POLICY NOTE

THE AIR DEPARTURE TAX (ADMINISTRATION) (SCOTLAND) AMENDMENT REGULATIONS 2026

SSI 2026/330

The above instrument was made in exercise of the powers conferred by section 41, section 42(3)(a) and section 43 of the Air Departure Tax (Scotland) Act 2017 and all other powers enabling the Scottish Ministers to do so. The instrument is subject to affirmative procedure.

Summary Box

These Regulations amend the provisions concerning the administration of Air Departure Tax ("ADT") in Part 4 (Payment, collection and management of tax) of the Air Departure Tax (Scotland) Act 2017 ("the 2017 Act"). In addition, these Regulations make amendments to section 44 and schedules 2 and 3 of the 2017 Act, which are consequential upon the amendments made to Part 4 of the 2017 Act.

Policy Objectives

The amendments made by these Regulations are intended to enable Revenue Scotland to administer ADT effectively. This includes making provision to ensure that Revenue Scotland are able to voluntarily register (and deregister, as appropriate) prospective ADT taxpayers from 1 December 2026, prior to the tax coming into effect from 1 April 2027. These Regulations also amend existing provision in the 2017 Act, or make new provision in the 2017 Act, in connection with taxpayers making ADT returns (including making new provision facilitating group tax returns, where applicable), updating the dates by which arrangements satisfactory to Revenue Scotland must be made for the payment of any ADT due as a result of making or amending an ADT tax return, making provision in relation to the relevant accounting periods for ADT tax returns, making provision in connection with the appointment of, and eligibility to be, a tax representative for ADT purposes, and making provision in connection with the transfer of a taxable business as a going concern for ADT purposes.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Air Departure Tax (Administration) (Scotland) Amendment Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation ran from 29 January to 26 March 2026 on ADT proposals, including questions seeking views and evidence on administrative and operational aspects of ADT. This was supplemented by two roundtables for the aviation sector and Highlands and Islands stakeholders, each of which was chaired respectively by the then Cabinet Secretary for Transport and the then Minister for Public Finance. Official level meetings with wider stakeholder groups were also held to provide further engagement opportunities.

The consultation analysis report was subsequently published on 15 July 2026. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website, including AGS Airports Limited, Edinburgh Airport Limited, easyJet, KLM, Loganair, Oxfam Scotland and ABTA. The consultation and consultation response are both available on the Scottish Government website.[1]

In addition to the consultation, an Expert Advisory Group for ADT was convened to help inform the introduction of ADT from April 2027. This includes potential taxpayers and other aviation sector expertise to help ensure ADT operates as intended.

As a result of the consultation and associated engagement, the main concern emerging was around challenging implementation timescales and the lack of engagement prior to the announcement of the planned implementation at the 2026-27 Scottish Budget on 13 January 2026. However, the engagement subsequently undertaken was appreciated and no significant barriers to implementing ADT were identified. It was therefore decided to continue as proposed and proceed with implementation of ADT from 1 April 2027.

Impact Assessments

Equalities and equal opportunities - The Equalities Impact Assessment processes were completed while developing the ADT secondary legislation and concluded that the instrument will have no negative impact on equality issues. This instrument does not unlawfully discriminate in any way with respect to any of the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) either directly or indirectly.

Human rights – This instrument is considered to be compatible with the convention rights under the Human Rights Act 1998. In particular, this instrument is considered to be compatible with the right to the peaceful enjoyment of possessions under Article 1 Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, in terms of which

[1] https://www.gov.scot/publications/delivering-scotlands-air-departure-tax/

a State may nevertheless enforce such laws as it deems necessary to secure the payment of taxes

Child rights and wellbeing - A Child Rights and Wellbeing Impact Assessment has been carried out in respect of this instrument and will be published on the legislation.gov.uk website. The overall conclusion was that this instrument will have no impact on children's rights under the UNCRC requirements (as incorporated into domestic law) or on children's wellbeing.

Fairer Scotland – This instrument should not have any direct implications for inequalities arising from socio-economic disadvantage.

Consumer - There will not be any additional impacts on consumers as a result of the provisions in this instrument.

Island communities – No new impacts have been identified for Island Communities in relation to the provisions of this instrument.

Sustainable development – As this SSI relates to a financial or budgetary plan/programme, no Strategic Environment Assessment ("SEA") is required in respect of this instrument. However, the SEA pre-screening process was completed while developing this SSI and concluded that the instrument is unlikely to impact on sustainable development and is unlikely to have any direct or indirect adverse effects on the environment.

A Business and Regulatory Impact Assessment (BRIA) has been prepared for this instrument and will be published on the gov.scot website.

Privacy impacts – No privacy impacts resulting from this legislation have been identified.

Financial Effects

These Regulations are part of a package of regulations required to bring into effect the Air Departure Tax (Scotland) Act 2017. They do not materially affect the costs estimated for the introduction of the tax which were set out in the Financial Memorandum published with the Bill at introduction.[2]

Scottish Government
Directorate for Tax

10 September 2026

[2] https://www.parliament.scot/-/media/files/legislation/bills/previous-bills/air-departure-tax-scotland-bill/introduced/financial-memorandum-air-departure-tax-scotland-bill.pdf