Citizen Participation and Public Petitions Committee
Wednesday 29 October 2025
16th Meeting, 2025 (Session 6)

PE2172: Allow late proposals to alter the Council Tax Valuation Band in exceptional circumstances

Introduction

Petitioner	Sarah McFadzean
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to amend Council Tax regulations to allow late banding alteration proposals in exceptional personal or compassionate circumstances, including bereavement, illness, sudden house moves, or lack of awareness of rights, particularly for tenants.
Webpage	https://petitions.parliament.scot/petitions/PE2172

1. This is a new petition that was lodged on 23 June 2025.

2. A full summary of this petition and its aims can be found at **Annexe A**.

3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.

4. Every petition collects signatures while it remains under consideration. At the time of writing, 25 signatures have been received on this petition.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.

6. The Committee has received submissions from the Scottish Government and the petitioner, which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
October 2025

Annexe A: Summary of petition

PE2172: Allow late proposals to alter the Council Tax Valuation Band in exceptional circumstances

Petitioner

Sarah McFadzean

Date Lodged

23 June 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to amend Council Tax regulations to allow late banding alteration proposals in exceptional personal or compassionate circumstances, including bereavement, illness, sudden house moves, or lack of awareness of rights, particularly for tenants.

Background information

In Scotland, proposals to alter the Council Tax Valuation Band must be made within 6 months of becoming liable for a property. However, this rule is inflexible, and there is no allowance for late proposals even in cases of bereavement, serious illness, or other exceptional life events. I discovered, well after moving in, that my property is in a higher band than an identical neighbouring property, despite being less valuable. I submitted evidence and acted as soon as I became aware, but my proposal and subsequent appeal were dismissed purely on timing. This law disproportionately affects tenants, who are rarely told they can submit a proposal to alter the band or that such a strict deadline exists. In England and Wales, the system is more flexible and in certain circumstances allows band review requests to be made more than six months after starting to pay council tax for a property. I believe Scotland should offer the same fairness and discretion to protect people facing difficult circumstances from paying the wrong tax band for years without recourse.

Annexe B: SPICe briefing on PE2172

Overview of issues raised by the petition

When someone moves into a new home, they can apply to have their council tax band changed should they think their property is in the wrong band. This application is made to the local assessor and is known as a "proposal". As noted by the petitioner, "proposals to alter the Council Tax Valuation Band must be made within 6 months of becoming liable for a property". This deadline is set out in section 5 of the Council Tax (Alteration of Lists and Appeals) (Scotland) Regulations 1993.

Background information

The petitioner states that "this rule is inflexible, and there is no allowance for late proposals even in cases of bereavement, serious illness, or other exceptional life events". SPICe has contacted the Scottish Assessors Association (SAA) to check what flexibility is available and they confirmed:

> "If a proposal is received by the Assessor out with the statutory time limits, then it should be deemed by the Assessor to be invalid. The person making the proposal can appeal the Assessor's decision to treat the proposal as invalid to the Local Taxation Chamber (LTC)."

There appears to be little in the way of discretion available to the Assessor regarding the statutory time limits for receiving a council tax proposal.

In 2023, the Scottish Local Taxation Chamber considered an appeal from a Clydebank resident who had proposed a change to his property's council tax band from C to B. The appeal was dismissed because the resident had moved into the property in 2011 and only made the proposal in 2020:

> "As the appellant [the householder] became the taxpayer on 14 October 2011 a proposal that the Band is not the band which should have been so shown on the list would have to have be made by 13 April 2012 in order to be valid. It was the responsibility of the appellant and not the respondent [the assessor] (or the local authority who were paid the Council tax), to ensure that the proposal was validly made. The 1993 regulations make no provision for the tribunal to consider a "reasonable excuse" for a failure to comply with those Regulations and nor do they provide the tribunal with a dispensing power. As a consequence, the tribunal has no discretion to overlook the failure to comply with the 1993 Regulations and hear an appeal when a proposal has not been validly made."

"Material reduction in value" is an exception

The owner of a property or the person liable to pay council tax for it, may lodge a proposal to alter the valuation band **at any time** if they believe there has been a "material reduction" in the value of the dwelling (see SAA website). This is when the change in value may result from the demolition of part of the dwelling, a change in the physical state of its locality or the adaptation of the dwelling to suit a person who is physically disabled.

There is no mention of flexibility in cases of “bereavement, serious illness, or other exceptional life events” (examples highlighted by the petitioner).

The situation for council tax payers in England

The equivalent English regulations also place a deadline of six months on anyone “making a proposal”. These regulations were amended and updated in 2009. Looking at a selection of “invalid” proposals on the Valuation Tribunal for England (VTE) website, it certainly appears that the 6-month deadline is also adhered to in England. One such decision states:

> “…the appellant had not lodged the proposal within six months of becoming the new taxpayer in respect of the appeal property. Therefore, having regard to the above [sub paragraph (5) of Regulation 4, 2009], the panel found that the proposal submitted by the appellant on 19 November 2020 had been invalidly made and accordingly dismissed the appeal.”

The VTE provided this useful table in one of its 2020 decisions:

Decision and reasons

12 Regulations 3 and 4 of The Council Tax (Alteration of Lists and Appeals) (England) Regulations 2009, set out the restrictions on the alteration of valuation bands, and the circumstances and periods in which proposals may be made. The restrictions can be summarised as follows:

Event giving rise to proposal	Interested person may make a proposal…
After the list is compiled a person becomes the taxpayer in respect of the dwelling for the first time	Within 6 months from the date of becoming the taxpayer
Listing Officer has altered the List	Within 6 months from the date of alteration
Band appears incorrect following a Valuation Tribunal decision, or High Court appeal	Within 6 months from the date of decision
Material reduction	At any time
Material increase	At any time

This same decision also stated (my emphasis):

> “The Listing Officer is under a statutory duty to ensure that the valuation list is fair and correct, and therefore all taxpayers have the right to ask the Listing Officer to check that their band is correct at any time. [The appellant] confirmed that he had completed a **band review**, and he was satisfied that the band is correct.”

Guidance published by the UK Government states that taxpayers in England can ask for their band to be *reviewed* even if they have been paying council tax on a property for more than 6 months. This is called a "band review" rather than "making a proposal":

> "The VOA [Valuation Office Agency] has responsibility for maintaining accurate Council Tax Lists. When evidence suggests that a band may be inaccurate, a taxpayer may request a band review. The VOA will investigate and, if necessary, change the band. The taxpayer does not have the right to appeal the outcome of a band review."

As explained in a recent blog post from the VOA: "when you make a proposal [i.e. you moved in less than six months ago], by law we must review your band". For an informal band review, "the same legal rights do not apply, and [the VOA] only take your request forward if you provide strong evidence that your band is wrong". (See also House of Commons Library Council tax: FAQs briefing).

Money savings expert, Martin Lewis, wrote an article on how to check & challenge your Council Tax band (updated June 2025). He writes:

> "The system in Scotland is based on Scottish law, which means there are subtle differences to the system in England.
>
> In reality, in Scotland there *isn't* an informal route to challenge your band if you can't challenge formally. That means you should always go through the formal system of challenging, known as making a proposal.
>
> If you've lived in your property for more than six months, and if nothing substantial has changed to your property to give you formal proposal rights, but you're convinced your band is incorrect, it's not going to be easy to get your band changed. But if you can persuade an assessor, via the formal route, that the band is wrong, it *might* be possible for them to lower your band. You'll need very strong evidence."

SPICe has contacted the House of Commons Library, the Scottish Government and the English Valuation Office Agency. SPICe has not been able to identify what differences there are in the English and Scottish legislation when it comes to band reviews. However, the Scottish Assessors Association confirmed that "band review is not a legislative option in Scotland".

Possible impact of changes on Scottish assessors

It is likely that a change in procedures in Scotland could have an impact on Scotland's 14 assessors, i.e. there may be resource implications. During a session on council tax revaluation in February, the Local Government, Housing and Planning Committee heard that assessors are already under pressure with existing workloads.

Data published by the UK Government shows that there was a spike in the number of band reviews requested in the years following 2004-05 (over 70,000 in England in 2007-08). Media coverage in early 2007 drew public attention to the process of taxpayers challenging their council tax band. As a result, the number of band reviews increased.

Scottish Parliament and Scottish Government work in this area

In early 2025, the Local Government, Housing and Planning Committee held a short inquiry looking at potential changes to the current council tax system. Although this specific issue was not discussed, the wider issue of revaluation certainly was. The Committee concluded that "revaluation is a necessary prerequisite to any further changes to the system being considered".

The Scottish Government has made it clear that it is not planning to undertake a nationwide Council Tax revaluation any time soon.

Members are reminded that local taxation is a devolved area.

Greig Liddell
Senior Researcher
7 July 2025

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Annexe C: Written submissions

Scottish Government written submission, 11 September 2025

PE2172/A: Allow late proposals to alter the Council Tax Valuation Band in exceptional circumstances

The Scottish Government welcomes the opportunity to respond to Petition PE2172 relating to the statutory time limits which apply to the submission of proposals for the alteration of a domestic property's Council Tax banding.

The legal framework for the alteration of the Scottish Assessors' respective Council Tax valuation lists is established by The Council Tax (Alteration of Lists and Appeals) (Scotland) Regulations 1993 ("the 1993 Regulations").

Any person liable for Council Tax who believes their property's Council Tax band is incorrect has a right to submit a formal "proposal" to the Assessor. However, this right is subject to statutory time limits as defined in Regulation 5 of the 1993 Regulations. Under the regulations, parties newly responsible for the Council Tax liability of a property may submit a proposal to the relevant Assessor for a six-month period starting on the date they became liable. The 1993 Regulations do not grant Assessors or the First-tier Tribunal discretion to extend this statutory period for exceptional personal circumstances or compassionate reasons.

If an Assessor does not agree with a validly made proposal, the proposer has a right of appeal to the Local Taxation Chamber of the First-tier Tribunal for Scotland for independent judgement.

Separate to the proposal system each Assessor has an ongoing duty to maintain an accurate Council Tax valuation list of properties falling in their area. The 1993 Regulations provide the powers for the Assessor to alter the list at any time if they are satisfied that an error has been made, either administratively or in terms the original valuation. This power is not dependent on the consideration of a formal proposal and is not subject to any time limit.

Therefore, anyone liable for Council Tax can contact their Assessor at any time to draw attention to a potential error in the allocation of the Council Tax band of their property and to request a review and, potentially, correction on the valuation list.

The issue of fairness raised in the petition is central to the Scottish Government's current work on Council Tax reform. The Scottish Government and COSLA have announced a joint programme of engagement to build consensus around reforms to make Council Tax fairer. A key principle of this programme is that future changes must be informed by robust data, expert analysis, and wide public consultation.

The Scottish Government has commissioned the Institute for Fiscal Studies (IFS) to carry out an initial stage of independent research. This will assess market trends, model the potential impacts of various reforms, and provide a strong evidence base for discussion.

This evidence base will support an extensive programme of engagement, which will include a formal public consultation, town hall events across Scotland, and focused discussions with experts and key stakeholders.

The findings from this comprehensive work will inform a debate in the Scottish Parliament in early 2026, shaping proposals for the next Parliament to consider.

I hope that you find this helpful.

Local Taxation

Scottish Government

Petitioner written submission, 2 October 2025

PE2172/B: Allow late proposals to alter the Council Tax Valuation Band in exceptional circumstances

Response to Scottish Government Submission (PE2172/A)

I note the Scottish Government's confirmation that under the 1993 Regulations, there is no discretion for Assessors or the First-tier Tribunal to accept a late proposal, regardless of circumstances. This is precisely the issue my petition seeks to address. The lack of any mechanism for discretion creates unfair outcomes for taxpayers who face serious life events (bereavement, illness, sudden relocation, etc.) during the 6-month period.

While the Government highlights that Assessors have an ongoing duty to maintain an accurate list, this is not an adequate safeguard. In practice, Assessors rarely initiate changes without a formal proposal, and the onus remains on the taxpayer — who may be unaware of their rights or unable to act within the strict timeframe. Without reform, many people in genuine hardship are locked out permanently, even where there is strong evidence that the banding is wrong.

Response to SPICe Briefing

The SPICe briefing confirms that Assessors have no discretion and that appeals outside 6 months are routinely dismissed. Importantly, it highlights that in England and Wales, taxpayers can request a "band review" at any time. This means Scottish taxpayers are uniquely disadvantaged, with no equivalent informal route. The result is a system that is less flexible, less transparent, and ultimately less fair.

The briefing also mentions resource pressures on Assessors. I recognise this concern but emphasise that my petition does not seek to open the door to unlimited retrospective challenges. Instead, I ask for a modest, proportionate safeguard: a power for Assessors or the Tribunal to accept late proposals only where there is clear evidence of an incorrect banding and exceptional personal circumstances that reasonably explain the delay. This would affect only a very small number of cases.

Fairness and Awareness

One crucial issue not fully addressed in the Government's submission or SPICe briefing is the lack of awareness. When moving into a property, taxpayers are not told of the 6-month limit. It is unreasonable to expect compliance with a deadline that most people do not even know exists. In my own case, I assumed — reasonably — that two adjoining, identical properties would be in the same band. Only when the neighbouring property was advertised for sale did I discover the discrepancy. By then, the 6-month window had long passed.

Conclusion

The current system leaves no route to correct a proven error in banding if the initial 6-month period is missed. This cannot be reconciled with principles of fairness. Scotland should follow the example of England by providing either:

1. A discretionary power for Assessors/Tribunals to accept late proposals in exceptional circumstances; or

2. An equivalent to the English "band review" process, so taxpayers can at least request reconsideration where evidence of an error exists.

Such a change would not undermine the efficiency of the system but would prevent obvious injustices.