

1988 No. 632 (S.72)

COMMUNITY CHARGES, SCOTLAND
WATER SUPPLY, SCOTLAND

The Personal Community Charge (Students) (Scotland)
Regulations 1988

<i>Made</i> - - - -	<i>28th March 1988</i>
<i>Laid before Parliament</i>	<i>30th March 1988</i>
<i>Coming into force</i>	<i>20th April 1988</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 8(5) and (6), 26(1) and 31(3) of, and those sections as read with paragraph 11 of Schedule 5 to, the Abolition of Domestic Rates Etc. (Scotland) Act 1987(a), 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 Personal Community Charge (Students) (Scotland) Regulations 1988 and shall come into force on 20th April 1988.

Interpretation

2. In these Regulations—

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

“the 1980 Act” means the Education (Scotland) Act 1980(b);

“central institution” has the same meaning as in the 1980 Act;

“educational establishment” means—

(a) a university and any college, school or other institution of a university;

(b) a central institution;

(c) a college of education within the meaning of section 135(1) of the 1980 Act;

(d) an institution for the provision of further education by an education authority within the meaning of that section;

(e) any other institution for the provision of further education;

(f) a theological college;

“further education” has the same meaning as in the 1980 Act;

and any reference to a section of the Act includes a reference to that section as read with paragraph 11 of Schedule 5 to the Act.

Definitions for the purposes of section 8 of the Act

3. For the purposes of section 8 of the Act (liability for the personal community charge and, as read with paragraph 11 of Schedule 5 to the Act, for the personal community water charge)—

(a) 1987 c.47; section 26(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) 1980 c.44.

- (a) "full-time course of education" means a course specified in the Schedule to these Regulations—
- (i) which is provided by an educational establishment, and
 - (ii) which a person undertaking the course is required by the educational establishment to attend for a period of at least 24 weeks within the academic year of the establishment required to complete the course or, if there is more than one such year, within each of them, and
 - (iii) in the case of a course falling within paragraph 2, 3, 4 or 5 of that Schedule, in respect of which that person is required by the educational establishment to undertake periods of study or, except in the case of a course falling within paragraph 5 of that Schedule, tuition which amount, in the aggregate, to an average of at least 21 hours a week during the period mentioned in subparagraph (ii) above;
- (b) "person undertaking a full-time course of education" means a person who—
- (i) enrolls with the educational establishment providing a full-time course of education for the purpose of attending that course, and
 - (ii) attends that course during the period ordinarily required for its completion, or during such other period for its completion as the educational establishment may allow in the circumstances of that person,
- and such a person continues to undertake that course during such a period notwithstanding that it may include periods which are not term time;
- (c) "term time" means any period in the academic year of the educational establishment during which a person undertaking a full-time course of education is required by the educational establishment providing the course to attend the course at such place or places as the educational establishment may specify or approve;
- (d) "ceases to undertake the course" means, in relation to a person undertaking a full-time course of education, that such a person no longer undertakes the course because—
- (i) he has completed it; or
 - (ii) he has abandoned it; or
 - (iii) he is no longer permitted by the educational establishment to attend it.

Percentage liability to personal community charge and personal community water charge

4. For the purposes of section 8(5) of the Act (person undertaking full-time course of education to be liable only for a prescribed percentage of personal community charge and, as read with paragraph 11 of Schedule 5 to the Act, for a prescribed percentage of personal community water charge) the percentage prescribed is 20%.

New St. Andrew's House, Edinburgh
28th March 1988

Ian Lang
Minister of State,
Scottish Office

SCHEDULE

Regulation 3

The following are the courses referred to in regulation 3(a) of these Regulations:-

Courses at first degree and diploma level

1. A course at undergraduate or postgraduate level for-
 - (a) a degree, certificate, diploma or licentiate of a university or theological college, or
 - (b) a degree, certificate or diploma granted by a body other than a university or theological college, being a course approved by the Council for National Academic Awards or by a central institution.

Courses in further education

2. A course leading to an award of the Scottish Certificate of Education or the General Certificate of Education.
3. A course in further education leading to the National Certificate, Higher National Certificate or Higher National Diploma of the Scottish Vocational Education Council and any other course in further education leading to a comparable award.

Teacher training and other courses

4. A course at undergraduate or postgraduate level for the initial training of teachers, social workers or youth and community workers.

Courses at higher degree level

5. A course of not more than 3 years' duration leading to the award of the degree of Doctor of Philosophy or a masters degree or to any other comparable award.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 8(4) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 provides that, for the purposes of section 8, a person undertaking a full-time course of education shall be regarded as being solely or mainly resident in the area of the local authority in which he is resident during term time for the purpose of undertaking the course, until he ceases to undertake the course.

Section 8(5) of that Act, and that section as it has effect in relation to the community water charges by virtue of paragraph 11 of Schedule 5 to that Act, provides that a person undertaking a full-time course of education shall, in respect of the period beginning when he undertakes the course and ending when he ceases to do so, be liable for only such percentage as may be prescribed of the amount of the personal community charge and personal community water charge for which he would otherwise be liable.

These Regulations prescribe for the purposes of section 8 of that Act the meaning of—

- (a) “full-time course of education”,
- (b) “person undertaking a full-time course of education”,
- (c) “term time”, and
- (d) “ceases to undertake the course”.

The Regulations also prescribe the percentage of the personal community charge and personal community water charge, for the purposes of section 8, as being 20%.

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