

SCOTTISH STATUTORY INSTRUMENTS

**2023 No. 31**

**The Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2023**

**PART 2**

**Lands and heritages in the roll on 1 April 2023**

**Application of Parts 2 and 4**

- 6.—(1) Subject to paragraphs (2) and (3), this Part and Part 4 apply to lands and heritages—
- (a) which are shown in the roll on 1 April 2023, and
  - (b) in respect of all or any part of which there was an entry, or were entries, in the roll on 31 March 2023.
- (2) This Part does not apply to lands and heritages shown in an entry in the roll on 1 April 2023 if—
- (a) that entry shows a nil rateable value, or
  - (b) the only lands and heritages shown in that entry which were to any extent shown in the roll on 31 March 2023 have a nil rateable value on 1 April 2023.
- (3) Where a merged, split or reorganised entry takes effect on a date subsequent to 1 April 2023, this Part and Part 4 cease to apply to the lands and heritages shown in that entry, as from the date on which the merged, split or reorganised entry takes effect.

**Commencement Information**

**I1** [Reg. 6](#) in force at 1.4.2023, see [reg. 1](#)

**Amount payable as rates**

7. Where the notional liability in respect of any lands and heritages to which this Part applies on any day in the relevant year is more than the transitional limit in respect of those lands and heritages on that day, the amount payable as rates in respect of those lands and heritages on that day is, subject to Part 3, that transitional limit, calculated in accordance with regulation 9.

**Commencement Information**

**I2** [Reg. 7](#) in force at 1.4.2023, see [reg. 1](#)

**Notional liability**

8. The notional liability of any lands and heritages to which this Part applies on any day is to be calculated in accordance with the formula—

$$\frac{RV \times PF}{366}$$

where—

RV is the rateable value of those lands and heritages on that day, and

[<sup>F1</sup>PF is the poundage figure of—

- (a) 0.524 where the lands and heritages have a rateable value exceeding £100,000,
- (b) 0.511 where the lands and heritages have a rateable value exceeding £51,000 but not exceeding £100,000, or
- (c) 0.498 in any other case.]

#### Textual Amendments

- F1** Words in [reg. 8](#) substituted (1.4.2023) by [The Non-Domestic Rates \(Transitional Relief\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/63\)](#), regs. 1, **2(2)**

#### Commencement Information

- I3** [Reg. 8](#) in force at 1.4.2023, see [reg. 1](#)

#### Transitional limit

**9.—(1)** Subject to paragraph (3), in respect of lands and heritages to which this Part applies on any day—

- (a) where the rateable value for that day exceeds the rateable value on 1 April 2023, the transitional limit is calculated in accordance with the formula—

$$\frac{(BL \times X) + ((CRV - RV) \times PF)}{366}$$

- (b) in any other case the transitional limit is calculated in accordance with the formula—

$$\frac{BL \times X \times CRV}{366 \times RV}$$

- (2) For the purposes of paragraph (1)—

BL is the base liability of the lands and heritages, calculated in accordance with regulation 10, CRV is the rateable value of the lands and heritages on the day with reference to which the transitional limit is calculated,

RV is the rateable value of the lands and heritages entered in the roll at revaluation on 1 April 2023,

[<sup>F2</sup>PF is the poundage figure of—

- (a) 0.524 where the lands and heritages have a rateable value exceeding £100,000,
- (b) 0.511 where the lands and heritages have a rateable value exceeding £51,000 but not exceeding £100,000, or
- (c) 0.498 in any other case,]

[<sup>F3</sup>X is—

- (a) 1.125 where at revaluation on 1 April 2023 the lands and heritages have a rateable value of £20,000 or less,
- (b) 1.250 where at revaluation on 1 April 2023 the lands and heritages have a rateable value between £20,001 and £100,000, or

- (c) 1.375 where at revaluation on 1 April 2023 the lands and heritages have a rateable value of more than £100,000.]

(3) Where relief is granted under regulation 10 (relief granted – lands and heritages in respect of which a relevant increase has been made within the previous 12 months) of the new and improved property relief Regulations the transitional limit is calculated in accordance with paragraph (5) of that regulation.

#### Textual Amendments

- F2** Words in [reg. 9\(2\)](#) substituted (1.4.2023) by [The Non-Domestic Rates \(Transitional Relief\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/63\)](#), regs. 1, **2(3)(a)**
- F3** Words in [reg. 9\(2\)](#) substituted (1.4.2023) by [The Non-Domestic Rates \(Transitional Relief\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/63\)](#), regs. 1, **2(3)(b)**

#### Commencement Information

- I4** [Reg. 9](#) in force at 1.4.2023, see [reg. 1](#)

### Base liability

**10.**—(1) The base liability in respect of any lands and heritages is—

- (a) in the case of lands and heritages shown in a split or reorganised entry taking effect on 1 April 2023, to be calculated in accordance with the formula—

$$\frac{NL \times 366}{X}$$

where—

NL is the notional liability of those lands and heritages, calculated in accordance with regulation 8, and

X is—

- (i) 1.2 where at revaluation on 1 April 2023 the lands and heritages have a rateable value of £20,000 or less,
- (ii) 1.25 where at revaluation on 1 April 2023 the lands and heritages have a rateable value of between £20,001 and £100,000, and
- (iii) 1.4 where at revaluation on 1 April 2023 the lands and heritages have a rateable value of more than £100,000,
- (b) in any other case, the deemed amount (or, in the case of a merged entry taking effect on 1 April 2023, the total deemed amount) in respect of those lands and heritages calculated in accordance with paragraph (2).

(2) In paragraph (1)(b), the deemed amount in respect of any lands and heritages is the amount which would have been payable as rates in respect of those lands and heritages for the financial year ending 31 March 2023, had that amount been calculated on the basis of the rateable value of the lands and heritages on 31 March 2023, including any additional amounts of rates payable in terms of regulation 4 (amount payable as rates – lands and heritages with rateable value exceeding £51,000 but not exceeding £95,000) or 5 (amount payable as rates – lands and heritages with rateable value exceeding £95,000) of the 2022 Regulations, but before applying any reliefs.

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**Changes to legislation:** There are currently no known outstanding effects for the The Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2023, PART 2. (See end of Document for details)

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**Commencement Information**

**I5** [Reg. 10](#) in force at 1.4.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2023, PART 2.