

1990 No. 1178 (S. 135)

COMMUNITY CHARGES, SCOTLAND

WATER SUPPLY, SCOTLAND

**The Personal Community Charge (Exemptions)
(Qualifying Courses of Education) (Scotland)
Regulations 1990**

<i>Made</i> - - - -	<i>4th June 1990</i>
<i>Laid before Parliament</i>	<i>6th June 1990</i>
<i>Coming into force</i>	<i>27th June 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 26(1) and 31(3) of and by paragraph 6A(2) of Schedule 1A to the Abolition of Domestic Rates Etc. (Scotland) Act 1987(a), as read with paragraph 11 of Schedule 5 to that Act(b) and with the Community Water Charges (Scotland) Regulations 1988(c) and the Community Water Charges (Scotland) Amendment Regulations 1989(d) made under the said paragraph 11, 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 (Exemptions) (Qualifying Courses of Education) (Scotland) Regulations 1990 and shall come into force on 27th June 1990.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

“relevant activities” with respect to a course means the receipt of tuition, the undertaking of supervised study or examination, and the taking part (as part of the curriculum of the course) in any supervised exercise, experiment, project or practical work;

“relevant course” means a course of education—

- (a) which subsists for more than 3 calendar months;
- (b) which is not a course of higher education specified in Schedule 1 to these Regulations;
- (c) with respect to which tuition is principally received otherwise than through correspondence; and

(a) 1987 c.47; section 26(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made; Schedule 1A was inserted by the Local Government Finance Act 1988 (c.41), Schedule 12, paragraph 35, and paragraph 6A of the said Schedule 1A was subsequently inserted by the Local Government and Housing Act 1989 (c.42), Schedule 6, paragraph 14 with effect from 1st April 1990.
(b) Paragraph 11 of Schedule 5 was amended by the Local Government Finance Act 1988, Schedule 12, paragraph 38.
(c) S.I. 1988/1538.
(d) S.I. 1989/2362.

(d) with respect to which the relevant activities are (insofar as they are normally carried out under the course at particular times) normally so carried out principally between 8.00 am and 5.30 pm; and

“the relevant number of hours per week” in relation to a relevant course means the average number of hours per week a person undertaking it would normally require to spend, in the period during which the course subsists, on relevant activities (excluding for the purpose of calculating that average any part of that period which is a period of vacation).

(2) For the purposes of these Regulations, a person is to be treated as undertaking a relevant course at any time if—

(a) that time falls within the period beginning with the day (“first day”) on which he begins the course and ending with the day (“the last day”) on which he completes it, abandons it or is dismissed from it (which such period includes any period of vacation between academic terms which falls between the first day and the last day), and

(b) he is not undertaking it—

(i) in consequence of an office or employment held by the person, or

(ii) in pursuance of arrangements made under section 2 of the Employment and Training Act 1973^(a) and known by any of the names specified in Schedule 2 to these Regulations.

Persons undertaking a qualifying course of education

3.—(1) The condition mentioned in paragraph (2) below is prescribed for the purposes of paragraph 6A of Schedule 1A to the Act (conditions which require to be fulfilled for a person to be treated as undertaking a qualifying course of education for the purposes of that paragraph).

(2) The condition is that the person is undertaking at the time a relevant course with an educational establishment and—

(a) the relevant number of hours per week for that course exceeds 12, or

(b) where he is undertaking with the same establishment at the same time another relevant course (or other relevant courses), the aggregate of the relevant number of hours per week for all those courses exceeds 12.

St Andrew’s House, Edinburgh
4th June 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

^(a) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25, and amended by the Employment Act 1989 (c.38), Schedule 7, Part I.

**COURSES OF HIGHER EDUCATION WHICH ARE NOT RELEVANT
COURSES FOR THE PURPOSES OF THESE REGULATIONS**

1. Subject to paragraphs 2 and 3 below, the following are the courses of higher education referred to in the definition of "relevant course" in regulation 2(1) of these Regulations-

- (a) a course for the further training of teachers or youth and community workers;
- (b) a post-graduate course (including a higher degree course);
- (c) a first degree course;
- (d) a course for the Diploma of Higher Education;
- (e) a course for the Higher National Diploma or Higher National Certificate of the Scottish Vocational Education Council, or the Higher National Diploma or Higher National Certificate of the Business and Technical Education Council, or the Diploma in Management Studies;
- (f) a course for the Certificate in Education;
- (g) a course in preparation for a professional examination at higher level; and
- (h) a course providing education at a higher level (whether or not in preparation for an examination).

2. For the purposes of paragraph 1(g) above, a professional examination is at higher level if its standard is higher than-

- (a) the standard of examinations at the higher grade of the Scottish Certificate of Education, the Advanced Level for the General Certificate of Education, or the Examination for the National Certificate or the National Diploma of the Business and Technical Education Council, or
- (b) the assessment for the National Certificate of the Scottish Vocational Education Council.

3. For the purposes of paragraph 1(h) above, a course is to be regarded as providing education at a higher level if its standard is higher than the standard of courses providing education in preparation for any of the examinations or the assessment mentioned in paragraph 2 above.

NAMES OF ARRANGEMENTS UNDER SECTION 2 OF THE EMPLOYMENT
AND TRAINING ACT 1973

1. Youth Training Scheme.
 2. Employment training.
 3. Employment rehabilitation.
 4. Individual training throughout with an employer.
 5. Professional Training Scheme.
 6. Special Training Provision.
 7. Youth Training.
 8. Community Industry.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

Under paragraph 6A of Schedule 1A to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (as amended by paragraph 35 of Schedule 12 to the Local Government Finance Act 1988 and paragraph 14 of Schedule 6 to the Local Government and Housing Act 1989), a person is exempt from the personal community charge if he is aged under 20, he is undertaking a qualifying course of education and the course is not undertaken in consequence of an office or employment held by him.

Regulation 2 of these Regulations provides relevant definitions and regulation 3 prescribes, by reference to those definitions, the condition which must be fulfilled by a person in order that he may be treated as undertaking a qualifying course. To meet that condition a person must be undertaking a course with an educational establishment which normally requires (or, so far as appropriate, when taken together with other courses undertaken by him at the establishment normally requires) an average of more than 12 hours per week relevant tuition, practical work or supervised study and which is not undertaken under certain employment training schemes. A course will only count for this purpose if it is not a course of higher education specified in Schedule 1 to these Regulations, it is undertaken principally between 8.00 am and 5.30 pm, it subsists for more than 3 months and tuition under it is received principally otherwise than through correspondence.

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