

POLICY NOTE
THE REVENUE SCOTLAND AND TAX POWERS ACT (POSTPONEMENT OF
TAX PENDING A REVIEW OR APPEAL) REGULATIONS 2015

SSI 2015/xxx

The above instrument was made in exercise of the powers conferred by section 245(2) of the Revenue Scotland and Tax Powers Act 2014 (“RSTPA 2014”). The instrument is subject to the affirmative procedure.

Policy Objectives

The instrument provides that an application may be made for the postponement of tax, penalties and interest due under Land and Buildings Transaction Tax (“LBTT”) where there is a review or an appeal.

Revenue Scotland may agree to postpone tax, penalties and interest in whole or in part while a review or appeal relating to LBTT is pending, but only if it is satisfied that there are exceptional circumstances and that these exceptional circumstances are such as to justify postponement. Where Revenue Scotland does not agree to postponement, the taxpayer has a right of appeal to the Scottish Tax Tribunals against that decision.

Consultation

A public consultation opened on 6 October 2014 on the proposed subordinate legislation under RSTPA 2014, including draft SSIs with a closing date of 9 January 2015. The consultation paper and draft SSI is available at

<http://www.scotland.gov.uk/Publications/2014/10/4714>.

A full list of those consulted and the responses of those who agreed to the release of this information and the Scottish Government response will be published on the Scottish Government’s website in due course.

Impact Assessments

An equality impact assessment has been completed on the Revenue Scotland and Tax Powers Bill and is attached available at <http://www.scotland.gov.uk/Publications/2014/10/4242>. The instrument is consequential in nature and no further impact assessments are required.

Financial Effects

There are no significant costs associated with this SSI. The costs associated with the establishment of Revenue Scotland were detailed in the Financial Memorandum that accompanied the Bill for RSTPA 2014 and is available at <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/70929.aspx>

Scottish Government
Fiscal Responsibility Division
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