



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 3

#### ENERGY EFFICIENCY

##### *Energy efficiency discount schemes*

#### **65 Duty of local authorities to establish energy efficiency discount schemes**

- (1) The Local Government Finance Act 1992 (c. 14) is amended as follows.
- (2) After section 80 (reduced amounts payable in respect of council tax), insert—

##### **“80A Local authority’s power to reduce amount of tax payable**

- (1) A local authority must establish a scheme for reducing the amounts which persons are liable to pay in respect of council tax where improvements are made to the energy efficiency of chargeable dwellings.
- (2) A scheme established under subsection (1) is an “energy efficiency discount scheme”.
- (3) An energy efficiency discount scheme may make such provision as the local authority considers appropriate, including, in particular, provision about—
  - (a) the energy efficiency improvements to which the scheme applies;
  - (b) the chargeable dwellings to which the scheme applies;
  - (c) the reduction, which may be made under the scheme, in the amount which persons are liable to pay in respect of council tax;
  - (d) applications under the scheme.
- (4) But, under an energy efficiency discount scheme, the amount which a person is liable to pay in respect of council tax may be reduced only where each of

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*Status: This is the original version (as it was originally enacted).*

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the conditions mentioned in subsection (5) is met (whatever other conditions may require to be met under the scheme).

- (5) Those conditions are—
- (a) the person is liable to pay council tax in respect of a chargeable dwelling and any day;
  - (b) improvements are made to the energy efficiency of that dwelling (whether by the person liable to pay or not);
  - (c) those improvements are made during the same financial year to which the reduction of the amount which the person is liable to pay in respect of council tax relates;
  - (d) the amount which the person is liable to pay in respect of that year has not already been reduced under the scheme in respect of those improvements;
  - (e) the amount which any other person is liable to pay in respect of council tax in respect of that dwelling and that year has not been reduced under the scheme in respect of those improvements.
- (6) In ascertaining whether the condition in subsection (5)(e) is met, no account is to be taken of any person who is jointly and severally liable, with the person mentioned in subsection (5)(a), to pay council tax in respect of the dwelling.
- (7) The minimum reduction which may be provided for under an energy efficiency discount scheme must be—
- (a) where the amount which the person is liable to pay in respect of council tax is £50 or more, no less than £50;
  - (b) where the amount which the person is liable to pay in respect of council tax is less than £50, an amount equal to that person's liability.
- (8) The local authority may, under an energy efficiency discount scheme, reduce the amount which a person is liable to pay in respect of a dwelling to nil.
- (9) In this section—
- “energy efficiency” includes the use of—
- (a) technologies reliant on sources of energy other than fossil fuel and nuclear fuel;
  - (b) materials the manufacture or use of which produces or involves lower emissions of greenhouse gases than other materials; and
  - (c) surplus heat from electricity generation or other industrial sources for district heating or other purposes;
- “fossil fuel” means—
- (a) coal;
  - (b) lignite;
  - (c) peat;
  - (d) natural gas (within the meaning of the Energy Act 1976 (c. 76));
  - (e) crude liquid petroleum;
  - (f) petroleum products (within the meaning of that Act);
  - (g) any substance produced directly or indirectly from a substance mentioned in paragraphs (a) to (f);
- “greenhouse gas” has the meaning given by section 10(1) of the Climate Change (Scotland) Act 2009 (asp 12).”.

- (3) In schedule 2, after paragraph 21 (effect of reduction of liability to pay council tax under section 13A), insert—

- “22 (1) This paragraph applies where a local authority establishes an energy efficiency discount scheme under section 80A.
- (2) Where, under an energy efficiency discount scheme, the amount which a person is liable to pay in respect of council tax is reduced, any amount in relation to which the reduction applies is to be treated for the purposes of this schedule as subject to a discount equal to the amount of the reduction.”.

## **66 Review of energy efficiency discount schemes**

- (1) The Scottish Ministers must, as soon as practicable after 31 March 2012 and annually thereafter, lay before the Scottish Parliament a report on the operation of energy efficiency discount schemes established under section 80A of the Local Government Finance Act 1992 (c. 14), which must include an assessment of whether the reductions thereby provided for have contributed effectively to promoting energy efficiency.
- (2) The Scottish Ministers may, if they consider it appropriate, by order amend section 80A of the Local Government Finance Act 1992 for the purpose of improving the contribution of energy efficiency discount schemes to promoting energy efficiency.

## **67 Non-domestic rates: discounts for energy efficiency etc.**

In section 153 (power to prescribe amount of non-domestic rate) of the Local Government etc. (Scotland) Act 1994 (c. 39), in subsection (3)—

- (a) the words “whose rateable value exceeds, and those whose rateable value does not exceed, a prescribed figure” become paragraph (a); and
- (b) at the end insert—
- “(b) whose energy efficiency and greenhouse gas emissions fall into different categories prescribed for the purpose of this paragraph in rules under subsection (1).

- (3A) Regulations under this section may make provision in relation to how lands and heritages are to be determined to fall within a category prescribed for the purpose of subsection (3)(b) in rules under subsection (1).”.