

Status: Point in time view as at 27/09/2005.

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 (Scotland) Act 1987 (repealed), Cross Heading: Persons in detention.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

[^{F1}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- F1** Act repealed (*prosp.*) by Local Government Finance Act 1992 (c. 14), ss. 117(2), 119(2)(e), Sch. 14 (with s. 118(1)(2)(4) and saving in s. 118(3) and subject to a saving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—
- (a) 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;
 - (b) he is detained under paragraph 2 of Schedule 3 to the ^{M1}Immigration Act 1971 (deportation);
 - (c) he is detained under [^{F2}Parts 5, 6 or 7 or sections 136 or 297 of the Mental Health (Care and Treatment) (Scotland) Act 2003 or sections 52D or 52M of the Criminal Procedure (Scotland) Act 1995] ; or
 - (d) he is detained under a warrant issued under the ^{M2}Repatriation of Prisoners Act 1984.
- (2) This sub-paragraph applies to the following courts—
- (a) a court in the United Kingdom; and
 - (b) a Standing Civilian Court established under the ^{M3}Armed Forces Act 1976.

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- (3) If a person is temporarily discharged under section 22 of the ^{M4}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 ^{M5}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 ^{M6}Army Act 1955, the ^{M7}Air Force Act 1955 or the ^{M8}Naval Discipline Act 1957; and
 - (b) such conditions as may be prescribed are fulfilled.]

Textual Amendments

- F2** Words in [Sch. 1A para. 1\(1\)\(c\)](#) substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 2, [Sch. 1 para. 20\(2\)\(a\)](#)

Marginal Citations

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

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