POLICY NOTE

THE VISITOR LEVY (LOCAL AUTHORITY ASSESSMENT) (SCOTLAND) REGULATIONS 2026

SSI 2026/XXX

The above instrument is made in exercise of the powers conferred by sections 45(1) and 78(1) of the Visitor Levy (Scotland) Act 2024 ("the 2024 Act"). The instrument is subject to the affirmative procedure.

Summary Box

These Regulations set out the framework for how local authorities may assess the visitor levy payable by a person where a return has not been made, or where a return is considered to be incorrect as a result of cotnaining a miscalculation of a careless or deliberate nature.

The purpose of the Regulations is:

- To provide the process for local authorities to make an assessment of the amount of visitor levy payable where no return has been made, or an innacurate return has been made
- To set out time limits for issuing notices and completing assessments,
- To define circumstances in which assessments may be altered, and to establish the relationship between assessments and review or appeal mechanisms.

To permit notices and documents to be issued electronically, These provisions are essential to the wider operation of visitor levy schemes, through helping to ensure that the levy is administered fairly, transparently and in a way that supports compliance.

Policy Objectives

The 2024 Act requires persons liable to pay the visitor levy to submit a return within 30 days of the end of each relevant period. By "relevant period" is meant each quarter, or such other period as specified by a local authority which operates a visitor levy scheme. These Regulations are intended to ensure that local authorities have the necessary powers to respond effectively and appropriately in situations where those returns are not submitted or where the information provided within a return appears to contain a miscalculation arising from either careless or deliberate behaviour.

The Regulations set out the circumstances in which a local authority may carry out its own assessment of the levy payable. They provide that an assessment may be made where a person has failed to submit a return within 30 days of the last day of the relevant period, and also where the authority has formed an honest and reasonable belief that a return submitted by the person is inaccurate because it contains a miscalculation of a careless or deliberate nature . The Regulations further ensure that individuals are informed before any assessment is made by requiring local authorities to issue notice explaining their intention to carry out an

assessment, the reasons why the assessment is considered necessary, and the information on which the assessment will be based.

The Regulations establish time limits with a view to ensuring that assessments are carried out promptly. They require a notice of the outcome of the assessment to be issued within six months of the date on which the notice of intention to make the assessment was received, except where the authority has been unable to complete the assessment within that period because the person has failed to cooperate with the exercise of investigatory powers. Subject to this exception, where notice of the outcome of an asessment is not issued within the period provided for, no visitor levy will be payable or, as the case may be, the original return submitted by the person will stand. Where reference is made in the Regulations to anything being received, this is to be taken to have happened 48 hours after the notice or similar was sent, unless the contrary is shown. This is in line with section 26 of the Interpretation and Legislative Reform (Scotlland) Act 2010.

The Regulations set out the information that must be included in a notice of the outcome of an assessment, including the amount of levy due, the payment deadline, any difference between the amount stated in the return and the amount determined by the authority, and information about the right to request a review.

The Regulations make clear that the outcome of an assessment may only be altered in limited circumstances. These circumstances are as a result of the outcome of a review or appeal, , or where the local authority has identified that the original notice contained an error made by the authority. Where an alteration is made, a replacement notice must be issued and will supersede the original.

The Regulations set out the timescales within which any amount of levy determined through the assessment process must either be paid or reimbursed. They provide that any amount due must be paid within 30 days of receipt of the notice of the outcome of the assessment or within a longer period if agreed with the local authority, and that where a lower amount is due, the authority must reimburse the overpaid amount within 30 days of the date of issue of the notice of the outcome of the assessment.

The Regulations clarify that the fact an assessment has been carried out does not prevent penalties from being imposed under the relevant provisions of the 2024 Act.

The Regulations enable local authorities to send notices and other documents electronically, provided that the person has consented to receive communications through electronic means. This supports modern and efficient administration of the Visitor Levy system.

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 Visitor Levy (Local Authority Assessment) (Scotland) Regulations 2026 is compatible with

the UNCRC requirements as defined in section 1(2) of the UNCRC (Incorporation) (Scotland) Act 2024.

EU Alignment Consideration

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

Consultation

As these Regulations provide operational detail necessary to give effect to the assessment powers set out in the 2024 Act, no additional public consultation was required. However, local authority operational representatives and subject matter specialists were engaged during drafting, to ensure that the Regulations reflect practical administrative requirements.

Impact Assessments

A Child Rights and Wellbeing Impact Assessment has been carried out in relation to these Regulations.

Financial Effects

The Minister for Public Finance confirms that no Business and Regulatory Impact Assessment (BRIA) is required, as these Regulations do not impose direct financial effects on business, local authorities, or the Scottish Government beyond the operational processes envisaged in the 2024 Act.

Scottish Government
Local Government and Communities
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