

*This Statutory Instrument has been made in consequence of a defect in S.I.1990/421 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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### 1990 No. 625 (S.76)

## COMMUNITY CHARGES, SCOTLAND

### The Personal Community Charge (Relief) (Scotland) Amendment Regulations 1990

<i>Made</i>	- - - -	<i>15th March 1990</i>
<i>Laid before Parliament</i>		<i>16th March 1990</i>
<i>Coming into force</i>	- -	<i>28th March 1990</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 9A, 26(1) and 31(3) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987(1), 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 (Relief) (Scotland) Amendment Regulations 1990 and shall come into force on 28th March 1990.

#### **Interpretation**

2. In these Regulations—

“the principal Regulations” means the Personal Community Charge (Relief) (Scotland) Regulations 1990(2).

#### **Amendment of principal Regulations**

3. The following amendments shall be made to the principal Regulations.

4. For sub-paragraph (e) of regulation 13(1), there shall be substituted the following sub-paragraph:—

“(e) the condition specified in paragraph (1A) or, as the case may be, paragraph (1B), was fulfilled.”.

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(1) 1987 c. 47; section 9A was inserted by the Local Government and Housing Act 1989 (c. 42), section 143; section 26(1) contains a definition of “prescribed” relevant to the exercise of the powers under which these Regulations are made.  
(2) S.I. 1990/421.

5. After paragraph (1) of regulation 13, there shall be inserted the following paragraphs:–
  - “(1A) In the case where the dwellinghouse referred to in paragraph (1)(c) is situated in the area of an islands council, the condition specified is that 2C is greater than R plus £156, where C and R shall be construed in accordance with paragraph (2) of regulation 7 but as if any reference in that paragraph to the dwellinghouse referred to in regulation 7(1)(c) was construed as a reference to the dwellinghouse referred to in regulation 13(1)(c).
  - “(1B) In the case where the dwellinghouse referred to in paragraph (1)(c) is situated in the area of a regional council, the condition specified is that 2C is greater than R plus £156, where C and R shall be construed in accordance with paragraph (3) of regulation 7 but as if any reference in that paragraph to the dwellinghouse referred to in regulation 7(1)(c) was construed as a reference to the dwellinghouse referred to in regulation 13(1)(c).”
6. In regulation 14(1)(a), there shall be inserted after the word “its” the word “set”.
7. For sub-paragraph (i) of regulation 14(2), there shall be substituted the following sub-paragraph:–
  - “(i) C and R shall have the same meanings as they have for the purposes of regulation 13(1A); and”.
8. In regulation 15(1)(a), there shall be inserted after the word “its” the word “set”.
9. For sub-paragraph (i) of regulation 15(2), there shall be substituted the following sub-paragraph:–
  - “(i) C and R shall have the same meanings as they have for the purposes of regulation 13(1B); and”.

St. Andrew’s House,  
Edinburgh  
15th March 1990

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

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

These Regulations make amendments to the Personal Community Charge (Relief) (Scotland) Regulations 1990 (S.I. [1990/421](#)) (“the principal Regulations”).

The main change which the Regulations make is to regulation 13 of the principal Regulations which specifies the conditions for a person to be eligible for relief under Part III of the principal Regulations (relief where there are two or more personal community charge payers in a dwellinghouse). At present, one of the conditions is that the assumed personal community charge bill (“C”) must exceed the assumed rates bill (“R”) plus £156. This condition is amended so as to require twice the assumed personal community charge bill (ie 2C) to exceed the assumed rates bill plus £156. The effect of this change is to make it easier for a person to become eligible for relief under Part III where there are two or more persons in a dwellinghouse than in the case of relief under Part II where there is only a single person in the dwellinghouse.

Regulations 6 and 8 of these Regulations correct an omission in regulations 14(1)(a) and 15(1)(a) of the principal Regulations so that they refer to the actual personal community charge set or determined by the local authority.

The other amendments in regulations 7 and 9 are consequential upon the main change mentioned above.