

POLICY NOTE

THE SCOTTISH LANDFILL TAX (STANDARD RATE AND LOWER RATE) (NO. 2) ORDER 2020

SSI 2020/105

The instrument above was made in exercise of the powers conferred by section 13(2) and (5) of the Landfill Tax (Scotland) Act 2014 (LT(S)A 2014). The making of this Order is subject to the provisional affirmative procedure.

Purpose of the instrument.

This instrument provides for the annual increase in Scottish Landfill Tax rates and bands and specifies the standard rate and lower rate for disposals on or after 1 April 2020, as announced in the Scottish Budget 2020-21. It has been laid to take account of the fact that the coronavirus induced rescheduling of Scottish Parliamentary business means that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2020 cannot be approved by the Scottish Parliament within the necessary 28 days period and will not therefore come into force.

Policy Objectives:

The LT(S)A 2014 provides for a Scottish Landfill Tax (SLFT), which took effect on 1st April 2015. Sections 13(2) and (5) of the LT(S)A 2014 provide a power allowing the rates of tax to be set.

Scottish Landfill Tax is chargeable by weight. This instrument provides that the standard and lower rates will be increased from 1st April 2020, so that:

- The standard rate is £94.15 per tonne, and
- The lower rate is £3.00 per tonne

A list of materials qualifying for the lower rate and the conditions which have to be met are provided for in the Scottish Landfill Tax (Qualifying Materials) Order 2016.

The Scottish Government considers that these rates will provide appropriate financial incentives to support the policy aim of reducing the amount of material being sent to landfill and supporting a more circular economy. The increase will mean that rates and bands remain consistent with those in place in the rest of the UK, addressing the risk of waste tourism.

Previously, the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2020, providing for the rates and bands increases set out in this Order, was made on 3 March 2020 and laid in the Scottish Parliament on 4 March 2020. That Order cannot however be approved within the necessary 28 day period as a consequence of the coronavirus induced rescheduling of Scottish Parliamentary business and will therefore not come into force on 1 April 2020.

Consultation:

There is no statutory requirement to consult on this Order. The Scottish Government's proposed SLFT rates from 1st April 2020 were published in the Scottish Budget 2020-21¹.

¹ 'Scottish Government Budget 2020 - 2021', published 06 February 2020, available from: <https://www.gov.scot/publications/scottish-budget-2020-21/pages/3/>

Impact Assessments:

Equal opportunities - This Order does not unlawfully discriminate in any way with respect to any of the protected characteristics (including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) either directly or indirectly.

Human rights – This Order does not infringe on or affect any subject areas of the European Convention on Human Rights (ECHR). We have not identified differential impact on human rights nor any impact on any individual’s civil liberties.

Privacy impacts – No privacy impacts resulting from this legislation have been identified.

Island communities – No new impacts have been identified in relation to the provisions of this Order.

Local government – There will not be any additional administrative or compliance burdens specifically affecting local government beyond those duties local authorities are already subject to under the LBTT legislation.

Sustainable development – The Order will have no impact on sustainable development.

A Business and Regulatory Impact Assessment (“BRIA”)² was published looking at different rates and bands associated with the LT(S)A 2014. An Equality Impact Assessment (“EQIA”)³ on landfill tax was also published previously in December 2014 and landfill tax rates and bands orders will have no negative impact on equality issues.

A strategic environmental screening exercise⁴ was also conducted, which concluded that LT(S)A 2014 Scottish Statutory instruments raising landfill tax rates will have no negative impact on the environment.

Financial Implications

The Scottish Fiscal Commission estimates (February 2020) that Scottish Landfill Tax will generate revenue of £116 million in 2020-2021, which is a full-year estimate. This forecast⁵ has been independently produced by the Scottish Fiscal Commission.

Scottish Government
Tax and Fiscal Sustainability Directorate
March 2020

² ‘Scottish Landfill Tax Final Business and Regulatory Impact Assessment’, published 14 December 2014, available from: <http://www.scotland.gov.uk/Publications/2014/12/6274>

³ ‘Scottish Landfill Tax – Equality Impact Assessment Results’, published 17 December 2014, available from: <http://www.scotland.gov.uk/Publications/2014/12/7976>

⁴ Scottish Government, ‘Scottish Environmental Screening Exercise results, available from: <http://www.scotland.gov.uk/Topics/Environment/environmental-assessment/sea/SEAG>

⁵ Scottish Fiscal Commission, ‘Scotland’s Economic and Fiscal Forecasts’, published 6 February 2020, available from <https://www.fiscalcommission.scot/wp-content/uploads/2020/02/Scotlands-Economic-and-Fiscal-Forecasts-February-2020.pdf>