

Local Government, Housing and Planning Committee  
Tuesday 24 February 2026  
8th Meeting, 2026 (Session 6)

## Note by the Clerk on Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2026 [draft]

### Overview

1. At this meeting, the Committee will take evidence from the Cabinet Secretary for Finance and Local Government and officials on the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2026 [draft] before debating a motion in the name of the Cabinet Secretary inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

**Title of instrument:** [Council Tax \(Variation for Unoccupied Dwellings\) \(Scotland\) Amendment Regulations 2026 \[draft\]](#)

**Laid under:** Section 33(1) and (2) of the [Local Government in Scotland Act 2003](#)

**Laid on:** 28 January 2026

**Procedure:** Affirmative

**Lead committee to report by:** 8 March 2026

**Commencement:** If approved, the instrument comes into force on 1 April 2026

### Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
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. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.

6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
  - an evidence session with the Minister and officials, followed by
  - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

## **Delegated Powers and Law Reform Committee consideration**

8. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument on 3 February 2026 and [reported on it in its 16th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

## **Purpose of the instrument**

9. Section 33 of the Local Government in Scotland Act 2003 and associated regulations (the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 as amended) allows councils to impose a council tax surcharge of up to 100% for unoccupied dwellings (long-term empty homes and second homes).
10. Section 75 of the Housing (Scotland) Act 2025 amended section 33 of the 2003 Act. It repealed section 33(1A) which had limited the variation in council tax for unoccupied dwellings to double the existing amount. This means that the Scottish Ministers may by regulations vary the amount of council tax for such dwellings, without any limit on the increase.
11. The effect of the draft [Council Tax \(Variation for Unoccupied Dwellings\) \(Scotland\) Regulations 2026](#) is that there will be no limit on the extent to which that percentage premium may be increased, or decreased, by local authorities. They may also choose not to apply a premium, or to apply a discount.
12. As the [Policy Note to the draft regulations](#) explains:

“In particular, the Regulations:

- establish a national default rate for Council Tax premiums for second homes and long-term empty homes of 100 per cent; and
- enable local authorities to vary that rate, including increasing or reducing the premium, applying no premium, or applying a discount, and to apply different approaches for different cases, classes of dwelling or areas.

This amendment gives local authorities greater discretion over the Council Tax treatment of unoccupied dwellings in their areas, allowing them to respond to

local housing pressures. In exercising these powers, local authorities will be supported by statutory guidance issued by the Scottish Ministers.”

13. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessment has been carried out:

- [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

## Evidence received

14. At its meeting on [3 February 2026](#) the Committee agreed to [write to local authorities](#) to seek views on the draft regulations. The responses received broadly welcome the flexibility that the regulations provide to local authorities. Two responses noted that variation of council tax premiums could influence owner behaviour in relation to second and long-term empty homes to address housing challenges ([Highland Council](#), [Inverclyde Council](#)).

15. In its response, [South Ayrshire Council](#) noted that collection rates for properties that are subject to existing council tax premiums are below that of standard collection rates, noting that the decision to increase the premium rate could potentially adversely impact collection.

16. [Aberdeenshire Council](#) welcomed the enhanced flexibility provided by the regulations and will propose to agree a council tax premium. It noted that long-term empty homes and second homes arise for a variety of reasons, particularly within a large and predominantly rural authority such as Aberdeenshire. It will therefore consider the deferral of the council tax premium for long-term empty properties and second homes in certain cases, to ensure that any increase in premiums is proportionate, targeted, and responsive to local circumstances.

17. At its [meeting on 17 February 2025](#) the Committee took evidence from two panels of witnesses on a number of housing-related statutory instruments including these regulations, with some witnesses also taking the opportunity to submit written evidence:

- [Scottish Association of Landlords \(SAL\)](#)
- [ALACHO](#)

## Report

18. Depending on the outcome of today’s proceedings on the instrument, the Committee should either:

- agree to consider a draft report in private at its next meeting (if members wish the report to make points of substance or recommendations); or
- delegate to the Convener responsibility for approving a report for publication (if members are content with a short, factual report only).

**LGHP/S6/26/8/1**

**Clerks to the Committee  
February 2026**

## **Annexe: Scottish Government Policy Note**

### **Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2026 (SSI 2026/XXX)**

The above instrument was made in exercise of the powers conferred by section 33(1) and (2) of the Local Government in Scotland Act 2003 of the Housing Act 2025. The instrument is subject to affirmative procedure.

#### **Summary Box**

This instrument amends the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 to remove the existing legislative cap on the imposition by local authorities of Council Tax premiums for second homes and long-term empty homes, and to enable local authorities to determine how those premiums apply in their area from 1 April 2026.

#### **Policy Objectives**

The Programme for Government 2025 committed to removing the legislative constraint on the level of Council Tax premium that can be applied to second homes and long-term empty homes.

The Housing (Scotland) Act 2025 amended the legislative framework governing Council Tax variation for unoccupied dwellings, creating the opportunity to remove the existing statutory cap that limited local authorities' ability to impose Council Tax premiums for second homes and long-term empty homes. These changes were intended to enable greater local flexibility in the use of Council Tax as a housing policy lever.

These Regulations give effect to those provisions by amending the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013, and to set out the detailed framework within which local authorities may exercise these powers.

The purpose of these Regulations is to amend the existing Council Tax variation framework for unoccupied dwellings in order to provide local authorities with greater flexibility in setting Council Tax premiums for second homes and long-term empty homes.

In particular, the Regulations:

- a) establish a national default rate for Council Tax premiums for second homes and long-term empty homes of 100 per cent; and
- b) enable local authorities to vary that rate, including increasing or reducing the premium, applying no premium, or applying a discount, and to apply different approaches for different cases, classes of dwelling or areas.

This amendment gives local authorities greater discretion over the Council Tax treatment of unoccupied dwellings in their areas, allowing them to respond to local housing pressures. In exercising these powers, local authorities will be supported by statutory guidance issued by the Scottish Ministers.

## **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 Act), the Scottish Ministers certify that, in their view, the The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2026 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. Council Tax is a devolved local tax and does not fall within an area of former EU competence.

### **Consultation**

The policy approach underpinning these Regulations has been informed by a public consultation undertaken in 2023 on Council Tax on second homes and long-term empty homes, which sought views on thresholds, premiums and the role of Council Tax in supporting local housing objectives.

The approach has also been informed by Parliamentary scrutiny of the Housing (Scotland) Act 2025, including evidence sessions and consideration of amendments relating to the treatment of second homes and long-term empty homes and the role of Council Tax premiums as a local housing policy lever.

In addition, the Scottish Government has engaged on an ongoing basis with local government, including COSLA, on the operation of the Council Tax system and the practical implications of providing greater local flexibility.

Responses to the consultation and evidence provided during Parliamentary scrutiny highlighted support for increased local discretion to respond to differing housing pressures across Scotland, while retaining a clear national framework. These views have informed the approach taken in these Regulations, which establish a national default position while enabling local authorities to determine how premiums apply in their area.

Given the enabling nature of the Regulations, and the extensive engagement already undertaken through consultation and Parliamentary scrutiny, no further public consultation was undertaken specifically on the draft SSI.

The consultation report is published on the Scottish Government website, Council tax for second and empty homes, and thresholds for non-domestic rates: consultation analysis - gov.scot.

- <https://www.gov.scot/publications/council-tax-second-empty-homes-thresholds-non-domestic-rates-consultation-analysis/>

## Impact Assessments

A Child Rights and Wellbeing Impact Assessment (CRWIA) has been completed and is attached. The assessment concludes that the Regulations are enabling in nature and have a neutral impact on children's rights, as they apply to second homes and long-term empty homes and do not directly affect households with children.

A Financial Memorandum was prepared and considered by the Scottish Parliament as part of the passage of the Housing (Scotland) Act 2025 - Supplementary Financial Memorandum.

- <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/housing-scotland-bill/stage-2/spbill45afms062025.pdf>

That analysis considered the potential financial implications of removing the legislative cap on Council Tax premiums and providing local authorities with greater flexibility in relation to second homes and long-term empty homes.

These Regulations maintain a national default premium rate of 100 per cent for second homes and long-term empty homes. The Regulations do not themselves require local authorities to increase Council Tax premiums above that level, and any decision to vary the baseline amount will be a matter for each individual local authority.

As local authorities are independent, democratically elected bodies, accountable to their own local electorates, it is for each authority to determine whether and how to vary premiums in their area and to assess the local impacts of those decisions, including any financial effects. The Scottish Government cannot predict local decisions that may be taken under this enabling framework.

No Equality Impact Assessment, Fairer Scotland Duty assessment, or Data Protection Impact Assessment was required, as the Regulations do not introduce differential treatment of protected characteristics, do not affect personal data, and do not directly impact individuals' access to services.

## Financial Effects

A Financial Memorandum was prepared and considered by the Scottish Parliament as part of the passage of the Housing (Scotland) Act 2025 - Supplementary Financial Memorandum.

- <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/housing-scotland-bill/stage-2/spbill45afms062025.pdf>

That analysis considered the potential financial implications of removing the legislative cap on Council Tax premiums and providing local authorities with greater flexibility in relation to second homes and long-term empty homes.

Any financial effects arising from a decision to vary the baseline premium will depend on choices taken by individual local authorities, based on local housing conditions. As independent, democratically elected bodies, local authorities are responsible for determining whether and how to exercise these powers and for assessing the

local financial impacts of their decisions, including impacts on local residents and local services.

The Scottish Government cannot predict local decisions that may be taken under this enabling framework. Local authorities already have established systems in place to administer Council Tax variations, and no significant additional administrative costs are expected to arise as a result of these Regulations.

Scottish Government  
Local Government Directorate  
January 2026