24 February 2017

Dear Bruce

**Air Departure Tax (Scotland) Bill – Fiscal Representatives**

During the Committee’s meeting on Wednesday 22 February at which Neil Ferguson and I gave evidence on the above Bill, the Committee asked for further information on the arrangements that might be put in place with regard to the appointment by aircraft operators of fiscal representatives should the UK or Scotland not be part of the EEA and whether the Bill, as currently drafted, is sufficiently flexible to allow for post-Brexit scenarios.

As I stated in my evidence to Committee, there are aspects of EU law that apply to the process for aircraft operators appointing fiscal representatives, and the Air Departure Tax Bill has been drafted to comply with the current legal position.

In the event that the obligation to comply with that legal position was to change – for example, as a result of the outcome of Brexit negotiations – any decision to bring forward proposals to amend the provisions of the Air Departure Tax legislation would be a matter of policy for the Scottish Government to consider, rather than Revenue Scotland. The Delegated Powers Memorandum explains that section 34(2) of the Bill at introduction provides Scottish Ministers with a power to amend the relevant provisions in Part 4 by regulations.

I hope this letter provides adequate clarification on the matter.

Yours sincerely,

Elaine Lorimer
Chief Executive, Revenue Scotland