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STATUTORY INSTRUMENTS

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**1991 No. 739**

**COMMUNITY CHARGES,  
ENGLAND AND WALES**

**The Personal Community Charge (Hospital Patients) Order 1991**

<i>Made</i>	- - - -	<i>18th March 1991</i>
<i>Laid before Parliament</i>		<i>26th March 1991</i>
<i>Coming into force</i>	- -	<i>16th April 1991</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by paragraph 8(3) of Schedule 1 to the Local Government Finance Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Personal Community Charge (Hospital Patients) Order 1991 and shall come into force on 16th April 1991.

**Definition of hospital**

2. For the definition of hospital currently effective for the purposes of paragraph 8 (hospital patients) of Schedule 1 to the Local Government Finance Act 1988(2) there is substituted the following definition—

““Hospital” means—

- (a) a health service hospital within the meaning of the National Health Service Act 1977; and
- (b) a military, air-force or naval unit or establishment in England and Wales at or in which medical or surgical treatment is provided for persons subject—
  - (i) by virtue of section 205 of the Army Act 1955, to military law;
  - (ii) by virtue of section 205 of the Air Force Act 1955, to air-force law; or
  - (iii) by virtue of section 111 of the Naval Discipline Act 1957, to that Act.”(3)

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(1) 1988 c. 41.

(2) See the definition of “hospital” in paragraph 8(2) of Schedule 1 to the 1988 Act.

(3) The definition of health service hospital in section 128(1) of the National Health Service Act 1977 (c. 49) is amended by the National Health Service and Community Care Act 1990 (c. 19), section 26(2)(c). Section 205 of the Army Act 1955 (c. 18)

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**Status:** This is the original version (as it was originally made).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

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14th March 1991

*Michael Heseltine*  
Secretary of State for the Environment

18th March 1991

*David Hunt*  
Secretary of State for Wales

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was amended by the Reserve Forces Act 1966 (c. 30), the Reserve Forces Act 1982 (c. 14) and S.I. 1964/488. Section 205 of the Air Force Act 1955 (c. 19) was amended by S.I. 1964/488. Section 111 of the Naval Discipline Act 1957 (c. 53) was amended by the Armed Forces Act 1976 (c. 52), the Reserve Forces Act 1980 (c. 9) and S.I. 1964/448.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

By virtue of section 2 of, and paragraph 8 of Schedule 1 to, the Local Government Finance Act 1988 certain patients and detainees in national health service hospitals are treated as exempt individuals for the purposes of the personal community charge.

The Secretary of State may substitute by Order another definition of hospital for that set out in paragraph 8(2) of Schedule 1 to the 1988 Act. The definition substituted by this Order adds, for the purposes of the exemption conferred by paragraph 8, certain military, air-force and naval hospitals.