

1989 No. 443

COMMUNITY CHARGES, ENGLAND AND WALES

The Personal Community Charge (Students) Regulations
1989

<i>Made</i> - - - -	<i>12th March 1989</i>
<i>Laid before Parliament</i>	<i>17th March 1989</i>
<i>Coming into force</i> -	<i>1st October 1989</i>

The Secretary of State for the Environment as respects the community charges of charging authorities in England, and the Secretary of State for Wales as respects the community charges of charging authorities in Wales, in exercise of the powers conferred on them by section 2(2) of the Welsh Language Act 1967(a), sections 30, 143(1) and (2) and 146(6) of, and paragraphs 1 and 9 of Schedule 2 to, the Local Government Finance Act 1988(b), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Personal Community Charge (Students) Regulations 1989 and shall come into force on 1st October 1989.

Interpretation

2.—(1) In regulations 2 to 5—

“full-time course of education” means (subject to paragraph (3)) a course of education—

- (a) which subsists for at least one academic year of the educational establishment concerned or, in the case of an educational establishment which does not have academic years, for at least one calendar year,
- (b) which persons undertaking it are normally required by the educational establishment concerned to attend (whether at premises of the establishment or otherwise) for periods of at least 24 weeks in each academic or calendar year (as the case may be) during which it subsists, and
- (c) the nature of which is such that a person undertaking it would normally require to undertake periods of study, tuition or work experience which together amount in each such academic or calendar year to an average of at least 21 hours a week as respects the periods of attendance mentioned in paragraph (b) above for the year;

“further education” with respect to an educational establishment in England or Wales has the same meaning as in the Education Act 1944(c), with respect to an educational establishment in Scotland has the same meaning as in the Education (Scotland) Act 1980(d), and with respect to an educational establishment in

(a) 1967 c.66.

(b) 1988 c.41.

(c) 1944 c.31; see section 41, substituted by section 120(2) of the Education Reform Act 1988 (c.40).

(d) 1980 c.44; see section 1(5), to which relevant amendments were made by The Local Government and Planning (Scotland) Act 1982 (c.43), Schedule 3, paragraph 37(b)(i) and Schedule 4, Part I.

Northern Ireland has the same meaning as in article 5(c) of the Education and Libraries (Northern Ireland) Order 1986(a);

“higher education” has the same meaning as in the Education Reform Act 1988(b); and

“relevant educational establishment” means—

- (a) a university (including a constituent college, school or other institution of a university);
- (b) an institution in England or Wales providing further or higher education which is (within the meaning of the Education Act 1944(c)) maintained or assisted by a local education authority, or which is in receipt of grants made under regulations under section 100 of that Act(d);
- (c) a central institution or college of education in Scotland within the meaning of the Education (Scotland) Act 1980(e);
- (d) a college of education in Northern Ireland within the meaning of the Education and Libraries (Northern Ireland) Order 1986(f);
- (e) an institution within the PCFC funding sector for the purposes of the Education Reform Act 1988(g);
- (f) a theological college;
- (g) any other institution in England or Wales established solely or mainly for the purpose of providing courses of further or higher education;
- (h) any other institution in Scotland or Northern Ireland established solely or mainly for the purpose of providing courses of further education.

(2) In determining whether a course falls within the definition of “full-time course of education” in paragraph (1)—

(a) in applying paragraph (c) of that definition, a person is to be treated as undertaking work experience at any time if, as part of the curriculum of the course—

- (i) he is at a place of employment of his and is providing services under his contract of employment, or
- (ii) he is at a place where a trade, business, profession or other occupation which is relevant to the subject matter of the course is carried on, and he is there for the purposes of gaining experience of that trade, business, profession or other occupation,

and references in paragraph (3) below to periods of work experience shall be construed accordingly;

(b) where the educational establishment concerned does not have academic years, in applying paragraphs (b) and (c) of that definition, the first calendar year shall be treated as beginning with the day on which the course begins, and subsequent calendar years (if any) as beginning on the anniversary of that day;

(c) in applying those paragraphs to a course which begins part-way through an academic year of the educational establishment concerned, the academic year shall be treated as beginning at the beginning of the academic term in which the course begins, and subsequent academic years (if any) as beginning at the beginning of the equivalent term in those years; and

(d) in applying those paragraphs to a course which subsists (or is treated as subsisting) for other than a number of complete academic or calendar years (as the case may be), any last part year of the course shall be disregarded.

(3) But a course of education is not to be treated as a full-time course of education for the purposes of regulations 3 to 5 if the aggregate for the course as a whole of all the periods of work experience a person undertaking it would normally require to undertake

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

(b) 1988 c.40; see section 120(1).

(c) See section 114(2).

(d) 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), section 13 and Schedule 2, and the Education Act 1980 (c.20), Schedule 7.

(e) See section 135(1).

(f) See article 2(2).

(g) See section 120(8).

as mentioned in paragraph (c) of the definition of "full-time course of education" above exceeds the aggregate of all the periods of study or tuition not constituting work experience he would so normally require to undertake (counting for this purpose any period of study, tuition or work experience in a part year which might otherwise fall to be disregarded under paragraph (2)(d)).

(4) A person is to be treated as ceasing to undertake a course of education for the purposes of these Regulations if he has completed it, abandoned it or is no longer permitted by the educational establishment to attend it.

Persons undertaking full-time courses of education

3.—(1) The conditions mentioned in paragraph (2) are prescribed for the purposes of section 30(1) of the Local Government Finance Act 1988 (so that a person is to be treated as undertaking a full-time course of education on a particular day for the purposes of Part I of that Act if, and only if, he fulfils those conditions).

(2) The conditions are that—

- (a) on the day the person is enrolled with a relevant educational establishment for the purpose of attending a full-time course of education,
- (b) the day falls within the period beginning with the day on which he begins the course and ending with the day on which he ceases to undertake it (which period includes any periods of vacation between academic terms and before he ceases to undertake the course), and
- (c) if the relevant educational establishment is in England or Wales, he is issued in respect of the day with a certificate supplied under regulation 4 indicating that the day falls within the period beginning with the day which is stated in the certificate as the day on which the course begins and ending with the day which is stated as the day on which it will (or is expected to) cease.

Certification officers

4.—(1) The individual having responsibility for registering the enrolment of students to courses of education provided by an educational establishment which is a relevant educational establishment in England or Wales shall be the certification officer as regards that establishment.

(2) A certification officer shall supply to a person who is pursuing or about to pursue a full-time course of education at the establishment as regards which he is the certification officer a certificate—

- (a) in the case of an establishment in England, in the form set out in Part I of the Schedule, or
- (b) in the case of an establishment in Wales, in the form set out in Part II of the Schedule,

stating the name of the establishment and the date on which the course begins and on which it will (or is expected to) cease.

(3) A certificate shall be supplied within 21 days of the day on which the certification officer registers the enrolment of the person to the course of education, of the day on which the date that the course begins is determined or of the day on which these Regulations come into force, whichever is the later; and a fresh certificate shall be issued if the expected date of cessation stated in the certificate proves to be inaccurate within 21 days of the day on which the inaccuracy comes to the knowledge of the certification officer.

(4) The failure to supply a certificate to a person in accordance with this regulation is actionable by the person concerned as a breach of statutory duty.

Information from certification officers

5.—(1) The registration officer for a charging authority may, for the purpose of carrying out his functions under Part I of the Local Government Finance Act 1988, request (by notice given in writing) a certification officer to supply to him such information as is mentioned in paragraph (2).

(2) The information is—

- (a) the name of each person who (on the day the request is made) is undertaking a full-time course of education at the educational establishment of the certification officer and has his sole or main residence in the area of the charging authority, and
- (b) the address of the sole or main residence of each such person.

(3) Information requested under paragraph (1) shall be supplied by the certification officer if it is in his possession or control and shall be so supplied within 21 days of the day on which the request is made.

(4) For the purposes of this regulation—

- (a) a certification officer is an individual who is a certification officer by virtue of regulation 4, and
- (b) the educational establishment of a certification officer is the educational establishment as regards which he is the certification officer.

Nursing education

6.—(1) Pursuant to section 30(3) of the Local Government Finance Act 1988, in the opinion of the Secretary of State a course constitutes a full-time course of nursing education if it is a course—

- (a) which would (if successfully completed) lead to the person undertaking it being registered on a part of the register maintained under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979(a), or which is undertaken by persons so registered with a view to the recording of an additional qualification on the register in accordance with rules made under section 10(3)(a) of that Act;
- (b) which subsists for at least one academic year of the educational establishment providing it or, in the case of an establishment which does not have academic years, for at least one calendar year;
- (c) which persons undertaking it are normally required by the educational establishment concerned to attend (whether at premises of the establishment or otherwise) for periods of at least 24 weeks in each academic or calendar year (as the case may be) during which it subsists; and
- (d) the nature of which is such that a person undertaking it would normally require to undertake periods of study, tuition or other training (including work experience) which together amount in each such academic or calendar year to an average of at least 21 hours a week as respects the periods of attendance mentioned in sub-paragraph (c) for the year.

(2) Regulation 2(2) shall apply to paragraph (1) above as if references to paragraphs (b) or (c) of the definition of “full-time course of education” were references to sub-paragraphs (c) or (d) respectively of paragraph (1) above.

(3) Notwithstanding this regulation, a person is to be treated as undertaking a full-time course of education for the purposes of Part I of the Local Government Finance Act 1988 only if he is to be so treated by virtue of regulation 3.

9th March 1989

Nicholas Ridley
Secretary of State for the Environment

12th March 1989

Peter Walker
Secretary of State for Wales

(a) 1979 c.36.

SCHEDULE

Regulation 4(2)

FORMS OF CERTIFICATE

PART I: ENGLAND

PERSONAL COMMUNITY CHARGE – STUDENT CERTIFICATE

I, [], certify pursuant to regulation 4 of the Personal Community Charge (Students) Regulations 1989 that [] is enrolled with [] for the purpose of attending a full-time course of education, and that the course begins on [] and will cease (or is expected to cease) on [].

Dated:

Signed:

PART II: WALES

Y TÂL CYMUNEDOL PERSONOL – TYSTYSGRIF MYFYRIWR

PERSONAL COMMUNITY CHARGE – STUDENT CERTIFICATE

Yr wyf fi, [], yn tystio yn unol â rheol 4 o'r Personal Community Charge (Students) Regulations 1989 fod [] wedi ei gofrestru/ei chofrestru gyda [] er mwyn mynychu cwrs addysg amser-llawn, a bod y cwrs yn dechrau ar [] ac y daw i ben (neu y disgwylir iddo ddod i ben) ar [].

I, [], certify pursuant to regulation 4 of the Personal Community Charge (Students) Regulations 1989 that [] is enrolled with [] for the purpose of attending a full-time course of education, and that the course begins on [] and will cease (or is expected to cease) on [].

Dyddiedig/Dated:

Llofnod/Signed:

Nodyn/Note:

Gellir llenwi'r dystygrif hon mewn Cymraeg neu Saesneg neu yn y ddwy.
This certificate may be completed in Welsh or English, or in both languages.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision, as regards the community charges of charging authorities in England and Wales, with respect to persons undertaking full-time courses of education.

Regulation 2 provides relevant definitions, and regulation 3 prescribes, by reference to those definitions, the conditions which must be fulfilled by a person in order that he may be treated as undertaking a full-time course of education for the purposes of Part I of the Local Government Finance Act 1988.

Regulation 4 provides that the individual having responsibility for registering the enrolment of students to a relevant educational establishment in England or Wales is to be the certification officer for the establishment, and that he is to supply appropriate certificates (in the form prescribed in the Schedule) to people pursuing or about to pursue full-time courses of education at the establishment. Provision is made as respects educational establishments in Wales for the form to be given in Welsh. The possession of such a certificate constitutes one of the conditions prescribed under regulation 3.

Regulation 5 enables a community charge registration officer to request a certification officer to supply him with certain information about those undertaking full-time courses of education at the establishment concerned.

Regulation 6 contains the statement required by section 30(3) of the Act of what courses constitute, in the Secretary of State's opinion, full-time courses of nursing education.

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