

SCHEDULE 2

PART 2

Consequential amendments and revocations of secondary legislation

The Council Tax (Contents of Valuation Lists) (Scotland) Regulations 1992

13.—(1) The Council Tax (Contents of Valuation Lists) (Scotland) Regulations 1992(1) are amended in accordance with subparagraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the entry for “the Act” insert—

““the First-tier Tribunal for Scotland” means the First-tier Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014;”.

(b) after the entry for “list” insert—

““Upper Tribunal for Scotland” means the Upper Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014.”.

(3) In regulation 2(b)(ii) (information in valuation lists) after “committee” insert “, the First-Tier Tribunal for Scotland, the Upper Tribunal for Scotland”.

The Council Tax (Administration and Enforcement) (Scotland) Regulations 1992

14.—(1) The Council Tax (Administration and Enforcement) (Scotland) Regulations 1992(2) are amended in accordance with subparagraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the entry for “electronic communication” insert—

““the First-tier Tribunal for Scotland” means the First-tier Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014;”.

(b) after the entry for “relevant year” insert—

““Upper Tribunal for Scotland” means the Upper Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014.”.

(3) In regulation 26 (collection of penalties)—

(a) in paragraph (3) for “a valuation appeal committee” substitute “the First-tier Tribunal for Scotland”,

(b) in paragraph (5) after “committee” insert “, the First-Tier Tribunal for Scotland, the Upper Tribunal for Scotland”.

The Council Tax (Alteration of Lists and Appeals) (Scotland) Regulations 1993

15.—(1) The Council Tax (Alteration of Lists and Appeals) (Scotland) Regulations 1993(3) are amended in accordance with subparagraphs (2) to (9).

(2) In regulation 2 (interpretation)—

(a) omit the entries for—

(1) [S.I. 1992/1330](#).

(2) [S.I. 1992/1332](#). The entry for “electronic communication” in regulation 1(2) was inserted by [S.S.I. 2006/67](#), article 3(b).

(3) [S.I. 1993/355](#), relevantly amended by [S.I. 1996/580](#), article 9.

- “local valuation panel”, and
- “the relevant local valuation panel”,
- (b) after the entry for “assessor” insert—
 - ““First-tier Tribunal for Scotland” means the First-tier Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014;”, and
- (c) after the entry for “proposal” insert—
 - ““Upper Tribunal for Scotland” means the Upper Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014;”.
- (3) In regulation 3 (interpretation of Part II)—
 - (a) in paragraph (1) omit the entry for “secretary”,
 - (b) in paragraph (2)(a)—
 - (i) in sub-paragraph (i) after “31st March 1996” insert “but before 31st March 2023”,
 - (ii) in sub-paragraph (ia) for “that date” substitute “31st March 1996”, and
 - (iii) after sub-paragraph (ia) insert “(ib) after 31st March 2023 by the First-tier Tribunal for Scotland or the Upper Tribunal for Scotland;”.
- (4) In regulation 5(9)(a) (circumstances and periods in which proposals may be made)—
 - (a) for “a valuation appeal committee” substitute “the First-tier Tribunal for Scotland”, and
 - (b) for “such a committee” substitute “that Tribunal”.
- (5) In regulation 8(2) (proposals treated as invalid-lack of title or out of time)—
 - (a) after the second occurrence of “notice” insert “to the First-tier Tribunal for Scotland”, and
 - (b) for “no later than four weeks after the date of its service” substitute “within 28 days of the date of service”.
- (6) In regulation 9 (proposals treated as invalid-lack of information)—
 - (a) in paragraph (2)(d) after “appeal” insert “to the First-tier Tribunal for Scotland”, and
 - (b) in paragraph (3)—
 - (i) after the second occurrence of “notice” insert “to the First-tier Tribunal for Scotland”, and
 - (ii) for “no later than four weeks after the date of its service” substitute “within 28 days of the date of service”.
- (7) In regulation 10 (proposals treated as invalid-appeals)—
 - (a) in paragraph (1) for “shall be initiated by serving notice of appeal on the assessor” substitute “is to be made by giving written notice to the First-tier Tribunal for Scotland in accordance with the procedural rules of that Tribunal”, and
 - (b) omit paragraph (2).
- (8) For regulation 15 (disagreement as to proposed alteration) substitute—

“Appeal in the event of disagreement as to proposed alteration

15.—(1) Where the assessor is of the opinion that a proposal is not well-founded and it is not withdrawn they must, in accordance with the time periods specified in paragraph (3), serve on the proposer a notice complying with paragraph (2).

(2) A notice under paragraph (1) must—

- (a) state the opinion of the assessor that the proposal is not well-founded;

- (b) specify the basis on which the assessor has concluded that the proposal is not well-founded;
 - (c) advise the proposer of their right of appeal to the First-tier Tribunal for Scotland under paragraph (4) and of the effect of paragraphs (5) and (6).
- (3) A notice under paragraph (1) must be served on the proposer—
- (a) where no notice in respect of the proposal has been served on the proposer under regulation 8(1) or 9(1), before the end of the period of six weeks beginning with the date on which the proposal was served on the assessor;
 - (b) where the assessor has served a notice under regulation 8(1) in respect of a proposal, before the end of the period of six weeks beginning with the date on which—
 - (i) the assessor withdrew that notice; or
 - (ii) the proposer’s appeal against that notice was finally resolved in their favour;
 - (c) where the assessor has served a notice under regulation 9(1) in respect of a proposal, before the end of the period of six weeks beginning—
 - (i) where the assessor has been satisfied that they have been supplied with all the information specified in that notice, with the last date on which any of that information was supplied to them; or
 - (ii) in any other case, with the date on which the proposer’s appeal against that notice was finally resolved in their favour;
 - (d) where a proposal has been adopted by a person under regulation 11(3), before the end of the period of six weeks beginning with the date on which that person intimated to the assessor his wish to adopt the proposal.
- (4) Where a proposal has not been accepted as well-founded by the assessor and has not been withdrawn the proposer may in accordance with paragraph (6) refer the disagreement between him and the assessor about the accuracy of the list as an appeal to the First-tier Tribunal for Scotland.
- (5) But no appeal under paragraph (4) may be made in respect of—
- (a) a proposal that has been appealed under regulation 10(1), unless that appeal found in favour of the proposer, or
 - (b) a proposal treated by the assessor as invalid by virtue of regulation 8(3) or 9(4).
- (6) An appeal under paragraph (4) must be served on the First-tier Tribunal for Scotland—
- (a) before the end of the period of six weeks beginning with—
 - (i) the date on which service of the notice in paragraph (1) was required, whether or not such service is made, or
 - (ii) 1st April 2023,whichever is the later, and
 - (b) in accordance with the procedural rules of that Tribunal.”
- (9) Regulations 22 to 24 and Part IV are revoked.

The Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) Regulations 1995

16. The Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) Regulations 1995(4) are revoked.

(4) [S.I. 1995/572](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The First-tier Tribunal for Scotland (Transfer of Functions of Valuation Appeals Committees) Regulations 2023 No. 45

The Valuation Appeal Panels and Committees (Scotland) Regulations 1996

17. The Valuation Appeal Panels and Committees (Scotland) Regulations 1996⁽⁵⁾ are revoked.

Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005

18.—(1) The Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005⁽⁶⁾ is amended in accordance with subparagraphs (2) and (3).

(2) In article 1 (citation, commencement and interpretation) after the entry relating to “office purposes” insert—

““the First-tier Tribunal for Scotland” means the First-tier Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014;”.

(3) For article 10 (appeals and complaints) substitute—

“The First-tier Tribunal for Scotland may hear and determine appeals and complaints under the Valuation Acts in relation to any assessment of the lands and heritages valued by virtue of this Order.”.

The Water Services Charges (Billing and Collection) (Scotland) Order 2010

19.—(1) The Water Services Charges (Billing and Collection) (Scotland) Order 2010⁽⁷⁾ is amended in accordance with subparagraphs (2) to (4).

(2) In article 1(2) (interpretation)—

(a) omit the entries for “valuation appeal committee” and “valuation appeal panel”, and

(b) after the entry for “dwelling” insert—

““First-tier Tribunal for Scotland” means the First-tier Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014;”.

(3) In article 9(1) (appeals) for “a valuation appeal committee” substitute “the First-tier Tribunal for Scotland (established by section 1 of the Tribunals (Scotland) Act 2014);”.

(4) In article 10 (appeals)—

(a) in paragraph (1) for “shall be initiated by serving a written notice of appeal on the local authority” substitute “is to be made by giving written notice to the First-tier Tribunal for Scotland in accordance with the procedural rules of that Tribunal”, and

(b) omit paragraphs (2) to (5).

Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012

20. In regulation 14(3)(d) of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012⁽⁸⁾ for entry (iii) substitute—

“(iii) The First-tier Tribunal for Scotland or the Upper Tribunal for Scotland, established by section 1 of the Tribunals (Scotland) Act 2014;”.

(5) S.I. 1996/137.

(6) S.S.I. 2005/127.

(7) S.S.I. 2010/10.

(8) S.I. 2012/1483.

The Water and Sewerage Services to Dwellings (Collection of Unmetered Charges by Local Authority) (Scotland) Order 2020

21.—(1) The Water and Sewerage Services to Dwellings (Collection of Unmetered Charges by Local Authority) (Scotland) Order 2020(9) is amended in accordance with subparagraphs (2) and (3).

(2) In article 9(1) (appeals)—

- (a) for “a valuation appeal committee (established under section 29 of the Local Government etc. (Scotland) Act 1994)” substitute “the First-tier Tribunal for Scotland (established by section 1 of the Tribunals (Scotland) Act 2014)”,
- (b) for the closing words substitute “and the First-tier Tribunal for Scotland must make such decision as it thinks just.”.

(3) In article 10 (appeals procedure)—

- (a) in paragraph (1) for “may be initiated by serving on the local authority a notice of appeal in writing” substitute “is to be made by giving written notice to the First-tier Tribunal for Scotland in accordance with the procedural rules of that Tribunal”,
- (b) omit paragraphs (2) to (5).

The Valuation Appeal Committee (Procedure in Civil Penalty Appeals) (Scotland) Regulations 2020

22. The Valuation Appeal Committee (Procedure in Civil Penalty Appeals) (Scotland) Regulations 2020(10) are revoked.

(9) S.S.I. 2020/4.
(10) S.S.I. 2020/382.