

1989 No. 32 (S.1)

**COMMUNITY CHARGES, SCOTLAND**

**WATER SUPPLY, SCOTLAND**

**The Personal Community Charge (Students) (Scotland)  
Regulations 1989**

<i>Made</i>	- - - -	<i>12th January 1989</i>
<i>Laid before Parliament</i>		<i>13th January 1989</i>
<i>Coming into force</i>		<i>3rd February 1989</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 8(5), (5A), (6), (6A), (6B) and (6C), 26(1) and 31(2) and (3) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987(a), and those sections as read with paragraph 11 of Schedule 5 to that Act(b) and with the Community Water Charges (Scotland) Regulations 1988(c) made thereunder, 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 1989 and shall come into force on 3rd February 1989.

**Interpretation**

2. In these Regulations—

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

“the 1944 Act” means the Education Act 1944(d);

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

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986 (f);

“further education”, in relation to Scotland, has the same meaning as in the 1980 Act, in relation to England and Wales, has the same meaning as in the 1944 Act and, in relation to Northern Ireland, has the same meaning as in article 5(c) of the 1986 Order;

“institution within the P.C.F.C. funding sector” has the same meaning as in section 120(8) of the Education Reform Act 1988(g);

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 and the Community Water Charges (Scotland) Regulations 1988.

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(a) 1987 c.47; in section 8, subsection (5A) was inserted by, subsection (6) was amended by, and subsections (6A), (6B) and (6C) were inserted by, the Local Government Finance Act 1988 (c.41), Schedule 12, paragraph 18(4), (5) and (6); section 26(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) Paragraph 11 was amended by the Local Government Finance Act 1988, Schedule 12, paragraph 38.

(c) S.I. 1988/1538.

(d) 1944 c.31.

(e) 1980 c.44.

(f) S.I. 1986/594 (N.I.3).

(g) 1988 c.40.

**Full-time course of education etc.**

3. For the purposes of section 8(6) of the Act (liability for the personal community charge and the personal community water charge)–

- (a) “educational establishment” means–
- (i) a university and any college, school, hall or other institution of a university;
  - (ii) a central institution within the meaning of section 135(1) of the 1980 Act;
  - (iii) a college of education within the meaning of section 135(1) of the 1980 Act;
  - (iv) any other institution for the provision of further education in Scotland;
  - (v) an establishment of further education in England or Wales maintained or assisted by a local education authority within the meaning of the 1944 Act or in receipt of grants made under regulations made under section 100 of that Act(a);
  - (vi) an institution within the P.C.F.C. funding sector;
  - (vii) a college of education within the meaning of article 2(2) of the 1986 Order;
  - (viii) an institution of further education in Northern Ireland provided by an Education and Library Board constituted in accordance with Schedule 1 to the 1986 Order;
  - (ix) a theological college;
  - (x) an institute of a Research Council established by Royal Charter under section 1 of the Science and Technology Act 1965(b);
- (b) “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 each academic year of the establishment required to complete the course, and
  - (iii) in respect of which, in the opinion of the educational establishment, a person would ordinarily require to undertake periods of study or tuition (including any periods of industrial, professional or commercial experience associated with the course which he requires to undertake to complete the course) which amount, in the aggregate, to an average of at least 21 hours a week during the period mentioned in subparagraph (ii) above,
- but does not include any such course leading to a qualification for registration in any of the parts of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979(c);
- (c) “person undertaking a full-time course of education” means a person who–
- (i) enrolls with an 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;
- (d) “term time” means any period in the academic year of an 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;
- (e) “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

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(a) Section 100 was amended by S.I. 1964/490, article 3(2)(a), the Local Government Act 1958 (c.55), Schedule 8, paragraphs 16(2) and 35 and Schedule 9, Part II, the Education Act 1962 (c.12), Schedule 2, and the Education Act 1980 (c.20), Schedule 7.

(b) 1965 c.4; section 1 was amended by the Nature Conservancy Council Act 1973 (c.54), Schedule 4.

(c) 1979 c.36; the parts of the register maintained under section 10 are specified in Schedule 1 to the Nurses, Midwives and Health Visitors (Parts of the Register) Order 1983 (S.I. 1983/667).

- (ii) he has abandoned it; or
- (iii) he is no longer permitted by the educational establishment to attend it.

**Full-time course of nursing education etc.**

4. Any reference in section 8(6A) and (6B) of the Act to—
- (a) a full-time course of nursing education shall be construed as meaning any course leading to a qualification for registration in any of the parts of the Register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979—
    - (i) which is provided by an educational establishment within the meaning of regulation 3(a)(i), (ii), (iii), (v) or (vi) of these Regulations, 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 each academic year of the establishment required to complete the course, and
    - (iii) in respect of which, in the opinion of the educational establishment, a person would ordinarily require to undertake periods of study or tuition (including any periods of industrial, professional or commercial experience associated with the course which he requires to undertake to complete the course) which amount, in the aggregate, to an average of at least 21 hours a week during the period mentioned in subparagraph (ii) above;
  - (b) a person undertaking a full-time course of nursing education shall be construed as meaning a person who—
    - (i) enrolls with an educational establishment providing a full-time course of nursing 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 and, for this purpose, “term time” means any period in the academic year of an educational establishment during which a person undertaking a full-time course of nursing 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;
  - (c) a person ceasing to undertake a full-time course of nursing education shall be construed as meaning a person who 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.

**Certificates**

5.—(1) For the purposes of subsection (5A)(a) or, as the case may be, (6B)(a) of section 8 of the Act, an educational establishment, in Scotland, referred to in—

- (a) paragraph (a)(i), (ii), (iii) or (iv); or, as the case may be,
- (b) paragraph (a)(i), (ii) or (iii),

of regulation 3 of these Regulations shall, by post or delivery by hand, supply in each academic year of the establishment (whether commencing before or after the date of coming into force of these Regulations) a certificate containing the particulars mentioned in paragraph (2) below to every person undertaking or about to undertake a full-time course of education or, as the case may be, nursing education provided by the establishment, within 42 days after the day on which the person registers with the establishment for the purpose of attending the course in that year, or, if the person has already registered with the establishment before the date of coming into force of these Regulations, within 28 days after that date.

(2) The particulars are—

- (a) the name and address of the educational establishment;
- (b) the full name of that person;
- (c) his date of birth (where this is known to the establishment);

- (d) his home address and his address during the term time of the educational establishment (where these are known to the establishment);
- (e) a statement certifying that he is undertaking or about to undertake a full-time course of education or, as the case may be, nursing education; and
- (f) the name of that course.

#### **Information from educational establishments**

6. For the purposes of subsection (5A)(b) or, as the case may be, (6B)(b) of section 8 of the Act, an educational establishment, in Scotland, referred to in—

(a) paragraph (a)(i), (ii), (iii) or (iv); or, as the case may be,

(b) paragraph (a)(i), (ii) or (iii),

of regulation 3 of these Regulations shall supply to the registration officer such information as the registration officer may reasonably require for the purposes of the exercise of his functions under the Act, being information which is in the possession or control of the establishment, within a period of 21 days, beginning on the day after the day on which the registration officer issues his requirement.

#### **Percentage liability to personal community charge and personal community water charge**

7. For the purposes of section 8(5) and (6A) of the Act (person undertaking full-time course of education or nursing education to be liable only for a prescribed percentage of personal community charge and of personal community water charge) the percentage prescribed is 20%.

#### **Revocation**

8. The Personal Community Charge (Students) (Scotland) Regulations 1988(a) are hereby revoked.

St. Andrew's House, Edinburgh  
12th January 1989

*Ian Lang*  
Minister of State,  
Scottish Office

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(a) S.I. 1988/632.

## SCHEDULE

Regulation 3(b)

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

### **Courses at first degree and diploma level**

1. A course at undergraduate level leading to-
  - (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, a central institution or an establishment or institution of further education.

### **Courses in further education**

2. A course in further education leading to an award of the Scottish Certificate of Education, the General Certificate of Education, the General Certificate of Secondary Education or the International Baccalaureat.

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

4. A course in further education required by an educational establishment to be undertaken prior to any other course mentioned in this Schedule being undertaken.

### **Teacher training and other courses**

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

### **Vocational courses at postgraduate level**

6. A course at postgraduate level leading to a certificate or diploma in professional studies or to any other comparable award.

### **Courses at higher degree level**

7. A course leading to the award of the degree of Doctor of Philosophy or a Master's degree or to any other comparable award.

## EXPLANATORY NOTE

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

These Regulations, which are made under section 8 of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act"), replace the Personal Community Charge (Students) (Scotland) Regulations 1988 ("the 1988 Regulations") which are revoked (regulation 8).

The Regulations re-enact the provisions of the 1988 Regulations, with amendment, and make new provision to take account of amendments made to the Act by the Local Government Finance Act 1988.

These Regulations prescribe as 20% the percentage of the personal community charge and the personal community water charge which persons undertaking a full-time course of education or nursing education are liable to pay (regulation 7). They also define who those persons are and the meaning of related expressions (regulations 3, 4 and the Schedule).

They prescribe the content of certificates to be supplied by prescribed educational establishments to such persons (regulation 5).

They require prescribed educational establishments to supply certain information to registration officers within 21 days of the request for the information (regulation 6).

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