
STATUTORY INSTRUMENTS

1991 No. 51 (S. 6)

**COMMUNITY CHARGES, SCOTLAND
WATER SUPPLY, SCOTLAND**

**The Community Charges (Registration)
(Scotland) (No. 2) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>14th January 1991</i>
<i>Laid before Parliament</i>		<i>28th January 1991</i>
<i>Coming into force</i>	- -	<i>18th February 1991</i>

The Secretary of State, in exercise of the powers conferred upon him by the provisions of the Abolition of Domestic Rates Etc. (Scotland) Act 1987⁽¹⁾ set out in Schedule 1 to these Regulations, 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 Community Charges (Registration) (Scotland) (No. 2) Amendment Regulations 1991 and shall come into force on 18th February 1991.

Interpretation

2. In these Regulations—

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

“the 1988 Act” means the Local Government Finance Act 1988⁽²⁾;

“the 1989 Act” means the Local Government and Housing Act 1989⁽³⁾;

“the principal Regulations” means the Community Charges (Registration) (Scotland) (No.2) Regulations 1988⁽⁴⁾; and

“the Water Regulations” means the Community Water Charges (Scotland) Regulations 1988⁽⁵⁾.

(1) 1987 c. 47.
(2) 1988 c. 41.
(3) 1989 c. 42.
(4) S. I. 1988/1539, amended by S. I. 1988/1611.
(5) S. I. 1988/1538, amended by S. I. 1989/2362.

Amendment of principal Regulations

3. The principal Regulations shall be amended as described in Schedule 2 to these Regulations.

Revocation

4. The following provisions of the principal Regulations are hereby revoked:—
- (a) regulation 6;
 - (b) in regulation 15, paragraph (2);
 - (c) Schedule 2;
 - (d) in the Annex to the Notice set out in Schedule 3—
 - (i) in paragraph 2.7 the words “but, where it is lodged on or before 31st December 1988, the period within which I must come to a decision on the appeal is 3 months.”, and
 - (ii) in paragraph 4.6, the words “but, where it is lodged on or before 31st December 1988, the period within which I am required to determine your application is 3 months.”;
 - (e) in the Notes to the Notice set out in Schedule 3, in subparagraph (d) of paragraph 1.3, the words from “A person” to the end of that subparagraph;
 - (f) in the Notes and Warning to the inquiry form set out in Schedule 4, in subparagraph (d) of paragraph 1 of Note 10, the words from “A person” to the end of that subparagraph.

St. Andrew’s House,
Edinburgh
14th January 1991

Alan Stewart
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Provisions of the Act	Relevant amendments
Section 13(1)(f)	
Section 14	Section 14(2) was amended by the 1988 Act, Schedule 12, paragraph 23.
Section 15(5)	Section 15(5) was amended by the 1988 Act, Schedule 12, paragraph 24(4).
Section 17(5)	Section 17(5) was amended by the 1988 Act, Schedule 13, Part IV (repeals).
Section 20(2)(a)	Section 20(2)(a) was amended by the 1988 Act, Schedule 12, paragraph 29(2), and by the 1989 Act, Schedule 6, paragraph 22.
Section 20C(3)	Section 20C(3) was inserted by the 1989 Act, Schedule 6, paragraph 27.
The above provisions as read with paragraph 11 of Schedule 5 and with the Water Regulations made thereunder	Schedule 5, paragraph 11 was amended by the 1988 Act, Schedule 12, paragraph 38.
Section 26(1)(6)	
Section 31(2) and (3)	

SCHEDULE 2

Regulation 3

Amendment of principal Regulations

General

1.—(1) The principal Regulations shall be amended as described in the following paragraphs.

(2) In this Schedule, any reference to a regulation or to a Schedule is, unless otherwise specified, a reference to a regulation of or to a Schedule to the principal Regulations.

Regulation 2

2. In regulation 2, for the definition of “the Water Regulations” there shall be substituted the following definition:—

““the Water Regulations” means the Community Water Charges (Scotland) Regulations 1988(7);”.

3. In regulation 2, for the definition of “person undertaking a full-time course of education” there shall be substituted the following definition:—

(6) Section 26(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(7) S. I. 1988/1538, amended by S. I. 1989/2362.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

““person undertaking a full-time course of education” shall have the meaning for the time being prescribed under section 8(6) of the Act(8);”.

4. In regulation 2, there shall be inserted, in the appropriate place, the following definition:—

““person undertaking a full-time course of nursing education” shall have the meaning for the time being prescribed under section 8(6C) of the Act(9);”.

Regulation 3

5. In paragraph (b) of regulation 3, there shall be inserted after the word “education” the words “or whether he is a person undertaking a full-time course of nursing education”.

Regulation 4

6. In column 2 of the Table in paragraph (1) of regulation 4, opposite to the entry relating to “student” in column 1 of that Table, there shall be inserted after the word “education” the words “or whether he is a person undertaking a full-time course of nursing education”.

New regulation 20A

7. After regulation 20 of the principal Regulations, there shall be inserted the following regulation:—

“Provision of information

- 20A.** For the purposes of section 20C(3) of the Act(10) the registration officer may—

- (a) supply relevant information as defined in section 20C(4) of the Act to any person who requests it; and
- (b) charge a fee for supplying such relevant information at the rate of £2 in respect of each batch of 1000 entries or part thereof in the register.”.

Schedule 3

8. In paragraph 1.4 of the Annex to the Notice set out in Schedule 3, the following amendments shall be made:—

- (a) in subparagraph (iii) after the word “student” in both places where it occurs, there shall be inserted the words “who is undertaking a full-time course of education”; and
- (b) in subparagraph (v), for the words “a person undertaking a full-time course of education (“a student”)”, there shall be substituted the following words:—
“a student, that is a person undertaking a full-time course of education or a person undertaking a full-time course of nursing education”.

9. In the Notes to the Notice set out in Schedule 3, the following amendments shall be made:—

- (a) in paragraph 1.3—
 - (i) in subparagraph (e), after the word “payable” there shall be inserted the words “or would be payable but for certain circumstances”;
 - (ii) after subparagraph (f), there shall be inserted the following subparagraph:—

(8) Section 8(6) was amended by the 1988 Act, Schedule 12, paragraph 18(5); Regulations made under section 8(6) which currently prescribe this meaning are the [Personal Community Charge \(Students\) \(Scotland\) Regulations 1989 \(S. I. 1989/32\)](#).

(9) Section 8(6C) was inserted by the 1988 Act, Schedule 12, paragraph 18(6); Regulations made under section 8(6C) which currently prescribe this meaning are the [Personal Community Charge \(Students\) \(Scotland\) Regulations 1989 \(S. I. 1989/32\)](#).

(10) Section 20C was inserted by the 1989 Act, Schedule 6, paragraph 27.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- “(ff) persons aged under 20 who are undertaking certain qualifying courses of education;”;
- (iii) in subparagraph (l), after the words “non-domestic rates” there shall be inserted the words “but which are not part residential subjects”; and
- (iv) for the last sentence of paragraph 1.3, there shall be substituted the following:
“Please contact my office if you would like further information about any of these exemptions or if you consider that you may be entitled to any of them.”
- (b) for paragraph 4.1, there shall be substituted the following paragraph:—
- “**4.1** The Act contains special provisions about a student, that is a person who is “undertaking a full-time course of education” or who is “undertaking a full-time course of nursing education”. In particular—
- (a) section 8(4) provides that a person undertaking a full-time course of education is to be regarded as being solely or mainly resident in the area of the local authority in Scotland in which he or she is resident during “term-time” for the purposes of undertaking the course until he or she “ceases to undertake the course”. There is no equivalent provision with regard to a person undertaking a full-time course of nursing education;
- (b) section 8(5) and (6A) provides that a person undertaking a full-time course of education or a full-time course of nursing education is only liable for a prescribed percentage of the personal community charge; and
- (c) section 8(6) provides that what is meant by “person undertaking a full-time course of education”, “term-time” and “ceases to undertake the course” is to be prescribed in regulations. There is a similar provision in relation to a person undertaking a full-time course of nursing education in section 8(6C).”;
- (c) in paragraph 7.3 for the words from “except premises” to the end of that paragraph, there shall be substituted the words “except such premises as may be prescribed.”; and
- (d) in paragraph 9.2 after the words “that address” there shall be inserted the words “or the sex of that person”.

Schedule 4

10. In the Notes and Warning to the inquiry form set out in Schedule 4, the following amendments shall be made:—

- (a) in Note 6:—
- (i) in paragraph 1, before the word “students” there shall be inserted the word “certain”; and
- (ii) in paragraph 2, for the sentence “Please also include the names of any students who are resident in the premises during term time (see Note 9).”, there shall be substituted the following sentence:—
“Please also include the name of any student who is undertaking a full-time course of education and who is resident in the premises during term time and also the name of any other student who is undertaking a full-time course of nursing education and who is solely or mainly resident in the premises (see Note 9).”;
- (b) for paragraph 1 of Note 9, there shall be substituted the following paragraph:—
- “**1.** The Act contains special provisions about a student, that is a person who is “undertaking a full-time course of education” or who is “undertaking a full-time course of nursing education”. In particular—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) section 8(4) provides that a person undertaking a full-time course of education is to be regarded as being solely or mainly resident in the area of the local authority in Scotland in which he or she is resident during “term-time” for the purposes of undertaking the course until he or she “ceases to undertake the course”. There is no equivalent provision with regard to a person undertaking a full-time course of nursing education;
- (b) section 8(5) and (6A) provides that a person undertaking a full-time course of education or a full-time course of nursing education is only liable for a prescribed percentage of the personal community charge; and
- (c) section 8(6) provides that what is meant by “person undertaking a full-time course of education”, “term-time” and “ceases to undertake the course” is to be prescribed in regulations. There is a similar provision in relation to a person undertaking a full-time course of nursing education in section 8(6C).

Please include the name of, and other information requested relating to, any such student—

- (i) who is undertaking a full-time course of education and who is resident in the premises during term-time for the purpose of undertaking his full-time course of education; or
 - (ii) who is undertaking a full-time course of nursing education and who is solely or mainly resident in the premises.”;
- (c) in paragraph I of Note 10—
- (i) in subparagraph (e), after the word “payable” there shall be inserted the words “or would be payable but for certain circumstances”;
 - (ii) after subparagraph (f), there shall be inserted the following subparagraph:—
 - “(ff) persons aged under 20 who are undertaking certain qualifying courses of education;”;and
 - (iii) in subparagraph (1), after the words “non-domestic rates” there shall be inserted the words “but which are not part residential subjects”.

11. In the Appendix to the inquiry form set out in Schedule 4, the following amendments shall be made:—

- (a) under the heading “*Section 17(10) to (12)*” there shall be inserted “*(as amended by paragraph 24(1) of Schedule 6 to the Local Government and Housing Act 1989)*”; and
- (b) after subsection (11) of section 17, there shall be inserted the following subsection:—

“(11A) If, after the imposition of a civil penalty under subsection (10) or (11) above but before the making of any appeal under subsection (12) below against that imposition, the registration officer, in the light of information which he did not consider when imposing the penalty—

- (a) is no longer satisfied as to the matter as to which he was satisfied under paragraph (a) or (b) of subsection (10) above or paragraph (c) of subsection (11) above before imposing the penalty; or
- (b) is satisfied that the responsible person upon whom the penalty was imposed did have a reasonable excuse,

he may revoke the imposition of the penalty; and on such revocation any money paid to the regional or islands council by the responsible person by way of that penalty shall be repaid by them to him.”.

Schedule 5

12. In the Appendix to the supplementary inquiry form set out in Schedule 5, the following amendments shall be made:—

- (a) under the heading “Section 17(10) to (12)” there shall be inserted “(as amended by paragraph 24(1) of Schedule 6 to the Local Government and Housing Act 1989)”; and
- (b) after subsection (11) of section 17, there shall be inserted the following subsection:—

“(11A) If, after the imposition of a civil penalty under subsection (10) or (11) above but before the making of any appeal under subsection (12) below against that imposition, the registration officer, in the light of information which he did not consider when imposing the penalty—

- (a) is no longer satisfied as to the matter as to which he was satisfied under paragraph (a) or (b) of subsection (10) above or paragraph (c) of subsection (11) above before imposing the penalty; or
- (b) is satisfied that the responsible person upon whom the penalty was imposed did have a reasonable excuse,

he may revoke the imposition of the penalty; and on such revocation any money paid to the regional or islands council by the responsible person by way of that penalty shall be repaid by them to him.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Charges (Registration) (Scotland) (No. 2) Regulations 1988 (S.I. 1988/1539) (“the 1988 Regulations”) which prescribe matters relating to the Community Charges Register (“the register”) which is maintained under the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (“the 1987 Act”).

The amendments are primarily consequential upon changes made, since the 1988 Regulations came into force, to the 1987 Act by the Local Government and Housing Act 1989 (“the 1989 Act”) and to other Regulations made under the 1987 Act. The opportunity has also been taken to delete provisions in the 1988 Regulations which are now spent.

The amendments to the 1988 Regulations are described in regulation 3 of and Schedule 2 to these Regulations. The main matters reflected in these amendments are:—

- (a) provisions relating to persons undertaking a full-time course of nursing education (paragraphs 4, 5, 6, 8, 9(a)(ii), 9(b) and 10(a) and (b) of Schedule 2). These amendments are consequential upon the provisions of the Personal Community Charge (Students) (Scotland) Regulations 1989 (S.I. 1989/32);
- (b) insertion of a new regulation 20A enabling a registration officer to supply relevant information (not being personal information) to anyone who requests it and to charge a fee (£2 per 1,000 register entries) for that supply;
- (c) the fact that women’s refuges cease to be liable for the collective community charge when they were made liable to rates by the Abolition of Domestic Rates (Domestic and Part

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Residential Subjects) (No. 2) (Scotland) Regulations 1989 (S.I. 1989/1477) (paragraph 9(c) of Schedule 2);
- (d) the exemption from the personal community charge of certain persons aged under 20 who are undertaking certain qualifying courses of education by the Personal Community Charge (Exemptions) (Qualifying Courses of Education) (Scotland) Regulations 1990 (S.I. 1990/1178) (paragraphs 9(a)(ii) and 10(c)(ii) of Schedule 2);
 - (e) the exclusion from the exemption for the personal community charge which applies to persons who are resident in premises subject to non-domestic rates of those who are resident in part residential subjects, by virtue of the amendment made to paragraph 12 of Schedule 1A to the 1987 Act by the 1989 Act (paragraphs 9(a)(iii) and 10(c)(iii) of Schedule 2);
 - (f) the exclusion from the part of the register available for public inspection of information which might identify the sex of a person by virtue of the amendment to section 20(2)(a) (ii) of the 1987 Act by the 1989 Act (paragraph 9(d) of Schedule 2).

Regulation 4 of these Regulations revokes a number of provisions in the 1988 Regulations which are now spent or which are no longer appropriate following changes in the law. In particular, account is taken of the changes in the definition and in the rules for the exemption of a person who is severely mentally impaired made by the Personal Community Charge (Exemption for the Severely Mentally Impaired) (Scotland) Regulations 1989 (S.I. 1989/2234) (regulation 4(e)).