

Local Government, Housing and Planning Committee

8th Meeting, 2021 (Session 6)

Tuesday 8 March 2022

SSI cover note for: The Non-Domestic Rate (Scotland) Order 2022: SSI 2022/36

SSI 2022/36

Title of Instrument:	The Non-Domestic Rate (Scotland) Order 2022: SSI 2022/36
Type of Instrument:	Negative
Laid Date:	3 February 2022
Meeting Date:	8 March 2022
Minister to attend meeting:	No
Motion for annulment lodged:	No
Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee?	No
Reporting deadline:	21 March 2022

Recommendation

1. The Committee is invited to consider any issues which it wishes to raise on this instrument.

Background

2. The above instrument is made in exercise of the powers conferred on the Scottish Ministers by section 7B(1) of the Local Government (Scotland) Act 1975 and by all other enabling powers. The instrument is subject to the negative procedure. The purpose of this instrument is to set the non-domestic (business) rate poundage, also known as the Basic Property Rate, in Scotland at 49.8 pence for 2022-23.

3. An electronic copy of the instrument is available at:
<https://www.legislation.gov.uk/ssi/2022/36/contents/made>

4. A copy of the Scottish Government's Explanatory and Policy Notes are included in **Annexe A**.

Purpose

5. The purpose of this instrument is to set the non-domestic (business) rate poundage, also known as the Basic Property Rate, in Scotland at 49.8 pence for 2022-23.

Delegated Powers and Law Reform Committee consideration

6. At its meeting on 22 February 2022 the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

7. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Procedure for Negative Instruments

8. Negative instruments are instruments that are "subject to annulment" by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

9. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

Clerks
Local Government, Housing and Planning Committee

Annexe A

Scottish Government Explanatory Note

This Order prescribes a rate of 49.8 pence in the pound as the non-domestic rate to be levied throughout Scotland in respect of the financial year 2022-2023. A rate of 49 pence in the pound was prescribed by the Scottish Ministers as the non-domestic rate to be levied throughout Scotland for the financial year 2021-2022 (S.S.I. 2021/63).

As per purpose above and including:

Scottish Government Policy Note

The above instrument is made in exercise of the powers conferred on the Scottish Ministers by section 7B(1) of the Local Government (Scotland) Act 1975 and by all other enabling powers. The instrument is subject to the negative procedure.

The purpose of this instrument is to set the non-domestic (business) rate poundage, also known as the Basic Property Rate, in Scotland at 49.8 pence for 2022-23.

Policy Objective

This instrument will result in the Basic Property Rate (i.e. poundage) paid by non-domestic properties in Scotland from 1 April 2022 to 31 March 2023 being 49.8 pence. This delivers a below-inflation increase (1.63%) in the poundage from 2021-22 (49.0p) and ensures the lowest poundage in the UK for the fourth year in a row.

Consultation

There is no statutory requirement to consult on these Regulations.

Impact Assessments

No Business and Regulatory Impact Assessment is required because the present instrument will not impose new regulatory burdens on businesses, charities or the voluntary sector compared with the Non-Domestic Rate (Scotland) Order 2021 which it replaces.

Financial Implications

This instrument has no additional financial effects on the Scottish Government, local government or business.