

POLICY NOTE

THE NON-DOMESTIC RATES (SCOTLAND) ACT 2020 (COMMENCEMENT NO. 2, TRANSITIONAL AND SAVING PROVISIONS (AMENDMENT) AND COMMENCEMENT NO. 3 AND SAVING PROVISION) REGULATIONS 2022

SSI 2022/23 (C. 2)

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 44(2), (3) and (4)(a) of the Non-Domestic Rates (Scotland) Act 2020. This instrument is not subject to any Parliamentary procedure.

The Regulations bring section 19 (unoccupied properties) of the Non-Domestic Rates (Scotland) Act 2020 into force on 1 April 2023.

The Regulations also make amendments to the Non-Domestic Rates (Scotland) Act 2020 (Commencement No. 2, Transitional and Saving Provisions) Regulations 2020 (“the 2020 Regulations”). They substitute the date on which sections 10 (proposals to alter, and appeals against, valuation roll), 11 (proposals and appeals: consequential modifications) and 12 (restriction on making complaints) of the Act come into force, so that they will now come into force on 1 January 2023.

Policy Objectives

Section 19 of the Non-Domestic Rates (Scotland) Act 2020 will come into force on 1 April 2023 and repeals section 24 of the Local Government (Scotland) Act 1966¹, (“the 1966 Act”). It also partially repeals sections 24A and 24B and paragraph 2 of schedule 3 of the 1966 Act and makes consequential amendments to those provisions and to section 25. This will deliver the commitment made to the Scottish Green Party during Scottish Budget 2019-20 negotiations to devolve Empty Property Relief to local authorities at the next revaluation.² The repeals are, though, subject to a saving provision. Its purpose is to preserve the operation of the Non-Domestic Rating (Unoccupied Property) (Scotland) Regulations 2018³ (“the 2018 Regulations”) as between the date of their coming into force, and 31 March 2022. This will enable the making of backdated claims for Empty Property Relief, relying on the 2018 Regulations.

The regulations also substitute the date on which sections 10, 11 and 12 of the Non-Domestic Rates (Scotland) Act 2020 come into force. Section 10 will come into force, insofar as it is not already in force, on 1 January 2023, instead of on 1 April 2022. Sections 11 and 12 will similarly come into force on 1 January 2023, instead of on 1 April 2022. Further, the Regulations make a consequential amendment to the saving provision in regulation 3 of the 2020 Regulations, so that the restriction on the making of complaints by proprietors, tenants and occupiers will have no effect in relation to complaints made before 1 January 2023, rather than those made before 1 April 2022. This establishes the framework for a two-stage appeals system for non-domestic property rating.

¹ 1966 c. 51.

² <https://greens.scot/sites/default/files/Campaigns/Letter%20to%20Patrick%20Harvie%20MSP%20-%20Scottish%20Budget%202019-20%20-%2031%20January%20-%20with%20Annex.pdf>

³ S.S.I. 2018/77.

Consultation

There is no statutory obligation to consult on these Regulations.

Impact Assessments

No Business and Regulatory Impact Assessment is required.

Financial Implications

The instrument has no direct financial implications.

Scottish Government

Local Government and Communities Directorate

January 2022