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STATUTORY INSTRUMENTS

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**1992 No. 1880 (S.188)**

**COMMUNITY CHARGES, SCOTLAND  
WATER SUPPLY, SCOTLAND**

**The Personal Community Charge (Nursing  
Students) (Scotland) Regulations 1992**

|                               |         |                         |
|-------------------------------|---------|-------------------------|
| <i>Made</i>                   | - - - - | <i>24th July 1992</i>   |
| <i>Laid before Parliament</i> |         | <i>3rd August 1992</i>  |
| <i>Coming into force</i>      | - -     | <i>24th August 1992</i> |

The Secretary of State, in exercise of the powers conferred on him by sections 8(6) and (6C), 26(1) and 31(3) of, and paragraph 6 of Schedule 1A to, the Abolition of Domestic Rates Etc. (Scotland) Act 1987((1)) and those sections and that paragraph as read with paragraph 11 of Schedule 5 to that Act((2)) and with the Community Water Charges (Scotland) Regulations 1988((3)) 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 (Nursing Students) (Scotland) Regulations 1992 and shall come into force on 24th August 1992.

**Amendment of enactments**

2.—(1) The Personal Community Charge (Students) (Scotland) Regulations 1989((4)) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 of those Regulations—

(a) after the definition of “the 1986 Order”, there shall be inserted the following definition:—

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(1) 1987 c. 47; in section 8, subsection (6) was amended by, and subsection (6C) inserted by, the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 18(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; Schedule 1A was inserted by the Local Government Finance Act 1988, Schedule 12, paragraph 35.

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

(3) S.I.1988/1538, amended by S.I. 1989/2362.

(4) S.I. 1989/32, amended by S.I. 1992/1025.

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““the Central Council Register” means 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((5));” and

- (b) after the definition of “further education”, there shall be inserted the following definition:

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 ““Health Board” has the same meaning as in section 2 of the National Health Service (Scotland) Act 1978((6)).”

- (3) In regulation 3 of those Regulations—

- (a) in paragraph (b), for the words from “the parts” to the end of that paragraph, there shall be substituted the words “Parts 1 to 9 or 11 of the Central Council Register”; and  
 (b) in paragraph (c), after sub-paragraph (i), there shall be inserted the following sub-paragraph:—

“(ia) if attending a course leading to a qualification for registration in Part 10 of the Central Council Register, is not employed by a Health Board, and”.

- (4) In regulation 4 of those Regulations—

- (a) in paragraph (a), for the words from “the parts” to “1979”, there shall be substituted the words “Parts 1 to 11 of the Central Council Register”; and  
 (b) in paragraph (b), after sub-paragraph (i), there shall be inserted the following sub-paragraph:—

“(ia) if attending a course leading to a qualification for registration in Part 10 of the Central Council Register, is employed by a Health Board, and”.

**3.—(1)** The Personal Community Charge (Exemptions) (Scotland) Regulations 1989((7)) shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 2 of those Regulations—

- (a) after the definition of “the 1986 Order”, there shall be inserted the following definitions:

““the Central Council Register” means 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;

“District Health Authority” and “Regional Health Authority” have the same meaning as in section 8 of the National Health Service Act 1977((8));” and

- (b) at the end of the definition of “educational establishment”, there shall be inserted the following paragraph:—

“(xi) a college of nursing and midwifery or a college of health, established by a District or Regional Health Authority;”.

- (3) In regulation 6 of those Regulations—

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(5) 1979 c. 36.

(6) 1978 c. 29; section 2 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1 and by the National Health Service and Community Care Act 1990 (c. 19), section 28, Schedule 9, paragraph 19(1) and Schedule 10.

(7) S.I. 1989/63, amended by S.I. 1992/1025.

(8) 1977 c. 49; section 8 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 28, the Health and Social Services and Social Security Adjudications Act 1983, Schedule 10, Part I and the National Health Service and Community Care Act 1990, section 1 and Schedule 10.

- (a) in paragraph (2), after sub-paragraph (a), there shall be inserted the following sub-paragraph:—

“(aa) in a case where the course leads to a qualification for registration in Part 10 of the Central Council Register and is provided by such a college as is referred to in paragraph (xi) of the definition of “educational establishment ” in regulation 2 of these Regulations, he is not employed by a District or Regional Health Authority; and”; and

- (b) in paragraph (3), for the words from “the Register” to the end of that paragraph, there shall be substituted the following:—

“the Central Council Register, unless—

- (i) that course is provided by an educational establishment within paragraph (i), (ii), (iii), (v) or (vi) of the definition of “educational establishment” in regulation 2 of these Regulations; or
- (ii) that course leads to a qualification for registration in any of Parts 10 or 12 to 15 of that Register and is provided by such a college as is referred to in paragraph (xi) of that definition.”.

St Andrew’s House,  
Edinburgh  
24th July 1992

*Allan Stewart*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

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

In terms of subsections (5) and (6A) of section 8 of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ( “the 1987 Act ”), persons undertaking full-time courses of education or of nursing education are liable to pay only a prescribed percentage of the personal community charge. The Personal Community Charge (Students) (Scotland) Regulations 1989 set that prescribed percentage at 20% and defined those persons who were to be treated as undertaking full-time courses of education or of nursing education. These Regulations amend the definitions in question to take account of the introduction in August 1992 of the new 1992 programmes of preparation for nursing and midwifery students.

In terms of paragraph 6 of Schedule 1A to the 1987 Act, persons undertaking full-time courses of education who are resident in the United Kingdom outside Scotland during term-time are exempt from the Scottish personal community charge. These Regulations also amend the Personal Community Charge (Exemptions) (Scotland) Regulations 1989 so that nursing and midwifery students undertaking the 1992 programmes of preparation outside Scotland will be thus exempt.