Non-Domestic Rates (Scotland) Act 2020

2020 asp 4

PART 2 S

ADMINISTRATION AND ENFORCEMENT OF NON-DOMESTIC RATES

Valuation roll

2 Revaluation years S

In section 37(1) of the 1975 Act (general interpretation), in the definition of "year of revaluation"—

(a) for "2017-18" substitute " 2022-23 ",

(b) for "fifth" substitute " third ".

Commencement Information

I1 S. 2(b) in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

3 New or improved properties: mark in valuation roll S

After section 2 of the 1975 Act insert—

"**2A Mark in valuation roll for new or improved properties**

(1) Subsection (2) applies where an assessor—

(a) makes or alters an entry in the valuation roll, and

(b) the entry as made or altered relates to newly built lands and heritages or improved lands and heritages.

(2) The assessor must include a mark in the entry to show that it relates to newly built lands and heritages or (as the case may be) improved lands and heritages.

(3) An entry in the valuation roll relates to newly built lands and heritages if—

(a) the entry as made or (as the case may be) altered shows one or more buildings or parts of a building, and

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(b) none of those buildings or parts of a building—

(i) were shown in any entry in the valuation roll or valuation list for the day immediately prior to the day on which the entry or (as the case may be) alteration takes effect, or

(ii) would have been shown in such an entry in the valuation roll but for an enactment providing for them not to be entered in the roll.

(4) An entry in the valuation roll relates to improved lands and heritages if—

(a) the entry is altered to show a relevant increase in the rateable value of the lands and heritages to which the entry relates, and

(b) the entry as altered does not relate to newly built lands and heritages.

(5) A "relevant increase" in the rateable value of lands and heritages is an increase—

(a) which is caused, in whole or in part, by the erection, construction, refurbishment or extension of one or more buildings or parts of a building which form part of the lands and heritages, and

(b) none of which is attributable to—

(i) the combination, division or reorganisation of lands and heritages which were shown, in whole or in part, in different entries in the valuation roll for the day immediately prior to the day on which the alteration takes effect, or

(ii) a change in the way the lands and heritages are being used.

(6) A mark included in an entry in the valuation roll under subsection (2) must be removed from the entry on the next occasion when the entry is altered by an assessor.

(7) The Scottish Ministers may by regulations—

(a) make provision about things that are, or are not, to be treated as a "building" for the purposes of this section,

(b) modify the definition of "relevant increase" in subsection (5).

(8) Before—

(a) making regulations under subsection (7)(a), or

(b) laying a draft of a Scottish statutory instrument containing regulations under subsection (7)(b) before the Scottish Parliament,

the Scottish Ministers must consult such persons as they consider appropriate.

(9) Regulations under subsection (7)—

(a) may make different provision for different purposes,

(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(10) Regulations under—

(a) subsection (7)(a) are subject to the negative procedure,

(b) subsection (7)(b) are subject to the affirmative procedure.

(11) In subsection (3)(b)(ii), "enactment" includes an Act of the Scottish Parliament and an instrument made under such an Act.".

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Commencement Information

I2 S. 3 in force at 5.11.2020 for specified purposes by S.S.I. 2020/327, **reg. 2(2)(a)**

I3 S. 3 in force at 1.4.2021 in so far as not already in force by S.S.I. 2020/327, **reg. 2(2)(b)**

4 Power of Scottish Ministers to remove exempt status of lands and heritages S

After section 8C of the 1956 Act insert—

"8D Power of Scottish Ministers to remove exempt status of lands and heritages

(1) The Scottish Ministers may by regulations make provision requiring lands and heritages falling within subsection (2) to be entered in the valuation roll.

(2) Land and heritages fall within this subsection if they are not entered in the valuation roll by virtue of an enactment, other than Part 2 of the Local Government Finance Act 1992, providing for them not to be so entered.

(3) Before—

(a) laying a draft of a Scottish statutory instrument containing regulations under subsection (1) to which subsection (5) applies before the Scottish Parliament, or

(b) making regulations under subsection (1) to which subsection (6) applies,

the Scottish Ministers must consult such persons as they consider appropriate.

(4) Regulations under subsection (1) may—

(a) make incidental, supplementary, consequential, transitional, transitory or saving provision,

(b) make different provision for different purposes,

(c) modify any enactment (including this Act).

(5) Regulations under this section that add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.

(6) Otherwise, regulations under this section are subject to the negative procedure.

(7) In this section, "enactment" includes an Act of the Scottish Parliament and an instrument made under such an Act.".

Commencement Information

I4 S. 4 in force at 1.4.2022 by S.S.I. 2020/327, **sch.**

5 Entering of parks in valuation roll S

(1) Section 19 of the 1963 Act (certain parks not to be entered in the valuation roll) is amended as follows.

(2) In subsection (1)—

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(a) for "Subject to subsections (1A) and (1B) below," substitute " This section applies to ",

(b) for "and any building" substitute " including in each case any building ",

(c) the words ", shall not be entered in the valuation roll" are repealed.

(3) For subsections (1A) to (1C) substitute—

"(1ZA) An entry is to be made in the roll in respect of any part of the lands and heritages which falls within either subsection (1ZB) or (1ZC).

(1ZB) A part falls within this subsection if the part is occupied by a person or body other than the person or body mentioned in paragraph (a) or, as the case may be, (b) of subsection (1).

(1ZC) A part falls within this subsection if—

(a) the part is occupied by the person or body mentioned in paragraph (a) or, as the case may be, (b) of subsection (1), and

(b) persons may be required to pay for access to facilities on the part or for goods or services provided on it.

(1ZD) The remainder of the lands and heritages is not to be entered in the roll.".

Commencement Information

I5 S. 5 in force at 1.4.2023 by S.S.I. 2020/327, **sch.**

6 Discretion of local authority to determine whether lands and heritages are dwellings S

In section 72 of the Local Government Finance Act 1992 (dwellings chargeable to council tax), after subsection (4) insert—

"(4A) Where regulations under subsection (4) prescribe a class, the regulations may confer discretion on a local authority to determine, in such circumstances as may be prescribed, whether particular lands and heritages fall within that class.".

Commencement Information

I6 S. 6 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

7 Agreement as to valuation S

In section 1 of the 1975 Act (the valuation roll and revaluation), after subsection (3) insert—

"(3A) Subsection (3B) applies where the assessor and the proprietor, tenant or occupier of lands and heritages have reached an agreement in writing as to the details to be included in the entry in the valuation roll for the lands and heritages (whether that agreement was reached before or after the draft valuation roll was published under section 1B(1)).

(3B) The assessor must include those details in the entry for the lands and heritages, unless, since the agreement was reached, there has been an alteration in the value of the lands and heritages due to a material change of circumstances.”.

Commencement Information
I7 S. 7 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

8 Draft valuation roll and draft valuation notices S

After section 1A of the 1975 Act insert—

“**1B Draft valuation roll and draft valuation notices**

(1) Before making up a valuation roll under section 1(1), an assessor must—
(a) publish a draft of the roll, and
(b) send a draft valuation notice to each person who is a proprietor, tenant or occupier of lands and heritages entered in the draft valuation roll.

(2) A draft valuation notice is a notice setting out—
(a) the details included in the entry for the lands and heritages in the draft valuation roll,
(b) the effect of subsections (3) and (4), and
(c) such other information as—
(i) the Scottish Ministers may specify in regulations, or
(ii) the assessor considers appropriate.

(3) A person who receives a draft valuation notice may make representations to the assessor as to the details to be included in the entry for the lands and heritages in the valuation roll when it is made up under section 1(1).

(4) When the assessor makes up the valuation roll under section 1(1), the assessor may include details in an entry for lands and heritages which are different to those included in the entry for the lands and heritages in the draft valuation roll, whether as a result of representations made under subsection (3) or otherwise (but see also section 1(3A) and (3B)).

(5) Regulations under subsection (2)(c)(i)—
(a) may make different provision for different purposes,
(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(6) Regulations under subsection (2)(c)(i) are subject to the negative procedure.”.

Commencement Information
I8 S. 8 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

Changes to legislation: *Non-Domestic Rates (Scotland) Act 2020, PART 2 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

9 Valuation notices S

In section 3 of the 1975 Act (provisions supplementary to sections 1 and 2)—

(a) after subsection (2) insert—

"(2ZA) A notice under subsection (2)—

(a) must include such information in relation to the rateable value included in the entry to which the notice relates as the Scottish Ministers may specify in regulations,

(b) may include such other information as the assessor considers appropriate.

(2ZB) The assessor may send a notice under subsection (2) by electronic means if—

(a) the assessor and the recipient of the notice have, before the notice is sent, agreed in writing that the assessor may send such a notice to the recipient by transmission to an electronic address and in an electronic form specified by the recipient for that purpose, and

(b) the notice is sent to that address in that form.",

(b) after subsection (5) insert—

"(6) Regulations under subsection (2ZA)(a)—

(a) may make different provision for different purposes,

(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(7) Regulations under subsection (2ZA)(a) are subject to the negative procedure.".

Commencement Information

I9 S. 9 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

10 Proposals to alter, and appeals against, valuation roll S

(1) The 1975 Act is amended as follows.

(2) In section 2 (alterations to valuation roll which is in force)—

(a) in subsection (1A), after "following" insert—

"(a) a proposal being made under section 3ZA(1), or

(b)",

(b) in subsection (2)(cc), for "an appeal by virtue of section 3(2A) of this Act" substitute " a proposal made by virtue of section 3ZA(2)(b) or an appeal under section 3ZB(1) in relation to such a proposal ",

(c) after subsection (3) insert—

"(3A) Where an appeal has been made to the valuation appeal committee in relation to the entry, subsection (3) applies only if the appeal has been withdrawn.".

(3) In section 3 (provisions supplementary to sections 1 and 2)—

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(a) in subsection (2), the words from "; and any such person" to the end are repealed,
(b) subsections (2A), (2B), (4) and (4A) are repealed,
(c) in subsection (5), after "pending" insert " proposal under section 3ZA(1), ".

(4) After section 3 insert—

"**3ZA Proposal to alter entry in valuation roll**

(1) The proprietor, tenant or occupier of lands and heritages may make a proposal to the assessor who has the function of valuing the lands and heritages to alter the entry for those lands and heritages in the valuation roll in accordance with this section.

(2) A proposal may be made in relation to an entry—
(a) where the proprietor, tenant or occupier receives a notice under section 3(2) in relation to the entry, other than a notice sent following an alteration to the valuation roll under—
(i) section 2(1A) as a result of a proposal or appeal made by the proprietor, tenant or (as the case may be) occupier, or
(ii) section 2(3) as a result of an agreement between the proprietor, tenant or (as the case may be) occupier and the assessor,
(b) where a person becomes the proprietor, tenant or occupier of the lands and heritages to which the entry relates,
(c) on the ground that, since the entry was made, there has been a material change of circumstances,
(d) on the ground that there is an error in the entry of the type referred to in section 2(1)(f).

(3) A person may not make a proposal in pursuance of subsection (2)(a) where—
(a) the notice under section 3(2) relates to an entry included in the valuation roll when it was made up under section 1(1), and
(b) the details included in the entry are in accordance with an agreement in writing between that person and the assessor as to the details to be included in the entry.

(4) A proposal may be made in pursuance of subsection (2)(b) whether or not any previous proprietor, tenant or occupier of the lands and heritages—
(a) reached an agreement with the assessor in relation to the entry,
(b) made a proposal to the assessor in relation to the entry,
(c) appealed to the valuation appeal committee in relation to the entry.

(5) A proposal must—
(a) be made in writing,
(b) set out how the person making the proposal wants the assessor to alter the entry.

(6) The assessor may decide—
(a) to alter the entry in accordance with—
(i) the proposal, or

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(ii) an agreement in writing between the assessor and the person who made the proposal reached after the proposal was made,

(b) to alter the entry other than in accordance with the proposal or such an agreement (including by either increasing or decreasing the rateable value shown in the entry),

(c) not to alter the entry.

(7) The Scottish Ministers may by regulations make provision for or about—

(a) the period within which a proposal may be made,

(b) the form in which a proposal is to be made,

(c) information to be included in, and documents to be submitted with, a proposal,

(d) notices to be sent by an assessor to the person who made the proposal or any other person with an interest in the lands and heritages to which the proposal relates,

(e) fees payable in connection with a proposal (including provision about circumstances in which a fee may be repaid),

(f) the day from which an alteration made to an entry in the valuation roll following a decision under subsection (6)(a) or (b) is to have effect,

(g) such other matters in connection with the making of a proposal as the Scottish Ministers consider appropriate.

(8) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (7)(e) before the Scottish Parliament, the Scottish Ministers must consult—

(a) such person or persons as appear to the Scottish Ministers to represent the interests of—

(i) local authorities,

(ii) assessors,

(iii) the business sector, and

(iv) other ratepayers,

as the Scottish Ministers consider appropriate,

(b) such other persons as they consider appropriate.

(9) Regulations under subsection (7)—

(a) may make different provision for different purposes,

(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(10) Regulations under subsection (7) are subject to—

(a) the affirmative procedure, if they make provision under subsection (7)(e),

(b) otherwise, the negative procedure.

(11) In this section and section 3ZB, "proposal" means a proposal made under subsection (1).

3ZB Appeal to valuation appeal committee

(1) A person who is the proprietor, tenant or occupier of lands and heritages may appeal to the valuation appeal committee—

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(a) against a decision of the assessor, in relation to a proposal made by the person, under section 3ZA(6)(b) or (c),

(b) if—

(i) the person has made a proposal in relation to the entry,

(ii) the period set out in regulations under subsection (7)(a) for an appeal to be made has begun, and

(iii) the assessor has not made a decision under section 3ZA(6).

(2) An appeal under subsection (1)(b) is to be treated as if it were an appeal against a decision under section 3ZA(6)(c).

(3) An appeal under subsection (1)—

(a) must be made within the period set out in regulations under subsection (7)(a) (and the valuation appeal committee may not allow it to be made after the end of that period),

(b) may be withdrawn only with the permission of the valuation appeal committee (whether or not the appellant and the assessor have reached an agreement as to the alteration of the entry to which the appeal relates).

(4) On an appeal under subsection (1), the valuation appeal committee—

(a) is to decide what alterations (if any) the assessor is to make to the entry,

(b) may (in particular) decide that the rateable value shown in the entry is to be either increased or decreased.

(5) Subsection (6) applies where—

(a) an appeal under subsection (1) relates to a proposal made in pursuance of section 3ZA(2)(c), and

(b) it is proved that there has been a change of circumstance which has materially reduced the extent to which beneficial occupation of the lands and heritages to which the appeal relates can be enjoyed.

(6) The valuation appeal committee may decide that the entry is to be altered even if it is not proved that the change of circumstances has affected the value of the lands and heritages to any specific extent.

(7) The Scottish Ministers may by regulations make provision for or about—

(a) the period within which an appeal under subsection (1) is to be made,

(b) information to be included in, and documents to be submitted with, such an appeal,

(c) circumstances in which such an appeal may be made only with the permission of the valuation appeal committee,

(d) fees payable in connection with such an appeal (including provision about circumstances in which a fee may be repaid),

(e) the procedure to be followed in such an appeal (including evidence which may be led),

(f) the period within which such an appeal is to be disposed of,

(g) such other matters in connection with such appeals as the Scottish Ministers consider appropriate.

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(8) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (7)(d) before the Scottish Parliament, the Scottish Ministers must consult—

(a) such person or persons as appear to the Scottish Ministers to represent the interests of—

(i) local authorities,

(ii) assessors,

(iii) the business sector, and

(iv) other ratepayers,

as the Scottish Ministers consider appropriate,

(b) such other persons as they consider appropriate.

(9) Regulations under subsection (7)—

(a) may make different provision for different purposes,

(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(10) Regulations under subsection (7) are subject to—

(a) the affirmative procedure, if they make provision under subsection (7)(d),

(b) otherwise, the negative procedure.”.

Commencement Information

I10 S. 10 in force at 5.11.2020 for specified purposes by S.S.I. 2020/327, **reg. 2(3)(a)**

I11 S. 10 in force at 1.4.2023 in so far as not already in force by S.S.I. 2020/327, **reg. 2(3)(b)** (as amended by S.S.I. 2022/23, reg. 3(2) and S.S.I. 2022/301, reg. 2(2))

11 Proposals and appeals: consequential modifications S

(1) In section 13 of the 1956 Act (times for giving notices etc.), after subsection (3) insert—

“(3A) This section does not apply to any notice or thing required to be given or done in relation to—

(a) a proposal under section 3ZA of the Local Government (Scotland) Act 1975,

(b) an appeal under section 3ZB of that Act.”.

(2) In section 15(2) of the 1963 Act (proceedings in appeals), after “committees” where it second occurs insert “ other than appeals under section 3ZB of the Local Government (Scotland) Act 1975 ”.

Commencement Information

I12 S. 11 in force at 1.4.2023 by S.S.I. 2020/327, **sch.** (as amended by S.S.I. 2022/23, reg. 3(4)(a) and S.S.I. 2022/301, reg. 2(4)(a))

12 Restriction on making complaints S

In section 13 of the 1854 Act (complaints with regard to valuations)—

(a) the existing text becomes subsection (1),

(b) after that subsection insert—

"(2) A person may not make a complaint as mentioned in subsection (1) in respect of lands and heritages of which the person is the proprietor, tenant or occupier.".

Commencement Information

I13 S. 12 in force at 1.4.2023 by S.S.I. 2020/327, **sch.** (with reg. 3) (as amended by S.S.I. 2022/23, reg. 3(3)(4)(b) and S.S.I. 2022/301, reg. 2(3)(4)(b))

13 Meaning of "material change of circumstances" S

In section 37 (interpretation) of the 1975 Act, in the definition of "material change of circumstances"—

(a) the words from "and, without prejudice to" to the end become paragraph (a), and

(b) after that paragraph insert—

"(b) but does not include any change—

(i) in the rent of the lands and heritages (or any other lands and heritages), or

(ii) in the level of valuations generally or in the value of lands and heritages generally,".

Commencement Information

I14 S. 13 in force at 2.4.2020 by S.S.I. 2020/107, **reg. 2** (with reg. 3)

Reform of reliefs etc.

14 New or improved properties: rates relief S

(1) The Scottish Ministers may by regulations make provision for relief from the payment of non-domestic rates in respect of—

(a) newly built lands and heritages,

(b) improved lands and heritages.

(2) Regulations under subsection (1) may (in particular) make provision for or about—

(a) rates of relief (including by reference to thresholds),

(b) periods for which relief is available,

(c) eligibility for relief (including eligibility based on use or occupation of, or changes to, the lands and heritages).

(3) Regulations under subsection (1)—

(a) may make different provision for different purposes,

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(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(4) Regulations under subsection (1) are subject to the negative procedure.

(5) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.

(6) In this section—

"improved lands and heritages" means lands and heritages for which an entry in the valuation roll is altered as described in section 2A(4) of the 1975 Act,

"newly built lands and heritages" means lands and heritages for which an entry in the valuation roll is made or altered as described in section 2A(3) of the 1975 Act.

Commencement Information

I15 S. 14 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

15 Contribution to net-zero emissions target: rates relief S

(1) Section 153 of the Local Government etc. (Scotland) Act 1994 (power to prescribe amount of non-domestic rate) is amended as follows.

(2) After subsection (3)(b) insert—

"(c) which—

(i) contribute to the net-zero emissions target (for example, by virtue of forming part of a district heating network) and those which do not so contribute,

(ii) contribute as mentioned in sub-paragraph (i) and whose contributions fall into different categories prescribed for the purpose of this sub-paragraph in rules under subsection (1).".

(3) In subsection (3A) after "subsection (3)(b)" insert " or (c)(ii) ".

(4) After subsection (6) insert—

"(7) In subsection (3)(c), "net-zero emissions target" has the meaning given by section A1(1) of the Climate Change (Scotland) Act 2009.".

Commencement Information

I16 S. 15 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

16 Specialist music provision in public schools: rates relief S

(1) The Scottish Ministers may by regulations make provision for relief from the payment of non-domestic rates in respect of any part of lands and heritages which falls within subsection (2).

(2) A part of lands and heritages falls within this subsection if—

(a) the lands and heritages are wholly or mainly used as a public school, some or all of the pupils of which—

(i) are selected for attendance at the school on the basis of musical ability or potential, and

(ii) follow a curriculum which includes tuition aimed at developing musical excellence, and

(b) the part is wholly or mainly used to provide such tuition to pupils who follow that curriculum.

(3) Regulations under subsection (1) may (in particular) make provision as to how a part of lands and heritages falling within subsection (2) is to be identified and may provide—

(a) for there to be separate entries in the valuation roll in respect of any part of lands and heritages falling within subsection (2) and the remainder of the lands and heritages,

(b) for the rateable value included in those entries to be determined in accordance with the regulations.

(4) Regulations under subsection (1) may make further provision for or about eligibility for relief.

(5) Regulations under subsection (1)—

(a) may make different provision for different purposes,

(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(6) Regulations under subsection (1) are subject to the negative procedure.

(7) In this section, "public school" has the meaning given by section 135(1) of the Education (Scotland) Act 1980.

Commencement Information

I17 S. 16 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

17 Charitable relief: independent schools S

(1) Section 4 of the 1962 Act (reduction and remission of rates payable by charitable and other organisations) is amended as follows.

(2) In subsection (9) (which provides for certain lands and heritages to be ineligible for reduction or remission of rates), after "1956," insert " to lands and heritages which are wholly or mainly used for the purpose of carrying on an independent school other than a school falling within subsection (9A), ".

(3) After that subsection insert—

"(9A) The schools falling within this subsection are—

(a) any independent school all the pupils of which—

(i) are selected on the basis of musical ability or potential, and

(ii) follow a curriculum which includes classes aimed at developing musical excellence,

(b) any independent school which is a special school.".

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(4) In subsection (10)—

(a) after paragraph (a) insert—

"(aa) "independent school" has the meaning given by section 135(1) of the Education (Scotland) Act 1980,",

(b) after paragraph (c) insert ",

(d) "special school" means a school falling within paragraph (a) of the definition of "special school" in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004.".

(5) After subsection (13) insert—

"(14) Any reduction or remission of rates in respect of lands and heritages which are wholly or mainly used for the purpose of carrying on an independent school, other than a school falling within subsection (9A), granted under subsection (5) before the day on which section 17 of the Non-Domestic Rates (Scotland) Act 2020 comes into force ceases to have effect on that day.".

Commencement Information

I18 S. 17 in force at 1.4.2022 by S.S.I. 2020/327, **sch.** (as amended by S.S.I. 2021/120, regs. 1, 2)

18 Power to reduce or remit rates for certain organisations: guidance S

In section 4 of the 1962 Act (reduction and remission of rates payable by charitable and other organisations), after subsection (7) insert—

"(7A) The Scottish Ministers may issue guidance to rating authorities about the exercise of the powers conferred by subsections (5) to (7) in relation to lands and heritages of the type mentioned in subsection (5)(c).

(7B) A rating authority must have regard to such guidance.

(7C) Guidance under subsection (7A) may be—

(a) general or for particular purposes,

(b) different in relation to different persons or otherwise for different purposes.

(7D) Before issuing guidance under subsection (7A), the Scottish Ministers must—

(a) lay a draft of the proposed guidance before the Scottish Parliament,

(b) consult—

(i) such person or persons as appear to the Scottish Ministers to represent the interests of local authorities, and

(ii) such other persons as they consider appropriate.

(7E) The Scottish Ministers must not issue guidance under subsection (7A) until after a period of 40 days beginning with the day on which the draft guidance was laid before the Parliament under subsection (7D)(a).

(7F) If, within that period, the Parliament resolves that the guidance proposed should not be issued, Ministers must not issue it.

Changes to legislation: *Non-Domestic Rates (Scotland) Act 2020, PART 2 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7G) In calculating any period of 40 days for the purposes of subsection (7E) or (7F) above, no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

(7H) Subsection (7D) is complied with even if the consultation took place, or began, before section 18 of the Non-Domestic Rates (Scotland) Act 2020 comes into force.

(7I) The Scottish Ministers must publish, in such manner as they consider appropriate, any guidance issued under subsection (7A).

(7J) The power to issue guidance under subsection (7A) includes power to revise that guidance (and the references to guidance in subsections (7B) to (7I) include references to such revised guidance).”.

Commencement Information

I19 S. 18 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

19 Unoccupied properties S

(1) The Local Government (Scotland) Act 1966 is amended as follows.

(2) Section 24 (unoccupied lands and heritages) is repealed.

(3) In section 24A (lands and heritages partly unoccupied for a short time)—

(a) in subsection (2), the words “, subject to subsection (4),” are repealed,

(b) subsection (4) is repealed,

(c) in subsection (5), for “, (3)(a), (c) and (d) and (4)” substitute “ and (3)(a), (c) and (d) ”,

(d) subsection (6) is repealed.

(4) In section 24B (certain lands and heritages to be treated as unoccupied)—

(a) in subsection (1)—

(i) for “section 24” substitute “ section 24A ”,

(ii) for “lands and heritages” where it first occurs substitute “ a part of lands and heritages ”,

(iii) for “they” where it first occurs substitute “ the part ”,

(iv) for “lands and heritages” where it second occurs substitute “ part ”,

(v) in paragraph (a), for “lands and heritages when they were” substitute “ part of the lands and heritages when it was ”,

(vi) in paragraph (b), for “lands and heritages” substitute “ part ”,

(b) subsections (2) to (4) are repealed.

(5) In section 25(1) (provisions supplementary to section 24), for “section 24 of this Act” substitute “ any scheme under section 3A of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 which provides for the rates leviable in respect of lands and heritages to be reduced or remitted by virtue of the lands and heritages being unoccupied ”.

(6) The section title of section 25 becomes “ **Newly erected, altered etc. buildings: completion notices** ”.

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(7) In schedule 3 (rating of unoccupied property), in paragraph 2—

(a) for "section 24 of this Act" substitute " any scheme under section 3A of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 which provides for the rates leviable in respect of lands and heritages to be reduced or remitted by virtue of the lands and heritages being unoccupied ",

(b) in paragraph 5, the words "under section 24 of this Act" are repealed.

Commencement Information

I20 S. 19 in force at 1.4.2023 by S.S.I. 2022/23, **reg. 2** (with reg. 4)

20 Non-use or underuse of lands and heritages: notification S

(1) This section applies where the non-domestic rates payable in respect of any lands and heritages are being reduced or remitted for any reason (other than the operation of sections 24A and 24B (rating of unoccupied property) of the Local Government (Scotland) Act 1966).

(2) The local authority to which the rates are or would, but for the reduction or remission, be payable may give a notice to the person who is liable to pay the rates in respect of the lands and heritages (the "ratepayer") stating that the authority considers that one of the conditions mentioned in subsections (3) and (4) may be satisfied in relation to the lands and heritages.

(3) The condition is that the lands and heritages are not being used.

(4) The condition is that—

(a) the lands and heritages are being used but there is a significant difference between—

(i) the extent to which the lands and heritages are being used, and

(ii) the extent to which they could reasonably be used,

(b) the amount of rates payable in respect of the lands and heritages (after reduction or remission as mentioned in subsection (1)), is less than the amount that would be so payable if the lands and heritages were unoccupied, and

(c) the main reason for the lands and heritages being used to the extent mentioned in paragraph (a)(i), rather than not being used, is to obtain that reduction or remission.

(5) A notice under subsection (2) must—

(a) set out the local authority's reasons for considering that the condition mentioned in subsection (3) or (as the case may be) (4) may be satisfied in relation to the lands and heritages,

(b) invite the ratepayer to provide to the local authority, within the period of 28 days beginning with the date on which the notice is given, an explanation of the extent of the use being made of the lands and heritages and of the reasons for that,

(c) explain the action that the local authority may take in relation to the reduction or remission if the local authority concludes that the condition mentioned in subsection (3) or (as the case may be) (4) is satisfied in relation to the lands and heritages.

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(6) Following the expiry of the period mentioned in subsection (5)(b), or on receipt of an explanation from the ratepayer (if sooner), the local authority must—
  (a) consider any explanation received from the ratepayer,
  (b) decide whether either of the conditions mentioned in subsections (3) and (4) is satisfied in relation to the lands and heritages, and
  (c) unless no explanation has been received from the ratepayer, give the ratepayer a further notice stating the conclusion reached under paragraph (b).

(7) Where the local authority concludes that one of the conditions mentioned in subsections (3) and (4) is satisfied in relation to the lands and heritages, the notice given under subsection (6)(c) must also—
  (a) explain the reasons for that conclusion, and
  (b) explain what action the local authority is taking, or intends to take, in relation to the reduction or remission.

Commencement Information
I21 S. 20 in force at 1.4.2021 by S.S.I. 2020/327, **sch.**

Failure to pay instalments

21 Failure to pay instalments S

(1) The 1975 Act is amended in accordance with subsections (2) and (3).

(2) After section 8 insert—

"**8A Failure to pay instalments**

(1) This section applies where—
  (a) a person (the "ratepayer") is liable to pay the rates chargeable for a year, or part of a year, in respect of lands and heritages,
  (b) the rates are payable by instalments under section 8(1), and
  (c) the ratepayer fails to pay an instalment (the "missed instalment") in accordance with that section.

(2) The rating authority must give the ratepayer a notice (a "reminder notice") setting out—
  (a) details of the missed instalment,
  (b) the effect of subsections (3) and (4), and
  (c) where the notice is the second reminder notice given to the ratepayer in respect of the rates due for the year, the effect of subsection (5).

(3) The ratepayer must, within the period of 7 days beginning with the day on which the reminder notice is given to the ratepayer by the rating authority, pay the missed instalment and any other instalment which is due to be paid within that period.

(4) If the ratepayer fails to comply with subsection (3)—
  (a) the rates are no longer payable by instalments, and

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(b) the unpaid amount of the total rates due for the year (or part of the year) becomes payable at the end of the period of 7 days beginning with the day on which the period mentioned in subsection (3) ends.

(5) Where the ratepayer has already been given two reminder notices in respect of the rates due for the year—

(a) subsections (2) to (4) do not apply,

(b) the rates are no longer payable by instalments, and

(c) the unpaid amount of the total rates due for the year (or part of the year) becomes payable on the day following the day on which the missed instalment was due to be paid.”.

(3) In section 8 (payment of rates by instalments)—

(a) in subsection (1), for “(9)” substitute “ (7C) ”,

(b) subsections (8) and (9) are repealed.

(4) In the Local Government (Scotland) Act 1947, in section 247 (recovery of rates), in subsection (2)—

(a) after paragraph (a) insert—

“(aa) in a case to which section 8A of the Local Government (Scotland) Act 1975 applies, stating that—

(i) the authority has served a notice on each such person under section 8A(2) of that Act in respect of the rates,

(ii) the unpaid amount of the rates due for the year (or part of the year) to which the notice relates has become payable under section 8A(4)(b) or (5)(c) of that Act, and

(iii) a period of 14 days beginning with the day on which that amount became payable has expired;”,

(b) in paragraph (b), at the beginning insert “ in any other case, ”,

(c) in paragraph (c), leave out from “said period” to the end and insert “ period of 14 days mentioned in paragraph (aa)(iii) or (as the case may be) (b) has expired without payment of the amount mentioned in that paragraph; ”.

Commencement Information

I22 S. 21 in force at 1.4.2021 by S.S.I. 2020/327, **sch.** (with reg. 4)

Electronic communications

22 Electronic communication of information S

(1) The Scottish Ministers may by regulations make provision allowing or requiring a notice falling within subsection (2) to be given by electronic means.

(2) A notice falls within this subsection if it—

(a) is to be given to a person in accordance with an enactment, and

(b) relates to—

(i) the valuation of lands and heritages under the Valuation Acts,

(ii) the valuation roll,

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(iii) the charging and collection of non-domestic rates (including relief from payment of rates or reduction or remission of rates),

(iv) any other matter connected with the assessment of liability to or levying of non-domestic rates.

(3) Regulations under subsection (1) may include provision for or about—

(a) the manner in which a notice may be given, including circumstances in which information to be given in a notice to a particular person may be so given by being made available to that person and to others (for example, by publication on a website),

(b) information to be provided to facilitate the giving or receipt of a notice by electronic means (for example, an electronic address),

(c) circumstances in which a notice may be given by electronic means only with the consent of the intended recipient,

(d) exceptions to a provision allowing or requiring a notice to be given by electronic means,

(e) the calculation of the date on which a notice given by electronic means is to be treated as having been given,

(f) such other matters in connection with the giving of a notice by electronic means as the Scottish Ministers consider appropriate.

(4) Regulations under subsection (1) may—

(a) modify any enactment (including this Act),

(b) make different provision for different purposes,

(c) make incidental, supplementary, consequential, transitional, transitory or saving provision.

(5) In this section—

"notice" includes any information given to another person,

"the Valuation Acts" means the 1854 Act, the Acts amending that Act, and any other enactment relating to valuation.

Commencement Information

I23 S. 22 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

23 Procedure for regulations under section 22 S

(1) Regulations under section 22 are subject to the affirmative procedure.

(2) Before laying a draft of a Scottish statutory instrument containing regulations under section 22 before the Scottish Parliament, the Scottish Ministers must consult—

(a) such person or persons as appear to the Scottish Ministers to represent the interests of—

(i) local authorities, or

(ii) assessors,

as the Scottish Ministers consider appropriate,

(b) such person or persons as appear to the Scottish Ministers to represent the interests of ratepayers or potential ratepayers, and

(c) such other persons as the Scottish Ministers consider appropriate.

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(3) The Scottish Ministers must, as soon as reasonably practicable after consultation under subsection (2) begins, notify the Scottish Parliament about the consultation.

(4) The Scottish Ministers must have regard to any representations about the regulations proposed to be made under section 22 as a result of the consultation.

Commencement Information
I24 S. 23 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

Report on number of assessors and availability of resources

24 Duty to report on number of assessors and availability of resources S

(1) Subsection (2) applies to—
(a) a joint valuation board established by an order under section 27(7) of the Local Government etc. (Scotland) Act 1994,
(b) a valuation authority from whom functions have not been delegated to such a board by virtue of section 27(8) of that Act.

(2) The board or authority must, in each reporting year, prepare a report on—
(a) the number of assessors and depute assessors appointed by the board or authority holding office on 1 April in that year,
(b) whether that number is sufficient for the proper exercise of the functions of those assessors and depute assessors in relation to non-domestic rates,
(c) whether the board or authority has sufficient resources for the proper exercise of its functions in relation to non-domestic rates,
(d) such other matters relating to non-domestic rates as the board or authority considers appropriate.

(3) A report under subsection (2) must be laid before the Scottish Parliament by 31 May in the reporting year.

(4) In this section, "reporting year" means 2025 and each third year thereafter.

Commencement Information
I25 S. 24 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

Valuation appeal panels and committees

25 Status of secretary of valuation appeal panel S

In schedule 2 of the Tribunals (Scotland) Act 2014 (transfer-in of members), in paragraph 1, after sub-paragraph (3) insert—

"(4) In relation to a valuation appeal committee constituted under section 29(1)(a) of the Local Government etc. (Scotland) Act 1994, a person who is a secretary or assistant secretary of a valuation appeal panel constituted under that section is also a transferable person.".

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Commencement Information

I26 S. 25 in force at 5.11.2020 by S.S.I. 2020/327, **sch.**

Changes to legislation:
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Changes and effects yet to be applied to :

– specified provision(s) amendment to earlier commencing S.S.I. 2020/327, sch. by S.S.I. 2021/120 reg. 2(2)