
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 85

The Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2017

PART 2

Lands and heritages on roll on 1st April 2017

Application of Part 2

- 6.—(1) Subject to paragraphs (2) and (3), this Part applies to relevant lands and heritages—
- (a) which are shown in the roll on 1st April 2017;
 - (b) in respect of all or any part of which there was an entry, or were entries, in the roll on 31st March 2017; and
 - (c) in respect of which an application for relief is made in accordance with regulation 17.
- (2) This Part does not apply to lands and heritages shown in an entry in the roll on 1st April 2017 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 31st March 2017 then have a nil rateable value.
- (3) This Part ceases, as from the date of any merged, split or reorganised entry taking effect subsequent to 1st April 2017, to apply to the lands and heritages shown in that entry.

Amount payable as rates

7. Where the notional liability in respect of any lands and heritages to which this Part applies and any day in the relevant year is more than the transitional limit in respect of these lands and heritages and that day (ascertained in accordance with regulation 9 or 11), the amount payable as rates in respect of those lands and heritages and that day is, subject to Part 3, that transitional limit.

Notional liability

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

$$\frac{RV \times PF}{365}$$

where—

RV is the rateable value for those lands and heritages on that day; and

PF is the poundage figure of—

- (i) 0.492 where the lands and heritages have a rateable value exceeding £51,000; or
- (ii) 0.466 in any other case.

Transitional limit

9. The transitional limit in respect of any lands and heritages to which this Part applies and any day is, subject to regulation 11, to be calculated in accordance with the formula—

$$\frac{BL \times 1.1475}{365}$$

where—

BL is the base liability of those lands and heritages, ascertained in accordance with regulation 10.

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 1st April 2017, to be calculated in accordance with the formula—

$$\frac{NL \times 365}{1.25}$$

where—

NL is the notional liability of those lands and heritages on 1st April 2017 calculated in accordance with regulation 8;

(b) in any other case, the deemed amount (or, in the case of a merged entry taking effect on 1st April 2017, 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 year ending 31st March 2017, had that amount been calculated on the basis of the rateable value of those lands and heritages on that date, including any additional amount of rates payable in terms of regulation 4 of the 2016 Regulations, but before applying any reliefs

Changes in rateable value after 1st April 2017

11.—(1) Where, subsequent to 1st April 2017, the rateable value of lands and heritages to which this Part applies is increased with effect from a day in the relevant year (the “effective day”), the transitional limit in respect of those lands and heritages is, as regards days in that year on and after that effective day, to be calculated in accordance with the formula—

$$TL + \frac{(IRV - RV) \times PF}{365}$$

where—

TL is the transitional limit in respect of those lands and heritages and the day immediately prior to the effective day;

IRV is the increased rateable value of those lands and heritages;

RV is their rateable value immediately prior to the effective day; and

PF is the poundage figure of—

- (i) 0.492 where the lands and heritages have a rateable value exceeding £51,000; or
- (ii) 0.466 in any other case.

(2) Where the rateable value of lands and heritages to which this Part applies is reduced with effect from a day in the relevant year subsequent to 1st April 2017, as a result of—

- (a) a material change of circumstances (within the meaning of section 37(1) of the 1975 Act⁽¹⁾); or
- (b) the assessor amending or adding an apportionment note under paragraph 2 of schedule 5 of the 1992 Act,

the transitional limit in respect of those lands and heritages is, as regards days in that year on and after that effective day, to be calculated in accordance with the formula—

$$\frac{TL \times RRV}{RV}$$

where—

- TL and RV have the same meanings as in paragraph (1); and
- RRV is the reduced rateable value of those lands and heritages.

(1) The relevant definition in section 37(1) was amended by section 20 and paragraph 17 of schedule 2 of the Rating and Valuation (Amendment) (Scotland) Act 1984 (c.31), schedule 6 of the Abolition of Domestic Rates etc. (Scotland) 1987 Act (c.47) and paragraph 100(8) of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c.39).