

Local Government, Housing and Committee
Tuesday 9 September 2025
22nd Meeting, 2025 (Session 6)

Note by the Clerk on Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No. 4) Regulations 2025

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Council Tax Reduction \(Miscellaneous Amendment\) \(Scotland\) \(No. 4\) Regulations 2025](#)

Laid under: [Local Government Finance Act 1992](#)

Laid on: 24 July 2025

Procedure: Negative

Deadline for committee consideration: 6 October 2025

Deadline for Chamber consideration: 10 October 2025

Commencement: 25 July 2025

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 2nd September 2025 and reported on it in its [57th Report, 2025](#). The DPLR Committee draws the instrument to the attention of the Parliament under reporting ground (j) for a failure to lay the instrument in accordance with the laying requirements in section 28(2) of the 2010 Act.
8. The DPLR Committee is satisfied with the reasons given for the failure to comply with the laying requirements.
9. An extract from the Committee's report can be found at Annexe D.

Purpose of the instrument

10. The purpose of these Regulations is to amend the Council Tax Reduction (Scotland) Regulations 2021 and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012.
11. The amendments make provision in relation to the entitlement to the Council Tax Reduction schemes for people returning from Israel, the Occupied Palestinian Territories or the occupied Golan Heights to ensure they are treated as meeting the residence requirements for the schemes.
12. The [Policy Note](#) accompanying the instrument is included in Annexe A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.
13. [A Child Rights and Wellbeing Impact Assessment](#) has also been completed for this instrument.

Explanation to the Presiding Officer

14. As the instrument was laid less than 28 days before coming into force, the Scottish Government is required by law to provide an explanation. This is set out in Annexe C. The Committee is required to consider the explanation, and may comment on it in any report.

Committee consideration

15. So far, no motion recommending annulment has been lodged.
16. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or

- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

17. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
18. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
September 2025

Annexe A: Scottish Government Policy Note

The Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No. 4) Regulations 2025 SSI 2025/212

The above instrument was made in exercise of the powers conferred by sections 80 and 113(1), and paragraph 1 of schedule 2 of the Local Government Finance Act 1992. The instrument is subject to the negative procedure.

Summary Box

The purpose of these Regulations is to amend:

- The Council Tax Reduction (Scotland) Regulations 2021; and
- The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012.

The amendments make provision in relation to the entitlement to the Council Tax Reduction schemes for people returning from Israel, the Occupied Palestinian Territories or the occupied Golan Heights to ensure they are treated as meeting the residence requirements for the schemes.

Policy Objectives

In order to support people coming to the UK from Israel, the Occupied Palestinian Territories, or the occupied Golan Heights as a result of the recent escalation of violence between Israel and Iran, the Scottish Government is working in tandem with the UK Government by introducing regulations to allow those arriving from any of those places to not meet the residence requirements for Council Tax Reduction schemes for working age and pension age people, rather than wait until the Habitual Residency Test is satisfied.

This is emergency legislation in response to an international emergency, thus requiring an expedited parliamentary process during recess. To that end, the instrument will come into force on 25 July, the day after the instrument has been laid.

The instrument will exempt from having to satisfy the usual residence requirements for entitlement to reduction in council tax liability for individuals:

- with leave to enter or remain in the United Kingdom granted under or outside the Immigration Rules;
- with a right of abode in the United Kingdom; or
- who don't require leave to enter or remain in the United Kingdom,

where they were residing in Israel, the West Bank, Gaza, East Jerusalem or the occupied Golan Heights immediately before 13 June 2025, left any of those places in connection with the escalation of the violence between Israel and Iran, and arrived in Great Britain within 6 months of the escalation arising (i.e. on or before 13 December 2025).

This reflects the policy intention to assist those coming to Scotland who have had to flee their homes and country of residence because of the increased conflict and on the basis of advice from, or with the assistance of, the UK Foreign, Commonwealth and Development Office. It may also include individuals who consider their place of residence to be Israel, the West Bank, Gaza, East Jerusalem or the occupied Golan Heights, but who were temporarily absent immediately before 13 June 2025.

The description of the territories in this regulation are in accordance with the Foreign, Commonwealth and Development Office (FCDO) travel advice as at 23 July 2025 - <https://www.gov.uk/foreign-travel-advice/israel>.

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

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 Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No.4) Regulations 2025 is 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

Given the urgent nature of these regulations, it has not been possible to consult on this policy. The Scottish Government has engaged with the UK Government and Social Security Scotland to ensure alignment in approach.

Impact Assessments

A Children's Rights and Wellbeing impact assessment has been completed on the draft SSI and is attached. There are no children's impact issues identified.

Financial Effects

The Cabinet Secretary for Finance and Local Government confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

There are expected to be a relatively small number of arrivals to the UK from Israel , the Occupied Palestinian Territories, and the occupied Golan Heights as a result of the recent conflict, and it's expected only a small percentage will settle in Scotland. We expect the cost of waiving the residency requirements for Council Tax Reduction for these arrivals to therefore be negligible.

LGHP/S6/25/22/5

Scottish Government
Local Government Directorate 24 July 2025

Annexe B: Explanatory Note

These Regulations make amendments to the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 (“the 2012 Regulations”) and the Council Tax Reduction (Scotland) Regulations 2021 (“the 2021 Regulations”) in connection with the eligibility for a council tax reduction of certain persons coming to Scotland from Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights.

Regulation 2 amends regulation 16 of the 2012 Regulations to provide that a person who was residing in Israel, the Occupied Palestinian Territories or the occupied Golan Heights immediately before 13 June 2025 is not to be treated as not being in Great Britain. The effect is that the person will not be excluded automatically from entitlement to a council tax reduction, despite not being habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, where certain conditions are met. Those conditions are:

- a) the person left Israel, the Occupied Palestinian Territories or the occupied Golan Heights as a result of the escalation of violence between Israel and Iran that began on 13 June 2025,
- b) the person arrived in Great Britain within 6 months of the escalation arising (i.e. on or before 13 December 2025),
- c) the person has a right of abode in the United Kingdom, has been granted leave to enter or remain in the United Kingdom, or does not require leave to enter or remain in the United Kingdom.

Regulation 3 makes an equivalent amendment to regulation 16 of the 2021 Regulations.

Annexe C: Explanation to the Presiding Officer of why the instrument was laid in breach of the statutory laying requirements

24 July 2025

Dear Presiding Officer,

The Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No.4) Regulations 2025

The Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No.4) Regulations 2025 were made by Scottish Ministers under sections 80, 113(1) and (2), and paragraph 1 of schedule 2 of the Local Government Finance Act 1992 on 24 July 2025. This instrument is subject to the negative procedure. The Regulations are being laid before the Scottish Parliament today, 24 July 2025, and come into force on 25 July 2025.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 sets out that a negative SSI must be laid before the Scottish Parliament at least 28 days before the instrument comes into force. On this occasion, this has not been complied with and to meet the requirements of section 31(3) that Act, this letter explains why.

A person is normally required to meet a habitual residence test to be eligible for Council Tax Reduction (CTR) and income related benefits including Universal Credit and housing benefit. This is intended to ensure they are paid to people with reasonably close ties to the UK and an intention to settle here. It can commonly take up to three months to establish factual habitual residence.

In both the Council Tax Reduction (Scotland) Regulations 2021 ("the Working Age Regulations") and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 ("the Pension Age Regulations"), this habitual residency requirement is waived for persons meeting certain conditions.

These Regulations amend the Working Age and Pension Age Regulations to expand these conditions so that a person coming from Israel, the Occupied Palestinian Territories (the West Bank, Gaza, East Jerusalem) or the occupied Golan Heights as a result of the escalation of violence between Israel and Iran that began on 13 June 2025 is not required to meet those residence requirements to be entitled to CTR.

Unfortunately, once the need for the regulations became clear in the days following the escalation of violence on 13 June, there was not sufficient time to prepare these Regulations prior to Parliamentary recess beginning on 28 June, and so the Regulations are being made during recess. I consider this necessary due to the urgent need for support for people fleeing the violence. The regulations seek to do this by rendering such persons potentially eligible for Council Tax Reduction, rather than requiring them to wait until the habitual residency test is satisfied.

LGHP/S6/25/22/5

I am copying this letter to Ariane Burgess MSP, Convener of the Local Government, Housing and Planning Committee and Stuart McMillan MSP, Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,

SHONA ROBISON

Annexe D – Extract from the Delegated Powers and Law Reform Committee’s 57th Report, 2025

Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No. 4) Regulations 2025 (SSI 2025/212)

The instrument makes amendments to the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 and the Council Tax Reduction (Scotland) Regulations 2021.

The purpose of the amendments is to ensure that, subject to the conditions set out in the instrument, people coming to Scotland from Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights, are not excluded automatically from entitlement to council tax reduction on account of not being habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland. This is in light of the escalation of violence between Israel and Iran that began on 13 June 2025.

Under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (“the 2010 Act”), instruments subject to the negative procedure must be laid at least 28 days before they come into force, not counting recess periods of more than 4 days.

The instrument was laid on 24 July and came into force on 25 July, breaching the 28-day rule in the 2010 Act.

A failure to comply with the 28 day rule does not affect the validity of the instrument, but the Scottish Government is required by section 31(1) of the 2010 Act to explain to the Presiding Officer why the laying requirements have not been complied with.

The Scottish Government's explanation was, in summary, that although the need for such regulations became clear in the days following the escalation of violence on 13 June, there was not sufficient time to prepare them prior to recess beginning on 28 June. As such, the Scottish Government states that it has been necessary to make regulations during recess due to the urgent need for support for people fleeing the violence.

The full version of the letter to the Presiding Officer setting out the reasons for failing to comply with the 2010 Act's requirements on laying regulations can be found in the annexe of this report.

The lead committee for this instrument is the Local Government, Housing and Planning Committee.

The Committee draws the instrument to the attention of the Parliament under reporting ground (j) for a failure to lay the instrument in accordance with the laying requirements in section 28(2) of the 2010 Act.

The Committee is satisfied with the reasons given for the failure to comply with the laying requirements.