POLICY NOTE

THE REVENUE SCOTLAND AND TAX POWERS ACT (REIMBURSEMENT ARRANGEMENTS) REGULATIONS 2015

SSI 2015/xxx

The above instrument was made in exercise of the powers conferred by section 111(1) of the Revenue Scotland and Tax Powers Act 2014 and all other powers enabling them to do so. The instrument is subject to the affirmative procedure.

Policy Objectives

A claimant seeking a repayment of tax (and any interest due) must able to demonstrate that those who have ultimately borne the cost of paying the tax are reimbursed in a timely manner – meaning that the claimant himself or herself is not unjustifiably enriched in the process. There will therefore be a 90 day time limit for the completion of reimbursement arrangements made by the claimant, after which any amount not reimbursed to the original taxpayer must be repaid to Revenue Scotland.

The claimant will be unable to charge a fee for reimbursement or reduce in any other way the amount reimbursed to those who ultimately bore the cost of paying the tax. The same applies to interest included in any repayment.

Prior to any repayment being made the claimant must provide Revenue Scotland with an undertaking that lays out how their reimbursement arrangements will comply with these regulations. The claimant will be required to keep records for a period of three years showing who has been reimbursed, the total amount reimbursed, the amount of interest reimbursed and the date the reimbursement was made. The claimant will be required to produce these records upon receipt of a notice from Revenue Scotland.

Consultation

A public consultation opened on 6 October 2014 on the proposed subordinate legislation under RSTPA 2014, including draft SSIs with a closing date of 9 January 2015. The consultation paper and draft SSI is available at

http://www.scotland.gov.uk/Publications/2014/10/4714.

A full list of those consulted and the responses of those who agreed to the release of this information and the Scottish Government response will be published on the Scottish Government's website in due course.

Impact Assessments

An equality impact assessment has been completed on the Revenue Scotland and Tax Powers Bill and is attached available at http://www.scotland.gov.uk/Publications/2014/10/4242. The instrument is consequential in nature and no further impact assessments are required.

Financial Effects

There are no significant costs associated with this SSI. The costs associated with the establishment of Revenue Scotland were detailed in the Financial Memorandum that accompanied the Bill for RSTPA 2014 and is available at http://www.scottish.parliament.uk/parliamentarybusiness/Bills/70929.aspx

Scottish Government
Fiscal Responsibility Division
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