



Email: NDR@gov.scot

Local Government Finance Circular No. 7/2021

By e-mail To:
Scottish Assessors

Administration of Civil Penalties associated with a failure to comply with Assessors' information Notices and Payment to the Scottish Consolidated Fund

Dear Scottish Assessors,

As you will be aware, Section 30 of the Non-Domestic Rates (Scotland) Act 2020 provides a power for assessors to levy civil penalties for the failure to comply with Assessor Information Notices (AINs). The monies raised, less the cost of reasonable expenses incurred in relation to the giving of penalty notices and the collection of penalties, are to be paid into the Scottish Consolidated Fund (SCF) as set out in section 32 of the Non-Domestic Rates (Scotland) Act 2020.

Please see enclosed in Annex A the guidance on the 'Biannual Payment process into the Scottish Consolidated Fund'; and also in Annex B, the process for 'Civil Penalty Monitoring and Evaluation'.

We thank all members of the Scottish Assessors Association executive team who have considered this guidance.

Yours faithfully,

Non-Domestic Rates Team
Scottish Government

Annex A - Administration of Assessors' Civil Penalties and Payment to the Scottish Consolidated Fund

Guidance

1. Section 30 of the Non-Domestic Rates (Scotland) Act 2020 ("the Act") provides a power for assessors to levy civil penalties for the failure to comply with Assessor Information Notices (AINs).
2. While assessors issue any civil penalties under the Act and ingather the associated monies (in most cases assisted by an appropriate local authority), they may not retain any net surplus from the receipt of civil penalties. The monies raised, less the cost of reasonable expenses incurred in relation to the giving of penalty notices and the collection of penalties, will be paid into the Scottish Consolidated Fund (SCF) as set out in section 32 of the Act. Expenses should also include the time required to fill in the information requested below.
3. In order to do so, each assessor (or the Treasurer or relevant Finance Officer on behalf of the assessor) ("the assessor") should remit any surplus civil penalty income biannually to the Scottish Government by bank transfer (details below) and send to Scottish Government a biannual statement of the gross and net amounts raised.
4. The purpose of the above statement is to audit the transfer of public revenue. An example summary statement can be found in worksheet 1 'Biannual Penalty Totals' of the associated spreadsheet (Annex A), the format of which should be followed if possible. The summary statement should include details of the total value of any fines issued in that period, as well as any monies collected.
5. The dates are set at 1 July and 1 January in each year. The payment made to the SCF for those dates will be the net sum collected as at that date since the last payment was made.
6. Note that the SCF accounting records are maintained on a strict cash basis, so receipts are recognised in the financial year that they are paid in.
10. Electronic copies of the statement should be sent to both of the following mailboxes: SGBankingTeam@gov.scot and ndr@gov.scot.
11. The assessor should also complete the SCF form (available in Annex B) when they make a payment. This should be sent to SGBankingTeam@gov.scot or alternatively by post to:

Treasury and Banking
Scottish Government
Mail Point 12
Victoria Quay
EDINBURGH
EH6 6QQ

14. The SCF bank account details to be used for this are as follows:

Name of account	Scottish Consolidated Fund
Sort code	60-70-80
Account number	10021094
Bank name and address	National Westminster Bank London Corporate Service Centre CPB Services 2nd Floor 280 Bishopsgate London EC2M 4RB
IBAN	GB02NWBK60708010021094
SWIFT codes	NWBKGB2L

For ease of identification, the text in the payment description field should be prefixed by “NDRA PENALTIES” (the ‘A’ standing for assessor).

15. The assessor should send a new spreadsheet (worksheet 1) for each period.

Annex B - Civil Penalty Monitoring and Evaluation

16. The Scottish Government is committed to monitoring the monies that are gathered from the civil penalties associated with the failure to comply with AINs.

17. In order to do so, the assessor is required to fill in worksheet 2 ‘Quarterly Penalty Data Intake’ of the associated spreadsheet (Annex A) (note the first rows are filled in as an illustrative example only and this should be deleted when filling it in), and to provide this to Scottish Government on quarterly basis. This should be sent to: ndr@gov.scot. The assessor should return this for notices issued in each previous quarter as at the following dates:

1 April
1 July
1 October
1 January

18. Assessors should aim to provide these returns within 2 weeks of the dates above.

19. Assessors should add all new penalties onto their previous returns in worksheet 2 so that the data is entirely contained in one worksheet per assessor, with less risk of double-reporting.