

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed), Cross Heading: Persons in detention. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1A

#### PERSONAL COMMUNITY CHARGE: EXEMPTION

##### Textual Amendments

- F1** Sch. 1A inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, **Sch. 12 para. 35**

#### *Persons in detention]*

##### Textual Amendments applied to the whole legislation

- F1** Act repealed (*prosp.*) by [Local Government Finance Act 1992 \(c. 14\)](#), ss. 117(2), 119(2)(e), **Sch. 14** (with s. 118(1)(2)(4) and saving in s. 118(3) and subject to a saving for Sch. 2 para. 7A (16.8.1993) by [S.I. 1993/1780](#), **art. 2** and subject to amendments (11.6.1996) by [1995 c. 18](#), s. 41(4), **Sch. 2 para. 10**; [S.I. 1996/1509](#), **art. 2**, **Sch.** and (29.11.1999 for specified purposes, otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), **Sch. 7 para. 15**; [S.I. 1999/3178](#), **art. 2(1)(a)(2)** (subject to transitional provisions in **Schs. 21-23**) The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1992) as regards Sch. 1 para. 19 by [S.I. 1992/818](#), **para. 2(b)**, **Sch.**
- The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.10.1992) as regards ss. 3A, 9, 10(7A), 11B, 28, Sch. 2 paras. 1(2), 2(1), Sch. 5 paras. 2-5, 9, 10, 14, 15, 17, 18, 19, 21, 25 by [S.I. 1992/2183](#), **art. 2(d)**, **Sch.** (with savings in **art. 3**)
- The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1993) as regards ss. 1-7, 14, 18(2A), 20(10), 25(1)(3), words in s. 26(1), ss. 26(2), 27, 33, Sch. 1, Sch. 3 paras. 1-4, 5(1), 7, Sch. 5 paras. 1, 6, 12, 13, 16, 19A, 20, 22-24, 26-49 by [S.I. 1993/575](#), **art. 2**, **Sch.** (with savings in **arts. 4, 5(b)**)

- 1 (1) A person is exempt if—
- he is detained in a prison, a hospital or any other place by virtue of an order of a court to which sub-paragraph (2) below applies;
  - he is detained under paragraph 2 of Schedule 3 to the <sup>M1</sup>Immigration Act 1971 (deportation);
  - he is detained under Part V or section 69, 70, 71 or 118 of the <sup>M2</sup>Mental Health (Scotland) Act 1984; or
  - he is detained under a warrant issued under the <sup>M3</sup>Repatriation of Prisoners Act 1984.
- (2) This sub-paragraph applies to the following courts—
- a court in the United Kingdom; and
  - a Standing Civilian Court established under the <sup>M4</sup>Armed Forces Act 1976.

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- (3) If a person is temporarily discharged under section 22 of the <sup>M5</sup>Prisons (Scotland) Act 1952, or temporarily released under rules under section 35(6) of that Act, for the purposes of sub-paragraph (1) above he shall be treated as detained.
- (4) Sub-paragraph (1) above does not apply where the person is detained only under section 407 of the <sup>M6</sup>Criminal Procedure (Scotland) Act 1975, for non-payment of a fine.
- (5) In sub-paragraph (1) above, “order” includes a sentence, direction, warrant or other means of giving effect to the decision of the court concerned.
- (6) The Secretary of State may by regulations provide that a person is exempt if—
  - (a) he is imprisoned, detained or in custody under the <sup>M7</sup>Army Act 1955, the <sup>M8</sup>Air Force Act 1955 or the <sup>M9</sup>Naval Discipline Act 1957; and
  - (b) such conditions as may be prescribed are fulfilled.

**Marginal Citations**

- M1** 1971 c. 77(62).  
**M2** 1984 c. 36(85).  
**M3** 1984 c. 47(39:1).  
**M4** 1976 c. 52(7:1).  
**M5** 1952 c. 61(39:1).  
**M6** 1975 c. 21(39:1).  
**M7** 1955 c. 18(7:1).  
**M8** 1955 c. 19(7:1).  
**M9** 1957 c. 53(7:1).

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