
EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 24 and 24A of the Local Government (Scotland) Act 1966 (as substituted and inserted respectively by sections 154 and 155 of the Local Government etc. (Scotland) Act 1994) provide as to the rating of unoccupied property and of property partially unoccupied for a short time. Where property is completely unoccupied, no rates are payable except in the case of property falling within a class prescribed by regulations. Where property is partially unoccupied for a short time and the relevant rating authority requests the assessor to apportion the rateable value between the occupied and unoccupied parts, rates are only payable in respect of the value apportioned to the occupied part except in the case of property falling within a class prescribed by regulations.

Regulations 2 and 3 prescribe classes of property for the foregoing purposes. The classes consist broadly of—

- a) industrial property which has been unoccupied for 6 months for which the rate payable will be 90% and
- b) other unoccupied property for which the rate payable will be 50% until it has been unoccupied for a continuous period of 3 months when the rate payable will be 90%.

Exceptions are made for property to which any of the conditions in Parts 1 and 3 of the schedule and for which all the conditions in Part 2 of the schedule are met. Part 2 of the schedule maintains the exemption (New Start relief) for certain new build property that is first entered on the roll between 1st April 2013 and 31st March 2018. To obtain the exemption an application must be made and the exemption can be claimed for up to 15 months, in total during the 2013/14 to 2019/2020 financial years.

Regulation 4 prescribes classes of properties which in terms of section 24B(3) of the 1966 Act (as inserted by section 155 of the Local Government etc. (Scotland) Act 1994) are to be treated as unoccupied for the purposes of section 24 of the 1966 Act.

Regulation 2(1)(c) ensures that in respect of the same categories of properties that were previously entitled to Fresh Start relief under the 1994 Regulations, and meet the requirements of regulation 4(b), the rate payable will be 50%.

Regulation 4(a) creates a new Fresh Start relief for all properties that were unoccupied for at least 6 months before becoming occupied on or after 1st April 2018 and that meet the other conditions of that regulation. No rates will be payable in respect of these properties as they are excluded from the classes prescribed by these Regulations.