

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed), Paragraph 9. (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

Patients in homes]

- 9 (1) A person is exempt if—
- (a) he is solely or mainly resident in a residential care home, nursing home, private hospital or hostel; and
 - (b) he is receiving care or treatment (or both) there.
- (2) A residential care home is—
- (a) a residential establishment provided and maintained by a local authority in respect of the functions under section 27 of the ^{M1}National Health Service (Scotland) Act 1947 transferred to them by section 1(4)(c) of the ^{M2}Social Work (Scotland) Act 1968; or
 - (b) a residential establishment to which Part IV of the said Act of 1968 applies; or
 - (c) residential accommodation provided and maintained by a local authority under section 7 of the ^{M3}Mental Health (Scotland) Act 1984,
- where the sole or main function of the establishment or accommodation is to provide personal care or support, combined with board, to persons who are solely or mainly resident in the establishment or accommodation.
- (3) A nursing home is—
- (a) a nursing home within the meaning of section 10(2) of the ^{M4}Nursing Homes Registration (Scotland) Act 1938 in respect of which a person is registered; or
 - (b) any premises in respect of which an exemption has been granted under section 6 or 7 of that Act.
- (4) A private hospital is a private hospital within the meaning of section 12 of the Mental Health (Scotland) Act 1984 which is registered under that Act.
- (5) A hostel is an establishment in which residential accommodation is provided and which is—
- (a) managed by a housing association registered for the time being in a register maintained under section 3 of the ^{M5}Housing Associations Act 1985; or

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- (b) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a Government department or agency or a local authority; or
- (c) managed by a voluntary organisation,
- where the sole or main function of the establishment is to provide personal care or support, combined with board, to persons who are solely or mainly resident in the establishment.
- (6) The Secretary of State may by regulations made under this paragraph substitute another definition for any definition of a residential care home, nursing home, private hospital or hostel for the time being effective for the purpose of this paragraph.
- (7) In this paragraph—
- “personal care” includes the provision of appropriate help with physical and social needs;
- “support” means counselling or other help provided as part of a planned programme of care; and
- “voluntary organisation” has the meaning given by section 94(1) of the ^{M6}Social Work (Scotland) Act 1968.

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\(b\)](#))

Marginal Citations

- M1** [1947 c. 27](#).
- M2** [1968 c. 49\(81:3\)](#).
- M3** [1984 c. 36\(85\)](#).
- M4** [1938 c. 73\(113:3\)](#).
- M5** [1985 c. 69\(61\)](#).
- M6** [1968 c. 49\(81:3\)](#).

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- 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.](#)

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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))

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