



SCOTTISH EXECUTIVE

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Our ref: 2007/0013201OR

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Dear Ms Morrison

Thank you for your letter dated 5 March 2007 to the Scottish Executive regarding your concerns about council tax discount for international students and their dependants. As I work in the team with responsibility for council tax your letter has been passed to me for reply. I must apologise for the delay in replying.

The Scottish Executive has given careful consideration to the concerns raised in your letter and are satisfied that Schedule I of the 1997 Order provides for an exemption from council tax for a dwelling which is occupied by a student and his or her spouse or dependant who is, by the terms of their leave to enter or remain in the country, either prevented from taking paid employment "or" from claiming benefits. We understand that this has sometimes been interpreted as meaning that both these criteria need to be met to qualify for the exemption, and that "or" can be interpreted as "and" in this case.

It may be helpful therefore to clarify that in the view of the Scottish Executive, the intention of this is to provide that a dwelling is exempt when only one of the criteria (unable to work "or" claim benefits) has been met, not necessarily both. The Executive considers that the use of the word "or" is clear and it is considered that no reference to "and" can be inferred here. The reference to "or" was first made as an amendment to the 1992 Order Council Tax (Exempt Dwellings) (Scotland) Amendment Order 1992, SI 1992/1333 by SI 1995/598. These orders were revoked by the 1997 Order which replicated the original wording, all clearly referring to "or" not "and".

The Scottish Executive is now in the process of writing to all local authorities to ensure clarity and consistency of this order throughout Scotland.

I hope this is helpful.

Yours sincerely

GEORGINA DUNCAN

