

1990 No. 712

COMMUNITY CHARGES, ENGLAND AND WALES

The Personal Community Charge (Qualifying Courses of Education) Regulations 1990

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| <i>Made</i> - - - - | <i>22nd March 1990</i> |
| <i>Laid before Parliament</i> | <i>26th March 1990</i> |
| <i>Coming into force</i> | <i>1st April 1990</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 sections 30(1A), 143(1) and (2) and 146(6) of, and paragraphs 1 and 9 of Schedule 2 to, the Local Government Finance Act 1988(a), 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 (Qualifying Courses of Education) Regulations 1990 and shall come into force on 1st April 1990.

Interpretation

2.—(1) In these Regulations—

“relevant activities” with respect to a course means the receipt of tuition, the undertaking of supervised study or examination, and the taking part (as part of the curriculum of the course) in any supervised exercise, experiment, project or practical work;

“relevant course” means a course of education—

- (a) which subsists for more than 3 calendar months,
- (b) which is not a course of higher education,
- (c) with respect to which tuition is principally received otherwise than through correspondence, and
- (d) with respect to which the relevant activities are (insofar as they are normally carried out under the course at particular times) normally so carried out principally between 8.00 am and 5.30 pm; and

“the relevant number of hours per week” in relation to a relevant course means the average number of hours per week a person undertaking it would normally require to spend, in the period during which the course subsists, on relevant activities (excluding for the purpose of calculating that average any part of that period which is a period of vacation).

(2) In paragraph (1) “course of higher education” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988(b), or a course which would be such a course if—

- (a) a course for the Higher National Diploma or Higher National Certificate of the Scottish Vocational Education Council were included within the description of courses in paragraph 1(e) of that Schedule,

(a) 1988 c.41; relevant amendments were made by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraphs 9, 10(3) and 11(5) to (7).

(b) 1988 c.40.

- (b) the reference in paragraph 2 of that Schedule to examinations at advanced level for the General Certificate of Education or the examination for the National Certificate or the National Diploma of the Business and Technician Education Council included a reference to examinations at the higher grade of the Scottish Certificate of Education or the assessment for the National Certificate of the Scottish Vocational Education Council, and
- (c) the reference in paragraph 3 of that Schedule to examinations included a reference to the examinations and assessment mentioned in sub-paragraph (b) above.

(3) A person is to be treated as undertaking a relevant course on a day for the purposes of these Regulations if—

- (a) the day falls in the period beginning with the day (“the first day”) on which he begins the course and ending with the day (“the last day”) on which he completes it, abandons it or is dismissed from it (which such period includes any period of vacation between academic terms which falls between the first day and the last day), and
- (b) he is not undertaking it pursuant to arrangements made under section 2 of the Employment and Training Act 1973^(a) and known by any of the names specified in the Schedule.

Persons undertaking qualifying courses of education

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

(2) The condition is that the person is undertaking on the day a relevant course with an educational establishment and—

- (a) the relevant number of hours per week for that course exceeds 12, or
- (b) where the course is a course falling within paragraph (3) and he is undertaking with the same establishment on the day another relevant course (or other relevant courses) falling within that paragraph, the aggregate of the relevant number of hours per week for all those courses exceeds 12.

(3) A course falls within this paragraph if it is not undertaken in consequence of an office or employment held by the person.

Information from certification officers

4.—(1) The registration officer for a charging authority may, for the purposes 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 information whether, on any day specified in the request (being a day not later than the day on which the request is made), any person so specified is undertaking a qualifying course of education.

(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 of the Personal Community Charge (Students) Regulations 1989^(b); and
- (b) a person undertakes a qualifying course of education at any time if he is to be treated as doing so by virtue of regulation 3 above.

^(a) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25, and amended by the Employment Act 1989 (c.38), Schedule 7, Part I.

^(b) S.I. 1989/443.

Signed by authority of the Secretary of State for the Environment

22nd March 1990

David Hunt
Minister for Local Government and Inner Cities,
Department of the Environment

22nd March 1990

Peter Walker
Secretary of State for Wales

SCHEDULE

Regulation 2(3)(b)

**NAMES OF ARRANGEMENTS UNDER SECTION 2 OF THE
EMPLOYMENT AND TRAINING ACT 1973**

1. Youth Training Scheme.
 2. Employment Training.
 3. Employment Rehabilitation.
 4. Individual Training Throughout With An Employer.
 5. Professional Training Scheme.
 6. Special Training Provision.
 7. Youth Training.
 8. Community Industry.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

Under paragraph 6A of Schedule 1 to the Local Government Finance Act 1988 a person is exempt from the personal community charge if he is aged under 20, he is undertaking a qualifying course of education, and the course is not undertaken in consequence of an office or employment held by him.

Regulation 2 of these Regulations provides relevant definitions, and regulation 3 prescribes, by reference to those definitions, the condition which must be fulfilled by a person in order that he may be treated as undertaking a qualifying course. To meet that condition the person must be undertaking a course with an education establishment which normally requires (or, so far as appropriate, when taken together with other courses undertaken by him at the establishment normally requires) an average of at least 12 hours per week relevant tuition, practical work or supervised study and which is not undertaken under certain employment training schemes. A course will only count for this purpose if it is not a course of higher education, it is undertaken principally between 8.00 a.m. and 5.30 p.m., it subsists for more than 3 months, and tuition under it is received principally otherwise than through correspondence.

Regulation 4 enables a community charges registration officer to request a person who is a certification officer under the Personal Community Charge (Students) Regulations 1989 to supply him with information as to whether on any day a person is undertaking a qualifying course.

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