COUNCIL TAX – EMPTY PROPERTIES AND SECOND HOMES POLICY

Policy Summary

This policy sets out Aberdeenshire Council's approach to the use of discretionary Council Tax powers for empty properties and second homes, including the award of discounts, the application of additional premiums, eligibility criteria, and the circumstances in which a time-limited deferment may be considered. The policy is intended to support the Council's wider objective of increasing the availability of homes for occupation, while ensuring that decisions are lawful, consistent, proportionate, evidence-based and fair to individual taxpayers.

Policy Status	**Approved and finalised by the committee on 17/09/2026**
Responsible Officer	Gail Smith, Revenues Finance Manager
Policy Sponsor	Mary Beattie, Head of Finance
Authorised By	Aberdeenshire Council
Policy Review Date	17/09/2031

1. Policy Statement

1.1 The Scottish Government and Aberdeenshire Council are committed to reducing the number of long-term empty properties and increasing the availability of homes for occupation. The purpose of this policy, and the associated legislation, is to provide a clear and proportionate framework to encourage owners to bring empty properties back into effective use, increase the supply of housing for those who need homes, and reduce the adverse impact on communities where properties are left empty or allowed to fall into disrepair.

1.2 In applying this policy, the Council will seek to balance the wider public interest in increasing housing availability and supporting sustainable local communities with the need to treat individual taxpayers fairly and proportionately. The policy recognises that circumstances can differ, including local housing need, rurality, employment requirements, seasonal work, tourism accommodation and the personal circumstances of owners. Decisions will therefore be made within the powers available to the Council, based on evidence, and applied consistently.

2. Scope of Policy

2.1 Empty Properties

For Council Tax purposes, empty homes are defined in legislation **as "accommodation that is no one's sole or main residence. The accommodation may be furnished or unfurnished but is either not lived in or is lived in for less than 25 days in the Council Tax charging period."**

2.2 The empty property exemptions and unoccupied discounts are all property based and therefore the rules continue to apply during periods in which the property ownership and/or the Council Taxpayer may have changed.

2.3 The 2013 Regulations give councils discretionary powers to vary the rate of discount allowed and to impose a premium (of up to 100%) on certain empty properties. Since 1 April 2015, a 200% charge has been levied in respect of long-term empty (properties empty for more than 12 months). These powers are discretionary and must be applied in a way that is lawful, rational, consistent and aligned to the policy objective of bringing homes back into use.

2.4 The legislation for long-term empty properties provides flexibility to ensure that individual owners are not unfairly penalised by the premium where there is clear evidence that the property cannot reasonably be occupied, sold, let or brought back into use within the standard timescale. The Council may defer the premium for a defined period where the liable person can demonstrate that reasonable and active steps are being taken. Any deferment will be time-limited, evidence-based and subject to review. The policy allows deferment of the premium for:

- Up to 12 months where the person liable to pay Council Tax can provide evidence that they are taking active steps to bring a long-term empty property back into use, for example through renovation, repair, or works required to make the property habitable.
- Up to 24 months where the property is being actively marketed for sale or let and evidence can be provided to demonstrate that this is the case, such as marketing particulars, agent correspondence, viewing records or other relevant evidence.

2.5 The Housing (Scotland) Act 2025 and The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2026 for long-term empty properties remove the percentage cap on the premium charged, allowing local authorities to set their own level of charge from 1 April 2026. As part of the 2026 budget-setting decision, the Council agreed to increase the premium to 200% in addition to the standard Council Tax charge from 1 September 2026, meaning a total 300% Council Tax charge will be levied. The Council's deferment approach has been updated to provide a clear, evidence-based route for owners who are actively taking steps to return a property to use.

- From 1 September 2026, the policy is amended to allow deferment of the 200% premium for up to 24 months where the person liable to pay Council Tax can evidence that they are actively taking steps to bring a long-term empty property back into use, including renovation, repair, marketing for sale, or marketing for let. Deferments will not be automatic; they will be based on the evidence provided, recorded in writing and reviewed before any extension or further decision is made.

2.6 **Second Homes**

For Council Tax purposes, a second home is defined in legislation as a **"dwelling which is no one's sole or main residence, but which is furnished and where, during any period of the Council Tax charging period of 12 months, the liable person can provide evidence that it is lived in other than as a sole or main residence for at least 25 days during that period."**

2.7 From 1 April 2019, second homes paid the standard rate of Council Tax with no discount.

2.8 Since 1 April 2024 second homes have paid the 200% rate of Council Tax (100% premium plus the standard charge) with no exceptions.

2.9 The Housing (Scotland) Act 2025 and the Council Tax 2026 Regulations for second homes remove the percentage cap on the premium charged, allowing local authorities to set their own level of charge from 1 April 2026. As part of the 2026 budget-setting decision, the Council agreed to increase the premium to 200% in addition to the standard Council Tax charge for all dwellings defined as second homes within the Aberdeenshire Council area from 1 September 2026, meaning a total 300% Council Tax charge will be levied.

2.10 The legislation for second homes provides flexibility to ensure that individual owners are not unfairly penalised by the premium where there are clear, evidenced circumstances that justify a time-limited deferment. The Council will apply this discretion consistently and proportionately, taking account of the policy objective, Scottish Government guidance, and the specific evidence provided by the liable person. The policy allows deferment of the 200% premium for:

- Up to 12 months where the second home has been inherited after 1 April 2026. The purpose of this deferment is to allow a reasonable period for the new owner to determine the future use of the property. If the owner decides to carry out works to bring the property back into use, to rent it, or to sell it, the property may be recategorised where appropriate and the relevant empty property provisions of this policy will apply.
- Other requests for deferment may be considered only where the liable person can demonstrate exceptional or unavoidable circumstances which reasonably prevent the property from being occupied, sold, let or otherwise brought into effective use. Any such deferment will be time-limited to a maximum of 12 months, supported by evidence, recorded in writing and reviewed before any extension or further decision is made.

2.11 Scottish Government guidance for second homes recommends that the premium is not charged in certain circumstances. In the following circumstances the 200% premium will not be charged, provided the liable person supplies appropriate evidence and the position is reviewed at least annually:

- Where the sole or main residence is left unoccupied solely because the liable person is required to live elsewhere as a result of compulsory military service, deployment or posting.
- Where the liable person is a medical professional providing essential healthcare services and their sole or main residence is left unoccupied solely because they are required to live elsewhere in connection with their employment.
- Where the sole or main residence is left unoccupied solely because the liable person is required to live elsewhere as a result of their employment. These cases will be considered on their individual facts, supported by evidence, and reviewed annually.

3. Policy Principles & Equalities

The Council will apply this policy in accordance with the following principles: legality, consistency, proportionality, evidence, transparency and review. Decisions to apply, defer or not apply a premium will be made within the Council's statutory powers, aligned to the purpose of the policy, and supported by clear evidence. Similar cases should be treated in a similar way, while allowing for individual circumstances where legislation and guidance permit discretion.

Where discretion is exercised, the reason for the decision will be recorded, the decision will be time-limited where appropriate, and the liable person will be advised of the evidence relied upon and any review arrangements. This is intended to ensure that the policy is robust, fair, transparent and capable of withstanding internal, external and public scrutiny.

In equalities terms, the policy recognises that a higher Council Tax charge may affect taxpayers differently depending on their circumstances. The use of evidence-based and time-limited discretion is intended to support fairness, particularly where properties are affected by inheritance, essential employment requirements, compulsory service, health-related employment duties, renovation, sale or letting activity, or other exceptional circumstances.

The policy will be monitored through operational decision-making to ensure that discretion is being applied consistently and without unfair or unintended impact.

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Unoccupied Properties & Second Homes	
Type of Property	**Council Tax charges from 1 September 2026**
Unoccupied and unfurnished	No charge for up to 6 months from the date the property was last occupied. 10% discount after 6 months, and for the next 6 months (maximum). From month 13 onwards, a Council Tax increase will be applied, meaning a total 300% charge.
Unoccupied and unfurnished **(property on market for sale/let)**	No charge for up to 6 months from the date the property was last occupied. 10% discount after 6 months and for the next 18 months (maximum) From month 25 onwards, a Council Tax increase will be applied, meaning a total 300% charge.
Unoccupied but furnished property	10% discount for 12 months from the date the property becomes unoccupied. From month 13 onwards, a Council Tax increase will be applied, meaning a total 300% charge.
Unoccupied but furnished **(property on market for sale/let)**	10% discount for up to 24 months from the date the property becomes unoccupied. From month 25 onwards, a Council Tax increase will be applied, meaning a total 300% charge.
Unoccupied and unfurnished **(new build property)**	No charge for up to 6 months from the date the property was first entered on the Council Tax Valuation List 10% discount after 6 months and for the next 6 months (maximum)

	From month 13 onwards, a Council Tax increase will be applied, meaning a total 300% charge.
Unoccupied and undergoing (or has undergone) major repair works or structural alteration	No charge for up to 12 months from the date the property was last occupied. From month 13 onwards, a Council Tax increase will be applied, meaning a total 300% charge.
Following a property sale - unoccupied and undergoing (or requiring) major repair or structural alteration	50% discount for up to 6 months from the date the property was purchased. 10% discount after 6 months and for the next 6 months (maximum) From month 13 onwards, a Council Tax increase will be applied, meaning a total 300% charge.
Second Home – properties which are not lived in as a sole and main residence, but which are furnished and occupied at least 25 days per year, in an intermittent way.	No discount. A Council Tax increase will be applied, meaning a total 300% charge, unless a time-limited deferment or non-application of the premium is approved in accordance with this policy.

4. Supporting Policies and Documents

Local Government Finance (Unoccupied Properties etc.) (Scotland) Act 2012

The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013

The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2016

The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023

The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2026

Housing (Scotland) Act 2025

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5. Council Strategic Priorities

Pillar	Priority	How does the policy reflect the Council's strategic Priorities?
A sustainable economy	We will support a strong and diverse economy by attracting people of working age to our region, complementing our highly skilled local workforce.	The policy supports the Council's objective of increasing the availability of homes for occupation by encouraging empty properties to be brought back into effective use. This may support population sustainability and contribute to a balanced local labour market.
Connected communities	We will work with communities and partners to enhance the sense of connection among our places. This includes supporting communities to come up with innovative solutions to ensure our places are resilient and vibrant.	By reducing the number of long-term empty properties, the policy supports more stable and sustainable communities. Increased occupation can help maintain local connections, support the resilience of towns and rural settlements, and reduce the adverse impact that empty properties can have on surrounding areas.
Living well locally	We will encourage and support our residents to lead healthy and active lives and contribute meaningfully to their communities. We will make proactive choices that will allow us to cater to the needs of our increasingly ageing population.	Improving housing availability supports residents to access suitable accommodation and remain connected to their local communities. The policy also recognises that individual circumstances can differ and provides for evidence-based, time-limited discretion where this is necessary to support fair and proportionate decision-making.

6. Policy Revision

Version Number	Revision Date	Committee Approval Date	Summary of Changes
2	27/5/26		

7. Policy Distribution

Name	Designation	Organisation
Rob Simpson	Director of Business Services	Aberdeenshire Council
Alan Wood	Director of Environment & Infrastructure	Aberdeenshire Council
Laurence Findlay	Director of Education & Children's Services	Aberdeenshire Council
Leigh Jolly	Chief Officer, Health & Social Care Partnership	Aberdeenshire Council
Vicky Morris	Risk & Resilience Team	Aberdeenshire Council