to contribute - to the extent the Secretary of State thinks reasonable - to consumer advocacy and advice services provided under devolved powers in Scotland.
7. In 2015, the Scottish Government set up a working group to advise on how the Scottish Government should develop consumer and competition policy in Scotland. The group carried out its work before any powers were formally devolved. However, it was aware of the scope of the legislation making its passage through the UK Parliament at the time. The working group made [recommendations](#) in relation to

advocacy, advice, enforcement and redress - the areas it described as the four pillars of consumer protection.

8. The Scottish Government consulted on proposals for Consumer Scotland in 2018. The consultation also covered changes to the wider consumer landscape and the creation of a consumer duty for certain devolved public bodies. The Bill has been introduced by the Scottish Government in response to this consultation work and the devolution of powers in these areas.

Overview of the Bill

9. The Bill comprises of 28 sections in 3 parts and contains 2 schedules. It creates the enabling framework for the new body, but this framework will need to be supplemented by significant further work to develop detail on its overall structure, operational model and activities.²

EEFW Committee's considerations

10. The Committee's [call for views](#) received [54 written responses](#). The Committee held evidence sessions on 1 October, 29 October, 5 November and 12 November.
11. The Committee is grateful to all those who provided evidence which helped to inform its scrutiny of the Bill.

Consideration by other Committees

12. The Finance and Constitution Committee [considered](#) the [Financial Memorandum](#) and received [three written submissions](#) to its own call for views, deciding to undertake no further work on the financial implications of the Bill.
13. At its meetings on 17 September and 29 October 2019, the Delegated Powers and Law Reform (DPLR) Committee considered the delegated powers contained in the Bill. The DPLR Committee [wrote](#) to the Scottish Government to seek further clarification on three of the provisions.³ The Scottish Government [responded](#) on 11 October 2019.⁴
14. In relation to the introduction of a consumer duty on relevant public authorities, the DPLR Committee noted that the Bill does not specify any bodies to which the duty will apply. The Committee considered that there appear to be some clear examples of bodies which could be made subject to such a duty, for example, local authorities.
15. The DPLR Committee recommended that the EEFW Committee consider further whether any public bodies, such as those noted in the Scottish Government's response, could be named on the face of the Bill.⁵

The need for a new consumer body

16. The majority of evidence received by the Committee was supportive of a new consumer body being created. Many thought that it would raise the profile of consumer issues and offer strategic overview. Others felt that Consumer Scotland could look at specifically Scottish issues in a way that UK bodies were unlikely to.
17. A small number of respondents did not support the creation of Consumer Scotland. The main objection by those who opposed the Bill was that much of what Consumer Scotland could do is already, at least in part, done by other organisations.
18. As the overall structure, operational model and activities of Consumer Scotland are to be determined after the Bill has been passed and the body has been established, many witnesses were unclear about what Consumer Scotland's role would be in practice. This led to the Committee hearing a wide range of suggestions for what the body's focus should be.
19. Some witnesses felt that the Scottish Government's priority should have been to decide what the body would do and then make decisions on the framework, cost and resource required to fulfil this need. Instead estimated costs have been included in the Financial Memorandum, despite it being unclear what Consumer Scotland's priorities will be. Energy Action Scotland told the Committee:

” The size and shape of the proposed organisation means that it would have 20 staff and a budget of £2.5 million. However, we are already seeing so many issues mount up that they would be too much for an organisation of that size...we need to be more explicit in the bill about its role and be more realistic about a budget. ⁶

Duplication

20. Stakeholders told the Committee that the main disadvantage of Consumer Scotland was the potential for duplication with the work of other bodies. The consumer protection landscape is complicated and a variety of organisations work in the main areas of advocacy, advice, enforcement and redress already. It is unclear in the Bill itself how Consumer Scotland will interact with these existing bodies.
21. Respondents to the call for views noted the risk of overlap between the work of Consumer Scotland and other Scottish bodies such as trading standards, Citizens Advice Scotland (CAS) and sector regulators. Some also noted the need for clearly defined relationships between Consumer Scotland and UK-wide bodies, such as the Competitions and Markets Authority (CMA) and UK regulators. The Scottish Retail Consortium noted that:

” with the Competition and Markets Authority expanding their work in Scotland, it is vital Consumer Scotland develops the right structures to work constructively with the regulator. ⁷
22. The majority of stakeholders thought that Consumer Scotland should focus on filling the gaps in the landscape to maximise its impact. A small number felt that Consumer Scotland should also have a role in reshaping the existing offering.

Thomas Docherty of Which? explained his understanding of Consumer Scotland's role:

” Rightly, the Scottish Government has not squeezed in a new body to fill the gaps without touching the sides of any other body that is working in the area. Instead, it has done the right thing by looking across the board to see which responsibilities should move from other organisations to Consumer Scotland. It has created a system that is bold, brave and logical.⁸

23. In contrast, Energy Action Scotland felt that everything proposed in the Bill could be delivered by trading standards and CAS if they had sufficient resources and funding. It said that any potential gaps were "mainly due to a lack of long term funding."⁹
24. CAS told us that in 2018/19 a total of 221,133 pieces of consumer advice were given, delivered through CABx (193,607 issues), the Citizens Advice Consumer Service (26,268 issues) and the Extra Help Unit (1,258 issues).¹⁰ The Citizens Advice Service Statistics 2018/19 note that CABx dealt with 703,685 advice issues meaning that consumer issues constituted around 27.5% of the total CABx advice issues.¹¹

Collaboration

25. The Bill would place on Consumer Scotland a duty to collaborate with other organisations. It "must have regard to" activities being carried out by public bodies with similar functions, as well as the desirability of working with others¹². This duty, as well as the requirement to consult on and publish a forward work programme is intended to ensure that Consumer Scotland works effectively with other stakeholders.
26. Stakeholders welcomed the requirement for the forward work programme to be laid before Parliament and for Consumer Scotland to "have regard" to their views. Sarah O'Neill of Sarah O'Neill Consulting agreed that the forward work plan is important. She told the Committee that:

” Consumer Scotland will want to set out criteria for why it will do certain pieces of work and why they are important. For example, what is the level of detriment? How many people will it affect? Is anyone else working on it? I see that as something that the body will consult on before it publishes its work programme. It will speak to all the relevant players or stakeholders and ask what the key issues are.¹³
27. For Glasgow City Council, the establishment of a Scottish version of the UK-wide Consumer Protection Partnership with Scottish consumer protection providers, should be an early priority for Consumer Scotland.¹⁴ The UK Consumer Protection Partnership brings together various stakeholders to discuss issues and agree priorities.

28. A Scottish Consumer Protection Partnership could improve collaboration and develop strategies to tackle consumer harm. ¹⁵ The CMA thought it was important for Consumer Scotland to join the UK-wide Consumer Protection Partnership. ¹⁶
29. The Minister told the Committee that working in co-operation with other organisations will be built into the foundations of Consumer Scotland with collaboration becoming an integral part of its culture and working practices. ¹⁷ He added that the partnership approach "should allow all the organisations to come together to ensure that there is little or no duplication, except when those bodies feel that it would be sensible to have such overlap." ¹⁸

30. The Committee welcomes the Scottish Government's intention for Consumer Scotland to collaborate with organisations already operating in the consumer protection landscape. However, the Committee heard that as Consumer Scotland's objectives have not been defined, a number of organisations remain uncertain how Consumer Scotland will operate. In advance of its stage 2 considerations, the Committee believes the Minister should outline in further detail the form and functions of Consumer Scotland, including how it would interact with other bodies, so as to ensure there is no duplication of work.

31. The Committee believes it is important that consumer voices are a central part of setting Consumer Scotland's work programme, recommends that there is a duty to consult and asks the Scottish Government to consider how it will take this forward.

32. The Committee recognises that it will be essential for Consumer Scotland to establish close working relationships with a number of stakeholders, including trading standards services. It notes concerns that there could be competing priorities from UK bodies and Consumer Scotland, which may cause confusion. The Committee therefore recommends that structures, such as a Scottish Consumer Protection Partnership are established to enable better communication and consistency in priorities.

Advice

33. Despite these assurances about Consumer Scotland's intention to collaborate and avoid duplication, stakeholders still had significant concerns, mainly regarding Consumer Scotland's proposed advice and advocacy remit. There was confusion among witnesses as to whether it was the Scottish Government's intention for Consumer Scotland to offer advice to individuals. Some respondents thought that this would cause confusion for consumers and overlap with current advice provisions.
34. Although a number of organisations currently offer consumer advice and advocacy, respondents to our call for views had particular concerns about how Consumer

Scotland's advice role would impact both CAS and the Citizens Advice Bureau (CABx) network.

35. The Citizens Advice service provides frontline advice through its network of Citizens Advice Bureaux and telephone and web services. Other smaller organisations also provide consumer advice and advocacy, often to specific people on specific issues, such as Age Scotland. The Scottish Government has launched consumeradvice.scot as a source of telephone and online advice, provided by Advice Direct Scotland. As operational detail is still to be determined it is unclear how significantly the creation of Consumer Scotland will impact these existing organisations and the services they provide.
36. Several witnesses also noted that the separation of consumer advice is difficult as people tend to experience problems in clusters.¹⁹ The Chief Officers of Citizens Advice Bureau in Scotland (CoCABS) were clear that Consumer Scotland should not have a public facing role:
 - ” It is important that it [Consumer Scotland] does not have a public facing role, or confuse an already busy landscape as a new brand, or stand in the way of resolving issues for consumers. In plain language, the creation of a new body called Consumer Scotland is likely to lead members of the public to think they contact the body to resolve an issue - that is an inappropriate and unrealistic prospect, and our Network already provides that function.²⁰
37. Sarah O'Neill had a different interpretation of what is meant by "advice":
 - ” The bill refers to advice and information. I take it from that that the role of the new body is primarily about giving advice to the Government and others, and that it will provide information to consumers, rather than necessarily providing advice.²¹
38. On the broad drafting of Consumer Scotland's advice powers, the Minister commented that the Scottish Government needs to ensure that Consumer Scotland has flexibility to deal with future developments. He said that it is the Scottish Government's current intention for Consumer Scotland to focus on high-level assessment of strategic issues.²²

Advocacy

39. CAS provides consumer advocacy by collating examples of client experiences reported by CABx and using this to influence policy-makers. It argues that this gives its work a people-centred focus. Other organisations – such as Energy Action Scotland and Which? – also provide consumer advocacy. However, CAS is arguably the body which will be most impacted by the creation of Consumer Scotland.
40. CAS itself has broadly welcomed the creation of Consumer Scotland, which it felt should fill gaps which currently exist in research, coordination of existing services and strategy. It felt this national overview of consumer issues would provide a "top down" perspective, complimenting the CABx "bottom up" role, which highlights

clients' experiences.²³ In order to avoid duplication CAS argued that Consumer Scotland's role should be more clearly defined in the Bill.

41. CAS told the Committee that they expect to lose funding and functions as a result of the creation of Consumer Scotland. It remains concerned that its ability to advocate on the issues raised by clients may be eroded over time. It, and other stakeholders, have called for its role as a consumer advocate to be expressly outlined in the legislation.²⁴

42. CAS explained to the Committee that under the Consumer, Estate Agents and Redress Act 2007, CAS and Citizens Advice (in England and Wales) were granted a specific role in statute. CAS was of the view that specific statutory mention would be beneficial to it as an organisation, but that the statutory framework has changed as a result of the Scotland Act 2016. The Committee wrote to CAS and the Scottish Government to seek clarification on this statutory role and how it may change with the introduction of Consumer Scotland.²⁵

43. In its response the Scottish Government noted that under the Consumers, Estate Agents and Redress Act 2007, Citizens Advice Scotland, Citizens Advice (in England and Wales) and the General Consumer Council of Northern Ireland have certain statutory functions. These statutory functions have not changed, but largely relate to gas, electricity and postal services:

” These include the power (but not a duty) to investigate complaints made by vulnerable "designated consumers" (currently only gas, electricity and postal services customers), and to require specified persons to provide them with information. They are obliged to investigate complaints by any gas or electricity consumer relating to the disconnection of gas or electricity.²⁶

44. However, until 2016, under the Utilities Act 2000 and the postal Services Act 2011, CAS was the named recipient of levy funding relating to users of electricity, gas and postal services. The Scotland Act 2016 amended the 2000 and 2001 Acts, so that CAS is no longer a named recipient of electricity, gas or postal levy funding. The money goes to the Scottish Government instead. The Minister wrote:

” Although CAS is no longer named as recipients of the levy funding in relation to postal and energy users we have continued to direct this funding to CAS since 2016. In 2019/20, the amount provided for consumer advocacy amounted to around £0.7 million from energy and postal levies, with an additional £0.3 million in levies relating to the water industry. We anticipate that Consumer Scotland will take responsibility for use of this funding, which reflects that it aligns more closely with the body's greater focus on national research and more strategic overview of consumer interests.²⁷

45. CAS's understanding is that it is likely to lose all its levy-related funding (from the post, energy and water sectors) in the next two years. This was worth approximately £1 million in 2019/20. In 2020/21, money provided by the Scottish Government for general consumer advocacy is expected to increase to partially compensate for this. CAS expects this to mean that it will lose a minimum of £300,000 of funding in 2020/21, increasing to £600,000 in 2021/22. However, arrangements beyond then have not been made and CAS is concerned about what this could mean for the services it provides. CAS noted that:

” there have been no arrangements made beyond 2020/21, which is why CAS is looking for assurances and protections for continuing our role in delivering people-centred advocacy in the long term, and to have our role protected in statute.²⁸

46. When questioned on evidence presented by CAS, the Minister explained that he was not convinced of the necessity to introduce statutory functions for CAS in the Bill. However, the Minister also emphasised the value he places on CAS's work and noted in correspondence that "irrespective of any statutory changes, it will always remain the case that CAS is a valued partner to the Scottish Government and will continue to have an important role to play representing consumers."²⁹ He also made a commitment to continue to have dialogue with CAS on how to maintain the support provided and offered CAS a further commitment that it has a role in the future consumer landscape. The Minister said:

” I recognise the particular situation of citizens advice bureaux and CAS, and that they require to be supported in order to undertake their work. They still have a really important role to play in the gathering of intelligence, data and information through the practical experience of interacting with a huge range of members of the public, particularly those who are vulnerable...We have engaged with CAS on how we will continue to support that. For the coming financial year, we have made a commitment to uplift CAS's grant funding, so that it can continue that work. We will continue to have that dialogue about how we maintain support for CAS.³⁰

47. The Committee notes the important role played by CAS services in supporting consumers on a range of issues. CAS and CABx are trusted providers of consumer advice and advocacy and will have a key role to play in informing Consumer Scotland's priorities. The Committee recommends that the duty to collaborate in the Bill is extended beyond public bodies to include third sector advice organisations, such as CAS, so as to minimise possible duplication of work and to facilitate the role of such bodies as consumer advocates.

48. The Committee notes CAS's concerns about the future of its consumer advice and advocacy functions, particularly in light of the expectation that it will lose its levy related funding, worth approximately £1m in 2019/20 with, as yet, no commitment from the Scottish Government beyond 2020/21. The Committee welcomes the Minister's commitment to continue to have a dialogue with CAS on how to maintain the levels of support offered to CAS by the Scottish Government. The Committee asks to be kept updated on these discussions and would urge the Minister to consider a long-term funding plan. The Committee also notes conflicting evidence about the proposed advice role of Consumer Scotland and seeks clarity on Consumer Scotland's role in relation to advice provision.ⁱ

ⁱ Jackie Baillie proposed an amendment to paragraph 48 of the draft report. The original paragraph read as follows: 'The Committee notes CAS's concerns about the future of its consumer advice and advocacy functions. The Committee welcomes the Minister's commitment to continue to have a dialogue with CAS on how to maintain the levels of

Additional functions

49. Consumer Scotland's primary objective is to provide consumer advocacy and advice. However, when the Scottish Government's working group on consumer and competition policy published its findings in 2015, it made recommendations in relation to advocacy, advice, enforcement and redress. Although enforcement and redress were not devolved under the Scotland Act 2016, they play an important role in the consumer protection landscape and witnesses commented on the degree of influence Consumer Scotland may have in these areas.

Enforcement and redress

50. The working group on consumer and competition issues envisaged Consumer Scotland having a competition role, as well as a role supervising trading standards services. Neither of these provisions have been taken forward in the Bill.
51. Consumer enforcement, including trading standards' powers are reserved to the UK Government. Enforcement therefore will not be included in Consumer Scotland's remit as the Scottish Government cannot bring forward legislation in this area. Instead, Consumer Scotland is expected to use its evidence-base to influence stakeholders to deliver improvements.
52. Trading Standards are the main body currently working in enforcement. Trading standards officers work for local authorities and enforce consumer protection standards in relation to traders. They may offer advice to businesses, but most do not provide advice to consumers.
53. Graeme Paton of the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) highlighted the decline in resource, numbers and capacity within trading standards in Scotland.³¹ East Ayrshire Council also noted that the provision of second tier advice (support to consumers to take action against retailers who do not recognise their rights), traditionally provided by Trading Standards Services, is no longer universally provided due to budget cuts.³² Glasgow City Council said that there is a significant gap in the consumer landscape in terms of intervention on behalf of individual consumers, as a number of local authorities no longer provide that service.³³

support offered to CAS by the Scottish Government. The Committee asks to be kept updated on these discussions. The Committee also notes conflicting evidence about the proposed advice role of Consumer Scotland and seeks clarity on Consumer Scotland's role in relation to advice provision.' Jackie Baillie proposed inserting the following after the first sentence of the paragraph: 'particularly in light of the expectation that it will lose its levy related funding, worth approximately £1m in 2019/20 with as yet no commitment from the Scottish Government beyond 2020/21.' Jackie Baillie also proposed inserting the following after the third sentence: 'and would urge the Minister to consider a long-term funding plan.' The proposals were agreed to by division: For 5 (Jackie Baillie, Jamie Halcro Johnston, Gordon Lindhurst, Dean Lockhart, Andy Wightman), Against 4 (Colin Beattie, Willie Coffey, Richard Lyle, Gordon MacDonald).

54. There was concern among some witnesses that Consumer Scotland should have greater influence on trading standards and enforcement issues. Although these powers are reserved, informal working relationships could be established to raise the profile of trading standards issues.
55. SCOTSS told the Committee that:
- ” Trading Standards services are in the almost unique position of being a Scottish Local Authority function (and therefore funded by the Scottish Government) but with virtually all the legislation enforced being reserved to Westminster. This means that although the Scottish Government cannot legislate in the reserved area of Consumer Protection, it could have some influence on how the work of Trading Standards services is carried out.³⁴
56. SCOTSS also told the Committee that it would support some level of trading standards oversight by Consumer Scotland.³⁵
57. There was some concern among trading standards representatives that there could be competing directions from the UK Department for Business, Energy and Industrial Strategy and Consumer Scotland. SCOTSS told the Committee it was concerned there could be:
- ” a clash between the demands of Westminster and Holyrood. If such a power existed, we would have two legislative bodies telling us what they want us to do. Such a clash would cause problems for us in respect of knowing which requirement we should follow.³⁶
58. The Minister confirmed that Consumer Scotland would be unlikely to intervene in cases where trading standards, CABx and MSPs currently take on case work for individuals. Instead, he said, Consumer Scotland could look at issues on a strategic basis if it emerged that the concerns were more widespread.³⁷

Reserved and devolved competence

59. Questions were also raised about how Consumer Scotland would interact with regulators and how Consumer Scotland could seek to influence issues within reserved policy areas.
60. The CMA has responsibility for promoting competition for the benefit of consumers in the UK. A number of individual UK markets are regulated by legislation including financial services, energy supply, communications and postal services, rail and air transport.
61. Norman Kerr of Energy Action Scotland told the Committee:
- ” Much of what we are talking about as regards telephony, broadband speeds and energy suppliers will continue to fall within the remit of Westminster's retained powers, so the new body will have no teeth.³⁸
62. However, Sarah O'Neill disagreed stating:

” There is no reason why Consumer Scotland should not work to influence change in policy areas at UK level. Section 3 of the Bill explicitly gives it the power to provide advice to the UK Government and regulators about consumer matters. ³⁹

63. Sheila Scobie of CMA had clear expectations of how it would work with Consumer Scotland:

” Consumer Scotland can play a role, as Consumer Futures and Citizens Advice Scotland do now, in informing us about how markets are working for consumers, about how consumers are experiencing the power dynamics in markets and about trust issues...Consumer Scotland could play a role in informing the way in which we exercise our competition enforcement powers. ⁴⁰

64. The Minister also noted that Consumer Scotland will lodge its reports with Parliament so that members and committees can consider its findings and recommendations. It could make specific reference to the CMA in its reports or Scottish Ministers could make recommendations to the CMA based on Consumer Scotland's findings. ⁴¹

Additional objectives

65. As there is limited detail on the face of the Bill, witnesses also had a range of ideas for Consumer Scotland's operational role and priorities. The Committee explored some of these ideas with stakeholders and the Scottish Government.

Quality assurance of advice

66. The Committee heard that Consumer Scotland should have a role in the quality assurance of advice. Trading Standards Scotland told the Committee:
- ” We would have liked the body to act as a quality assurance body for the provision of consumer advice...there is a lot of different consumer advice provision in a lot of different sectors across the country, and it would be good to see that that advice was being delivered to a particular standard that was being monitored and measured.”⁴²
67. Fiona Richardson of Trading Standards Scotland clarified that there is oversight on quality assurance in some sectors, but no general oversight across all bodies.⁴³ Graeme Paton of SCOTSS said that trading standards services used to participate in a quality assurance system, but it was voluntary and "fell into abeyance a few years ago."⁴⁴
68. Various organisations, including the CAB Service, have their own quality assurance systems and the Scottish Government has produced national standards for some advice areas, but not consumer advice. Advice Direct Scotland Ltd told the Committee that peer reviews, feedback and levelling sessions are just some of the ways that it ensures quality assurance and continual learning.⁴⁵
69. The Minister told the Committee that rather than imposing quality assurance of advice, Consumer Scotland will facilitate better collaboration and an open dialogue between organisations. The Bill would not operate to give it an oversight role in relation to other independent advice providers.⁴⁶

Alternative Dispute Resolution (ADR)

70. Closely aligned to the enforcement function is the call by witnesses for Consumer Scotland to have a role in Alternative Dispute Resolution (ADR). Consumer Scotland will not have any powers in relation to consumer redress, as this is also reserved. However, the Scottish Government arguably has some powers to influence and improve court and other redress processes. Consumer Scotland could also play a role co-ordinating and publicising consumer ADR options.
71. Thomas Docherty of Which? felt that Consumer Scotland should look at ADR as one of its early work programme priorities. He told the Committee:

” There are a number of areas of consumer markets where access to ADR schemes and ombudsman schemes is not compulsory and we believe that the detriment is severe...I hope that, in the first couple of years, it [Consumer Scotland] will carry out an investigation into how Scottish consumers are affected by not having a right to automatic ADR. ⁴⁷

72. Jonathan Lenton of Ombudsman Services agreed that if Consumer Scotland could have influence in this area, within its devolved competencies, then this would be welcome:

” I think that there are areas in business sectors where the lack of redress causes problems for consumers. I reiterate that that would be an interesting area for Consumer Scotland to explore. ⁴⁸

73. Others thought that Consumer Scotland could not take any redress actions under the current devolved powers. Graeme Paton of SCOTSS told the Committee that:

” if Consumer Scotland is established and realises that it needs that power in order fully to discharge its duties under consumer advice redress, perhaps it will need to approach the UK Government to see whether that could also be devolved. ⁴⁹

74. With regard to ADR, the Minister suggested that if the Committee felt there were elements within devolved competency, he would be open to considering how Consumer Scotland could have involvement in this process. ⁵⁰

Research and prevention

75. Several organisations suggested that there was a role for Consumer Scotland in reaching consumers who do not complain about their problems. Witnesses told the Committee that Consumer Scotland's proposed evidence-led approach to identifying its priorities was helpful, however it would likely rely on complaint data. There may be an even greater need to focus on areas where people do not complain if Consumer Scotland's objective of protecting vulnerable consumers is to be fulfilled. Trading Standards Scotland said that people who do not complain:

” tend to be the most vulnerable and disadvantaged. Maybe they do not complain because they do not feel capable, they are not empowered or they do not know how to do so. How can we assess and measure that hidden detriment? Maybe there is a role for Consumer Scotland to play there through its research. ⁵¹

76. SCOTSS told the Committee that research conducted in Dumfries and Galloway suggests that people on low incomes are less likely than others to make a formal complaint about something they have bought. It also highlighted that over the last 10 years complaint numbers have been falling. It said that Consumer Scotland would have to determine if this fall in complaint numbers resulted from consumer frustration at not being able to access advice services. SCOTSS said:

- ” If Consumer Scotland bases its investigative work and sets its priorities based on complaint data then people in poverty may not be heard and the consumer issues causing them harm may go unnoticed. A more effective way to ensure all consumers are included is to focus on the trader to ensure trading practices are fair and legal. ⁵²
77. SCOTSS added:
- ” Consumer Scotland should prioritise raising awareness of consumer rights, where to complain and how to reach a satisfactory outcome. ⁵³
78. Sarah O'Neill told the Committee that Consumer Scotland's main focus should be advocating for consumers at the beginning of the process, taking a preventative approach. That links to the focus on research, which she also believes should be one of Consumer Scotland's main roles. ⁵⁴
79. Fiona Richardson agreed that by tracking enforcement cases, by the time a problem is identified it is already well-established. Trading Standards Scotland hope that Consumer Scotland will take a forward look and identify problems earlier. ⁵⁵

Product recall

80. Some witnesses felt that Consumer Scotland should have a role in maintaining a product recall database and raising awareness of recalled products. This could also fall within a broader objective to educate consumers and provide information. As the new consumer body will only be able to address a small number of issues initially it was suggested that some of these additional objectives may be highlighted through signposting to existing bodies.
81. Electrical Safety First noted that the average success rate of an electrical product recall in the UK is just 10%- 20%. It felt Consumer Scotland should have a mandatory function to coordinate and disseminate information and advice to consumers on significant consumer safety issues. It said, "this is key to ensuring a consistent and effective message is delivered from a single trusted source in a timely manner". ⁵⁶
82. The Minister said that while Consumer Scotland would be unable to issue edicts about the recall of products, it would be able to conduct investigations into the issue and make recommendations on how the Scottish Government and others should respond. ⁵⁷
83. It is the Scottish Government's intention for Consumer Scotland to identify its priorities and objectives once established. The Committee heard representations from a range of stakeholders on what they felt these priorities should be, including the quality assurance of advice, access to alternative dispute resolution, research, prevention, and product recall. The Committee recommends that the Minister considers a duty on Consumer Scotland to coordinate and disseminate

information around major recalls of faulty products. The Committee notes that the Bill provides for Consumer Scotland to have regard to the interests of vulnerable consumers and also notes that consumers do not always make complaints. It is therefore important that hidden consumer detriment is considered and that Consumer Scotland evaluates how it can best represent the experiences of vulnerable consumers using the data it can access.

Definitions

84. Witnesses and respondents to the call for views highlighted concerns about some of the definitions which appear in the Bill.

Vulnerability

85. Section 6 of the Bill states that Consumer Scotland must have regard to the interests of vulnerable consumers. Subsection 6 states that "vulnerable consumers" includes consumers who are one or more of the following—
- disabled or chronically sick individuals,
 - individuals of pensionable age,
 - individuals with low incomes,
 - individuals who live in remote rural areas or island communities or who otherwise have fewer or less favourable options as consumers as a result of where they live.
86. Whilst the Explanatory Notes highlight that this list is indicative and not intended to be exhaustive, a number of respondents expressed concerns that the definition was outdated.
87. The majority of respondents who had concerns in this area highlighted that vulnerability depended on the context rather than the characteristics of the consumer. For example, vulnerability can be circumstantial, with most people becoming vulnerable at some point in their lives (e.g. after bereavement). For many, that vulnerability will not be long-term.⁵⁸
88. The Minister suggested that whilst the Bill gives examples of people who may be considered vulnerable, it is not intended to be exhaustive. However, he also indicated that he's "happy to follow that up and to explore the matter further."⁵⁹

89. The Committee notes evidence received by a range of stakeholders, which suggested vulnerability is dependent on context rather than the characteristics of the consumer. The Committee recommends that the Scottish Government considers this evidence and revisits the definition of vulnerability to ensure it is not overly-restrictive.

Consumer

90. The Policy Memorandum notes that section 23 of the Bill provides a broad definition of "consumer" as an individual who purchases, uses or receives, in Scotland, goods or services which are supplied in the course of a business carried on by the person

supplying them (provided that the consumer is not acting wholly or mainly in the course of a business).

91. However, several respondents to the Committee's call for views were critical of this definition and its exclusion of those acting in a business capacity. Sole traders who run their own businesses will not be covered and neither will small or microbusinesses.

92. Respondents noted that small businesses often face the same disadvantages as individual consumers in their knowledge of markets, bargaining power and ability to enforce their rights when things go wrong. Shetland Council noted:

” The definition of consumer excludes small businesses (of which there are many in remote rural areas and island communities) even though they often purchase goods or services in ways which are essentially similar to those of consumers. It also excludes consumers engaged in transactions with other private individuals.⁶⁰

93. Fiona Richardson of Trading Standards Scotland told the Committee:

” The Scottish Government's work on delivery surcharges is interesting. Those affect many of the small and microbusinesses that are based in rural Scotland and are sending things out, as well as consumers who are trying to buy things in. There is a question whether the provision could be strengthened.⁶¹

94. Others were less convinced by the need to expand the definition. Graham Wynn of the British Retail Consortium felt that "businesses and consumers are best kept separate or you will divert attention from one to the other and the situation becomes less clear."⁶² He added that this issue has been considered in various pieces of European legislation and it is the general view that business-to-business legislation should be separate from business-to-consumer legislation.⁶³

95. If the definition of consumer were to include small businesses there is a further question over what the numerical cut-off point for this would be (in terms of employee numbers). Jonathan Lenton of Ombudsman Services told the Committee that the (separate) Financial Ombudsman Service has expanded its remit to cover businesses with up to 50 employees. Ombudsman Services itself currently deals with microbusinesses, which is businesses with 10 or fewer employees.⁶⁴

96. The Minister indicated that the exclusion of sole traders and microbusinesses had not been a conscious omission and he would be open to expanding this definition in the Bill. He agreed however that defining 'small businesses' could be a "thorny issue" and the resource implications would need further consideration.⁶⁵

97. The Committee believes that many challenges faced by consumers are equally, if not more, applicable to people running small businesses. Sole traders and small business owners who are experiencing issues with goods and services often have limited resources to pursue complaints and may also be suffering additional detrimental impact on the ability to run their own business. The Committee

recommends that the Scottish Government bring forward an amendment at Stage 2 to broaden the definition of consumer to address these concerns.

Consumption

98. The Committee received evidence from four academics from universities in Scotland whose research and teaching expertise lie in understanding consumers, consumer protection, vulnerability, ethics and sustainability. They suggested that the Bill's goals could be more clearly defined to reflect the Scottish Government's broader aim of creating an inclusive, fair and prosperous Scotland. They recommended that "a broader, updated, definition of Consumer and Consumption should be used to reflect that processes of consumption extend beyond the act of purchase and do not always concern monetary transaction or economic and utilitarian value." ⁶⁶
99. The academics noted that the "Bill uses narrow and somewhat outdated views of a consumer and consumption." ⁶⁷ Professor Ian Black of the University of Stirling gave evidence on behalf of the academic group and again advocated these broader definitions:
- ” We have to be very careful about the notion of using a consumer frame at a time of environmental crisis, because a consumer frame brings individualism and an expectation of more and more consumption, which are wholly incompatible with climate crisis. ⁶⁸
100. The academic group also believe that a shift of focus from the traditional definition of the consumer and consumption would better reflect the objectives of the Scottish Government's National Performance Framework and its focus on improved wellbeing. ⁶⁹
101. This broader reflection of consumption would also acknowledge the idea of collective harm. The Explanatory Notes accompanying the Bill outline that "harm" is not defined in the Bill and has its "ordinary meaning". ⁷⁰ However, the academics noted:
- ” Consumer activity has a direct negative impact on the environment and indeed, consumer wellbeing, through for example over-consumption and harmful consumer choices. Therefore, we recommend that environmental harm is added to the list of harms considered as Consumer issues. ⁷¹
102. In response to questions on these points, the Minister acknowledged that the consumer landscape has changed and continues to change over time. He said that if there is concern about the definition he would be happy to reflect on that. ⁷²

103. The Committee notes the joint evidence submitted by a group of Scottish academics which recommends that Consumer Scotland's goals could be more

clearly defined to reflect the Scottish Government's broader aim of creating an inclusive, fair and prosperous Scotland. The Committee invites the Scottish Government to consider how these principles could be incorporated into the Bill and the key priorities of Consumer Scotland once established. The Committee believes that closer alignment with the Scottish Government's broader wellbeing agenda would be beneficial.

Data Collection and Sharing

104. It is proposed that Consumer Scotland will use an evidence-based approach to prioritise its activities and set its work programme. It is expected that Consumer Scotland will keep itself informed on consumer issues and prioritise its work using data from a wide range of bodies. This will mean that it will be helpful for organisations currently working on advocacy, advice, enforcement and redress at a Scottish and sometimes UK-level to share data with Consumer Scotland.
105. James Walker of Resolver told the Committee that "the fundamental issue is the need to take information from loads of different sources and to work with that information to look at the bigger picture."⁷³ That requires extensive data collection and sharing.
106. To enhance its ability to collect evidence, Consumer Scotland will also have legislative powers to demand data from certain bodies - referred to as "information-gathering powers"⁷⁴. These cover certain regulators and regulated providers (to be designated by the Scottish Government), as well as any business supplying goods or services. It is expected that Consumer Scotland will use these formal information-gathering powers as a last resort.
107. Instead, for its general evidence-gathering work, Consumer Scotland is expected to work in cooperation with the organisations which hold useful data. A number of bodies that Consumer Scotland will want to work with, including CAS and local authorities will not be covered by the information-gathering powers outlined in the Bill. Data protection legislation and the working practices of these bodies will govern what is possible in terms of data sharing.
108. Trading Standards respondents noted the volume of information held by local authorities that would be beneficial to Consumer Scotland and cannot be obtained by any other source. Dumfries and Galloway Council thought that the Bill should include the power to require local authorities to provide information, as otherwise, there is a risk that voluntarily provided information will be inconsistent across Scotland.⁷⁵ Graeme Paton of SCOTSS agreed with this point.⁷⁶
109. The Scottish Government noted that regulation-making powers have been included in the Bill to add to the categories of organisations who are subject to the information-gathering power, so it will be possible to expand that in the future.⁷⁷
110. Fiona Richardson of Trading Standards Scotland told the Committee that most trading standards bodies use legal provisions in Part 9 of the Enterprise Act 2002 to share information. This allows specific organisations to share information if they have statutory functions for law enforcement purposes. It was suggested that Consumer Scotland would have to become part of this framework to benefit from full information disclosure. Fiona Richardson noted:
- ” Sharing high-level data is generally fine as long as it is anonymised, does not relate to a particular trader and is about business practice or a business sector. However, from our point of view it would be of assistance if Consumer Scotland were to be a recognised body under the act to better enable the process.⁷⁸

111. Advice organisations (and in particular CAS) may have data in the form of case studies which would benefit Consumer Scotland's work. CABx highlighted the importance of Consumer Scotland using client case studies to inform its work rather than focusing on statistical information. However, it was also noted that CABx currently supply case study information to CAS who take responsibility for anonymising the data. CAS and CABx were unclear whether data would continue to be supplied this way or if CABx would be expected to supply anonymised information direct to Consumer Scotland. There was concern that this would be resource intensive.⁷⁹

112. Several of the CABx highlighted concerns about data-sharing and CAS told the Committee:

” Any costs with obtaining and creating data sets or insight should not be underestimated and we would expect to see these costs factored into the set up costs for the new body. We are seeking assurances that small organisations would not be expected to bear the cost burden of sharing insights with the new body.⁸⁰

113. The Minister told the Committee that the Scottish Government has set up a working group on data sharing to ensure a suitable framework can be put in place to simplify the data-sharing process and maximise the information which can be gathered by Consumer Scotland. He also clarified that "it will be incumbent on Consumer Scotland to ensure it has the requisite staffing to undertake some data-gathering activity itself."⁸¹

114. The Law Society of Scotland noted that while Consumer Scotland has been granted the power to demand information from other bodies, there is no reciprocal gateway for Consumer Scotland to help other authorities' investigations. It said:

” We consider that Consumer Scotland should be enabled/obliged to share information with other bodies, including regulators and the Scottish Government, in order to create a more collaborative, efficient and effective ecosystem of information-sharing around consumer issues.⁸²

115. On this point the Minister noted that:

” As long as it is compliant with legislation, I do not see any problem with Consumer Scotland being able to share that information with the other organisations or, indeed, publicly, as it sees fit.⁸³

116. The Committee notes that the ability to gather data from a wide range of organisations will be crucial if Consumer Scotland is to have the evidence-led strategic role intended in the Bill. The Committee would welcome updates from the Scottish Government's working group on data sharing to better understand how these arrangements will work in practice and to what extent its collected data will be reciprocally shared.

117. The Committee notes evidence from trading standards organisations which suggests that the information-sharing framework in the Enterprise Act 2002 facilitates data sharing among enforcement agencies. The Committee believes that the Scottish Government should explore with the UK Government the possibility of including Consumer Scotland in this Act.

Consumer Duty

118. The Bill would create a consumer duty, which is a requirement for certain public bodies to consider the impact of their decisions on consumers.
119. Specifically, public authorities, when making decisions of a strategic nature about how to exercise its functions, would be required to have regard to:
- the impact of those decisions on consumers in Scotland, and
 - the desirability of reducing harm to consumers in Scotland.⁸⁴
120. Relevant bodies would be required to report on how they have complied with the duty at least every year and Consumer Scotland would be able to issue guidance about the duty. The Policy Memorandum notes that the Scottish Government hopes this will ensure consumer interests are considered at an early stage of policy development.⁸⁵
121. While many witnesses supported the idea of a consumer duty, most were unclear about what it would involve and what impact it would have. Neither the nature of the duty nor the processes around it are specified in any detail in the Bill although Consumer Scotland would have a statutory duty to publish guidance.
122. Several stakeholders welcomed the introduction of a consumer duty, despite the lack of detail about which organisations will be affected. SCOTSS refuted evidence heard by the Committee that the duty would become a "tick-box exercise". The vice-chair of SCOTSS said it is more about considering how a new policy will impact consumers alongside a number of other considerations to come to a balanced decision.⁸⁶
123. Other witnesses expressed concerns that the consumer duty might conflict with other duties placed on public sector bodies, such as best value or the equality duty. North Ayrshire Council advocated that the new consumer duty should form part of the existing socio-economic Fairer Scotland duty. It said:
- ” There is a danger in having different duties to have regard to different and sometimes conflicting things (e.g. the interests of consumers and the economy). They need to be considered in an overall context of inequality which the Fairer Scotland duty was intended to address. Accordingly, a duty to consider the needs of consumers could simply be added to guidance on the Fairer Scotland duty. It would then be a factor in any socio-economic impact assessment by a public body.⁸⁷
124. CoSLA also challenged the view in the Financial Memorandum that there would be no additional costs for local authorities. CoSLA argued that the consumer duty "will almost definitely lead to additional work." It added:
- ” any need for additional resource will have to be considered as the bill and any secondary legislation are developed. Robust guidance on the points that bodies should consider and how they should do so will be required.⁸⁸

125. The Minister told the Committee that the duty's design and implementation will be done collaboratively to avoid it becoming "either a token gesture or another burden for public authorities to deal with."⁸⁹ The Minister also highlighted that Consumer Scotland will be required to publish regular state of the nation reports which will include consideration of how the duty is performing and functioning.⁹⁰

126. The Committee notes evidence from CoSLA which challenged the view in the Financial Memorandum that local authorities would not incur any additional costs responding to the consumer duty. The Committee asks that the Scottish Government have further dialogue with CoSLA to explore these concerns in relation to costs.

127. The Committee notes that the Delegated Powers and Law Reform Committee considered whether some public bodies that will be subject to the consumer duty could be named on the face of the Bill. The Committee notes the Scottish Government's response to the DPLR Committee's letter on this topic and invites the Minister to reflect further on whether some public bodies, such as those outlined in the letter and which others, should be included.⁹¹

General Principles of the Bill

128. **The Committee supports the general principles of the Bill and recommends to the Parliament that they be agreed to.**

Annex A

Extracts from the minutes of the Economy, Energy and Fair Work Committee; associated written and supplementary evidence; correspondence, and work by other Committees

Minutes of Meetings

Extracts from the minutes of the Economy, Energy and Fair Work Committee and associated written and supplementary evidence

Minutes of Meetings

27th Meeting, Tuesday 01 October 2019

4. Consumer Scotland Bill: The Committee took evidence on the Bill at Stage 1 from—

- Thomas Docherty, Head of Public Affairs (Nations and Regions), Which?;
- Norman Kerr, Director, Energy Action Scotland;
- Jonathan Lenton, Ombudsman, Ombudsman Services.

7. Consumer Scotland Bill (in private): The Committee considered the evidence heard at today's meeting.

29th Meeting, Tuesday 29 October 2019

2. Consumer Scotland Bill: The Committee took evidence on the Bill at Stage 1 from—

- Derek Mitchell, Chief Executive, Anne Lavery, Deputy Chief Executive, and Rory Mair, Chair, Citizens Advice Scotland;
- Jane Adams, Chairperson, Chief Officers of Citizens Advice Bureau Scotland (COCABS);
- Kristi Kelly, Bureau Manager, Aberdeen Citizens Advice Bureau;
- Lucy O'Leary, Chair, Central Borders Citizens Advice Bureau;
- Gillian Burgan, Social Policy Worker and Scams Helpline Adviser, Clackmannanshire Citizens Advice Bureau;
- Adam Stachura, Head of Policy and Communications, Age Scotland.

3. Consumer Scotland Bill (in private): The Committee considered the evidence heard at today's meeting.

30th Meeting, Tuesday 05 November 2019

2. Consumer Scotland Bill: The Committee took evidence on the Bill at Stage 1 from—

- Fiona Richardson, Chief Officer, Trading Standards Scotland;

- Andrew Bartlett, Chief Executive Officer, Advice Direct Scotland Ltd;
- Graeme Paton, Vice-Chair, Society of Chief Officers of Trading Standards in Scotland (SCOTSS);
- Professor Iain Black, Professor in Marketing, University of Stirling;
- Sarah O'Neill, Sarah O'Neill Consulting;
- Sheila Scobie, Director, Nations, Competition and Markets Authority;
- James Walker, Chief Executive Officer, Resolver;
- Graham Wynn, Assistant Director for Consumer, Competition and Regulatory Affairs, British Retail Consortium.

3. Consumer Scotland Bill (in private): The Committee considered the evidence heard at today's meeting.

31st Meeting, Tuesday 12 November 2019

2. Consumer Scotland Bill: The Committee took evidence on the Bill at Stage 1 from—

Jamie Hepburn, Minister for Business, Fair Work and Skills, and Stephen Rees, Scottish Government Legal Directorate, Scottish Government.

33rd Meeting, Tuesday 26 November 2019

4. Consumer Scotland Bill (in private): The Committee considered a draft report. A number of changes were agreed (one by division). See full note below. The Committee agreed to consider a revised draft in private at a future meeting.

Record of division in private: Jackie Baillie proposed an amendment to paragraph 48 of the draft report. The original paragraph read as follows:

'The Committee notes CAS's concerns about the future of its consumer advice and advocacy functions. The Committee welcomes the Minister's commitment to continue to have a dialogue with CAS on how to maintain the levels of support offered to CAS by the Scottish Government. The Committee asks to be kept updated on these discussions. The Committee also notes conflicting evidence about the proposed advice role of Consumer Scotland and seeks clarity on Consumer Scotland's role in relation to advice provision.'

Jackie Baillie proposed inserting the following after the first sentence of the paragraph:

'particularly in light of the expectation that it will lose its levy related funding, worth approximately £1m in 2019/20 with as yet no commitment from the Scottish Government beyond 2020/21.'

Jackie Baillie also proposed inserting the following after the third sentence:

'and would urge the Minister to consider a long-term funding plan.'

The proposals were agreed to by division: For 5 (Jackie Baillie, Jamie Halcro Johnston, Gordon Lindhurst, Dean Lockhart, Andy Wightman), Against 4 (Colin Beattie, Willie Coffey, Richard Lyle, Gordon MacDonald).

34th Meeting, Tuesday 3 December 2019

2. Consumer Scotland Bill (in private): The Committee considered and agreed a revised draft Stage 1 report and agreed arrangements for its publication.

Written Evidence

- [Greg Davidson](#)
- [Resolver](#)
- [South Lanarkshire Council](#)
- [Arianna Andreangeli](#)
- [Robin Bowden](#)
- [Age Scotland](#)
- [Mydex CIC](#)
- [Jeremy Mitchell](#)
- [Nairn Citizens Advice Bureau](#)
- [Citizens Advice and Rights Fife](#)
- [Advertising Standards Authority](#)
- [East Ayrshire Council](#)
- [Graham Atherton](#)
- [Professor Tina Harrison](#)
- [Central Borders Citizens Advice Bureau](#)
- [Communications Consumer Panel](#)
- [The Society of Chief Officers of Trading Standards in Scotland](#)
- [Glasgow City Council](#)
- [Scottish Legal Complaints Commission](#)
- [Advice Direct Scotland](#)
- [Scottish Independent Advocacy Alliance](#)
- [Competition and Markets Authority](#)
- [Citizens Advice](#)
- [Homes for Scotland](#)

- **East Kilbride Citizens Advice Bureau**
- **Aberdeen City Council**
- **Aberdeen Citizens Advice Bureau**
- **ScottishPower**
- **Centrica plc**
- **Which?**
- **North Ayrshire Council**
- **Energy UK**
- **Professor Iain Black, Professor Deirdre Shaw, Dr Susan Dunnett, Dr Kathy Hamilton**
- **Chief Officers of Citizens Advice Bureau in Scotland**
- **Scottish Water**
- **Clackmannanshire Citizens Advice Bureau Ltd**
- **Angus Citizens Advice Bureau**
- **Citizens Advice Scotland**
- **Energy Action Scotland**
- **Transport Focus**
- **Royal Mail**
- **Ombudsman Services**
- **Ross Taylor**
- **Shetland Islands Council**
- **Electrical Safety First**
- **Advisory Committee for Scotland of Ofcom**
- **Roxburgh and Berwickshire Citizens Advice Bureau**
- **Sarah O'Neill Consulting**
- **East Lothian Council**
- **The Law Society of Scotland**
- **Scottish Retail Consortium**
- **Dumfries and Galloway Council**

- [Food Standards Scotland](#)
- [COSLA](#)

Late Submissions

- [Federation of Small Businesses](#)

Supplementary Evidence

- [Citizens Advice Scotland](#)

Correspondence

On 9 October the Minister for Parliamentary Business and Veterans wrote to the Committee to inform it that Bill does not contain provision that relates to protected subject matter as defined by section 31(5) of the Scotland Act 1998 (as amended).

[Letter from Graeme Dey](#)

The Committee wrote to the Minister for Business, Fair Work and Skills seeking clarity on a number of issues raised. The Minister responded on 5 November.

- [Letter to Jamie Hepburn](#)
- [Minister's response](#)

On 1 November, the Chief Executive of Citizens Advice Scotland, Derek Mitchell, wrote to the Committee following the evidence session on 29 October and provided a framework for consumer advocacy.

- [Letter from Derek Mitchell](#)
- [Consumer Advocacy in Scotland - a Framework](#)

Work by other Committees

Finance and Constitution Committee

The Finance and Constitution Committee sought written evidence on the estimated financial implications of the Bill as set out in its accompanying Financial Memorandum and received 3 responses.

- [South Lanarkshire Council](#)
- [Citizens Advice Scotland](#)
- [The Royal Mail](#)

Delegated Powers and Law Reform Committee

The Delegated Powers and Law Reform Committee reported on the Bill at Stage 1.

- [Consumer Scotland Bill at Stage 1](#)

- 1 Policy Memorandum
- 2 Scottish Government, Consumer Scotland Bill, Policy Memorandum
- 3 Letter from the DPLR Committee to the Scottish Government, 18 September 2019: https://www.parliament.scot/S5_Delegated_Powers/General%20Documents/Consumer_Scot_Bill_Clerk_to_SG_Legislation_Questions_at_Stage_1.pdf [accessed on 19 November 2019]
- 4 Letter from the Scottish Government to the DPLR Committee, 11 October 2019: https://www.parliament.scot/S5_Delegated_Powers/General%20Documents/A25964262.pdf [accessed on 19 November 2019]
- 5 DPLR Committee, Consumer Scotland Bill: Stage 1 Report, 31 October 2019
- 6 EEFW Committee, Official Report, 1 October 2019, col 54
- 7 Scottish Retail Consortium, written evidence
- 8 EEFW Committee, Official Report, 1 October 2019, col 44
- 9 Energy Action Scotland, written evidence
- 10 Letter from CAS, 1 November 2019: https://www.parliament.scot/S5_EconomyJobsFairWork/Inquiries/20191101-CAS-Follow_Up.pdf [accessed on 28 November 2019]
- 11 CAS Research Team, Citizens Advice Service Statistics 2018-19, September 2019: <https://www.cas.org.uk/publications/citizens-advice-service-statistics-2018-19> [accessed on 28 November 2019]
- 12 Consumer Scotland Bill [as introduced]
- 13 EEFW Committee, Official Report, 5 November 2019, col 31
- 14 Glasgow City Council, written evidence
- 15 Glasgow City Council, written evidence
- 16 CMA, written evidence
- 17 EEFW Committee, Official Report, 12 November 2019, col 3
- 18 EEFW Committee, Official Report, 12 November 2019, col 16
- 19 EEFW Committee, Official Report, 5 November 2019, col 32
- 20 Chief Officers of Citizens Advice Bureau in Scotland, written evidence
- 21 EEFW Committee, Official Report, 5 November 2019, col 21
- 22 EEFW Committee, Official Report, 12 November 2019, col 15
- 23 Citizens Advice Scotland, written evidence
- 24 EEFW Committee, Official Report, 29 October 2019, col 11-18

- 25 Letters to CAS and the Minister for Business, Fair Work and Skills, 30 October 2019: <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/112230.aspx> [accessed on 18 November 2019]
- 26 Letter from the Minister for Business, Fair Work and Skills, 5 November 2019: https://www.parliament.scot/S5_EconomyJobsFairWork/Inquiries/20191105-MinBFWS.pdf [accessed on 18 November 2019]
- 27 Letter from Minister for Business, Fair Work and Skills to the Committee, 5 November 2019: <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/112230.aspx> [accessed on 18 November 2019]
- 28 Letter from CEO Citizens Advice Scotland, 1 November 2019: <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/112230.aspx> [accessed on 18 November 2019]
- 29 Letter from Minister for Business, Fair Work and Skills to the Committee, 5 November 2019: <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/112230.aspx> [accessed on 18 November 2019]
- 30 EEFW Committee, Official Report, 12 November 2019, col 8
- 31 EEFW Committee, Official Report, 5 November 2019, col. 2
- 32 East Ayrshire Council, written evidence
- 33 Glasgow City Council, written evidence
- 34 SCOTSS, written evidence
- 35 SCOTSS, written evidence
- 36 EEFW Committee, Official Report, 5 November 2019, col 5
- 37 EEFW Committee, Official Report, 12 November 2019, col 18
- 38 EEFW Committee, Official Report, 1 October 2019, col 46
- 39 Sarah O'Neill, written evidence
- 40 EEFW Committee, Official Report, 5 November 2019, col 27
- 41 EEFW Committee, Official Report, 12 November 2019, col 11
- 42 EEFW Committee, Official Report, 5 November 2019, col 7
- 43 EEFW Committee, Official Report, 5 November 2019, col 7
- 44 EEFW Committee, Official Report, 5 November 2019, col 8
- 45 EEFW Committee, Official Report, 5 November 2019, col 8
- 46 EEFW Committee, Official Report, 12 November 2019, col 17
- 47 EEFW Committee, Official Report, 1 October 2019, col 51

- 48 EEFW Committee, Official Report, 1 October 2019, col 51
- 49 EEFW Committee, Official Report, 5 November 2019, col 8
- 50 EEFW Committee, Official Report, 12 November 2019, col 17
- 51 EEFW Committee, Official Report, 5 November 2019, col. 17
- 52 SCOTSS, written evidence
- 53 SCOTSS, written evidence
- 54 EEFW Committee, Official Report, 5 November 2019, col 23
- 55 EEFW Committee, Official Report, 5 November 2019, col 11
- 56 Electrical Safety First, written evidence
- 57 EEFW Committee, Official Report, 12 November 2019, col 17
- 58 Communications Consumer Panel, written evidence
- 59 EEFW Committee, Official Report, 12 November 2019, col 22
- 60 Shetland Council, written evidence
- 61 EEFW Committee, Official Report, 5 November 2019, col 13
- 62 EEFW Committee, Official Report, 5 November 2019, col 37
- 63 EEFW Committee, Official Report, 5 November 2019, col 36
- 64 EEFW Committee, Official Report, 1 October 2019, col 56
- 65 EEFW Committee, Official Report, 12 November 2019, col 21
- 66 Professor Black, Professor Shaw, Dr Dunnett and Dr Hamilton, written evidence
- 67 Professor Black, Professor Shaw, Dr Dunnett and Dr Hamilton, written evidence
- 68 EEFW Committee, Official Report, 5 November 2019, col 19
- 69 Professor Black, Professor Shaw, Dr Dunnett and Dr Hamilton, written evidence
- 70 Scottish Government, Consumer Scotland Bill, Explanatory Notes
- 71 Professor Black, Professor Shaw, Dr Dunnett and Dr Hamilton, written evidence
- 72 EEFW Committee, Official Report, 12 November 2019, col 13-14
- 73 EEFW Committee, Official Report, 5 November 2019, col30
- 74 Consumer Scotland Bill [as introduced]
- 75 Dumfries and Galloway, written evidence
- 76 EEFW Committee, Official Report, 5 November 2019, col 12

- 77 EEFW Committee, Official Report, 12 November 2019, col 20
- 78 EEFW Committee, Official Report, 5 November 2019, col 5
- 79 CoCABS, written evidence
- 80 CAS, written evidence
- 81 EEFW Committee, Official Report, 12 November 2019, col 19 - 20
- 82 The Law Society of Scotland, written evidence
- 83 EEFW Committee, Official Report, 12 November 2019, col 20.
- 84 Consumer Scotland Bill [as introduced]
- 85 Scottish Government, Consumer Scotland Bill, Policy Memorandum
- 86 EEFW Committee, Official Report, 5 November 2019, col 15
- 87 North Ayrshire Council, written evidence
- 88 CoSLA, written evidence
- 89 EEFW Committee, Official Report, 12 November 2019, col 4
- 90 EEFW Committee, Official Report, 12 November 2019, col 7
- 91 Letter from the Scottish Government to the DPLR Committee, 11 October 2019:https://www.parliament.scot/S5_Delegated_Powers/General%20Documents/A25964262.pdf [accessed on 19 November 2019]

