

1988 No. 1541 (S.154)

COMMUNITY CHARGES, SCOTLAND
WATER SUPPLY, SCOTLAND

The Personal Community Charge (Exemption for the Severely Mentally Impaired) (Scotland) Regulations 1988

<i>Made</i> - - - -	<i>6th September 1988</i>
<i>Laid before Parliament</i>	<i>9th September 1988</i>
<i>Coming into force</i>	<i>1st October 1988</i>

The Secretary of State, in exercise of the powers conferred upon him by paragraph 4(4) of Schedule 1A to the Abolition of Domestic Rates Etc. (Scotland) Act 1987(a) and that provision as read with paragraph 11 of Schedule 5 to that Act(b) and with the Community Water Charges (Scotland) Regulations 1988(c) made thereunder, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Personal Community Charge (Exemption for the Severely Mentally Impaired) (Scotland) Regulations 1988 and shall come into force on 1st October 1988.

Interpretation

2. In these Regulations—
“the Act” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987,
and any reference to a provision of the Act includes a reference to that provision as read with paragraph 11 of Schedule 5 to the Act and the Community Water Charges (Scotland) Regulations 1988.

Amendment of paragraph 4(2) of Schedule 1A to the Act

3. Sub-paragraph (2) of paragraph 4 of Schedule 1A to the Act (conditions for the severely mentally impaired being exempt from liability for the personal community charge and the personal community water charge) shall be amended by deleting the full stop after condition (c) and adding at the end the following:—

“;

(d) he is entitled to an invalidity pension under section 15 or 16 of the Social Security Pensions Act 1975(d);

(a) 1987 c.47; Schedule 1A was inserted by the Local Government Finance Act 1988 (c.41), Schedule 12, paragraph 35.
(b) Paragraph 11 was amended by the Local Government Finance Act 1988, Schedule 12, paragraph 38.
(c) S.I. 1988/1538.
(d) 1975 c.60; section 15 was restricted by the Social Security Act 1979 (c.18), Schedule 1, paragraph 17, and amended by the Social Security Act 1986 (c.50), Schedule 10, paragraph 70; sections 15 and 16 were amended by the Social Security (Miscellaneous Provisions) Act 1977 (c.5), section 4(4); section 16 was restricted by the Social Security Act 1979, Schedule 1, paragraph 18.

- (e) he is entitled to an unemployability supplement under section 58 of the Social Security Act 1975(a);
- (f) he is entitled to an unemployability allowance—
 - (i) under article 18(1) of the Personal Injuries (Civilians) Scheme 1983(b), or
 - (ii) under article 18(1) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983(c), or
 - (iii) under article 18(1) of that Order as applied by article 17 of the War Pensions (Mercantile Marine) Scheme 1964(d) or article 8 of the War Pensions (Naval Auxiliary Personnel) Scheme 1964(e).”.

St. Andrew's House, Edinburgh
6th September 1988

Ian Lang
Minister of State,
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 1A to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (“the 1987 Act”), as inserted by paragraph 35 of Schedule 12 to the Local Government Finance Act 1988, describes the persons who are exempt from liability to pay the personal community charge.

Schedule 1A to the 1987 Act is also applied in relation to the community water charges by paragraph 11 of Schedule 5 to the 1987 Act and the Community Water Charges (Scotland) Regulations 1988. It therefore also describes the persons who are exempt from liability to pay the personal community water charge.

Paragraph 4 of Schedule 1A provides for the exemption of persons who are severely mentally impaired if they satisfy one or more of the conditions mentioned in sub-paragraph (2) of that paragraph.

Paragraph 4(4) of Schedule 1A gives the Secretary of State power to amend these conditions and to prescribe new conditions. These Regulations prescribe 3 further conditions which relate to eligibility for certain invalidity pensions or unemployability allowances or supplements.

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- (a) 1975 c.14; section 58 was restricted by the Social Security Act 1986, Schedule 3, paragraphs 4 and 16.
 - (b) S.I. 1983/686; article 18 was amended by S.I. 1984/1289, 1985/1313, and 1988/367.
 - (c) S.I. 1983/883; article 18 was amended by S.I. 1984/1154, 1985/1201, and 1988/248.
 - (d) S.I. 1964/2058.
 - (e) S.I. 1964/1985; article 8 was amended by S.I. 1972/1436.

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