



# Non-Domestic Rates (Scotland) Act 2020

## 2020 asp 4

### PART 3

#### INFORMATION NOTICES AND NOTIFICATIONS OF CHANGES OF CIRCUMSTANCES

#### **35 Penalties under section 33: enforcement**

- (1) A penalty under section 33 is recoverable as a civil debt due to the local authority.
- (2) The Scottish Ministers may by regulations make further provision about the collection of penalties imposed under section 33.
- (3) Regulations under subsection (2) may in particular—
  - (a) provide for penalties to be included in a demand note or an adjustment to a demand note under section 8 of the 1975 Act (payment of rates by instalments) as if they were a liability to rates,
  - (b) provide that, where an appeal is made against the imposition of a penalty, the penalty is not payable while the appeal is outstanding,
  - (c) make provision for cases where the penalty is mitigated or remitted, and may in particular provide for the reimbursement of a penalty by way of deduction from a sum due.
- (4) Regulations under subsection (2)—
  - (a) may modify any enactment (including this Act),
  - (b) may make different provision for different purposes,
  - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (5) Regulations under subsection (2) are subject to—
  - (a) the affirmative procedure, if they add to, replace or omit any part of the text of an Act,
  - (b) otherwise, the negative procedure.