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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 121**

**The Education (Student Loans) (Repayment)  
Regulations (Northern Ireland) 2000**

**Part II**

Provisions applicable to all repayments

**Interpretation**

9.—(1) In this Part—

“date of receipt” in relation to a repayment shall be construed in accordance with paragraph (2);  
“disability related benefit” means long term incapacity benefit or short term incapacity benefit at the higher rate, severe disablement allowance, disability living allowance, industrial injuries benefit and disability working allowance, all payable under the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup>, or the amount of any disability premium and severe disability premium included in the applicable amount in calculating the income support payable under the Income Support (General) Regulations (Northern Ireland) 1987<sup>(2)</sup>.

(2) For the purposes of this Part a repayment shall be considered to have been paid by the borrower and received by the Department as follows:

- (a) where an amount is paid by the borrower directly to the Department, a repayment of that amount shall be considered to have been received by it on the date on which the amount is in fact received;
- (b) where the Board has notified the Department that an amount has become payable to the Board in respect of a year of assessment under Part III, a repayment of that amount shall be considered to have been received by it on 31st January following the year of assessment, whether or not the borrower has in fact paid any or all of that amount to the Board; and;
- (c) where an amount is deducted by an employer under Part IV that amount shall be aggregated with all other such amounts deducted in the same year of assessment and repayments of the aggregate amount shall be considered to have been received by the Department in equal instalments received on the days during the year of assessment which are—
  - (i) the last days of a month,
  - (ii) days after the date on which the Department has given notice — under regulation 11(5)(b) that payment should be deducted, and
  - (iii) days before the date on which it has given notice under regulation 11(5)(e) that payment should cease to be deducted.

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(1) 1992 C. 7, amended by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 S.I.1994/1898 (N.I. 12), Articles 3 to 5, 7 to 8, 10 to 12 and Schedules 1 and 2.  
(2) S.R. 1987 No. 459 (see Parts III and IV of Schedule 2); relevant amending Regulations are S.R. 1988 Nos. 146 and 431, S.R. 1989 No. 395, S.R. 1990 No. 387, S.R. 1991 No. 338, S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474, S.R. 1995 Nos. 67, 301 and 434 and S.R. 1997 No. 435

### Interest and penalties

10.—(1) Interest or penalties charged under Part III or IV shall not be added to the principal outstanding, and payment of such interest or penalties shall not be credited against the principal outstanding.

(2) Any repayment received by the Department shall be applied by it in reduction or in satisfaction of:

- (a) first, any outstanding penalties or charges under Part V,
- (b) second, any outstanding interest, and
- (c) third, any outstanding principal, which shall be reduced or satisfied from the date of receipt.

### Time for repayments

11.—(1) A borrower may repay all or any part of his student loan to the Department at any time.

(2) A borrower shall not be required to repay any of his student loan before 6th April 2000.

(3) A borrower shall not be required to repay such part of his student loan as relates to a particular notification of eligibility under the Education (Student Support) Regulations (Northern Ireland) 1999 until the year of assessment beginning after the date on which that eligibility terminates under regulation 8 of those Regulations.

(4) A borrower—

- (a) whose student loan was made in connection with his attendance at a course for the initial training of teachers, other than a course leading to a first degree; and
- (b) who has notified the Department in writing that he does not wish to repay that loan during any period in which he is required to repay a loan made under the Education (Student Loans) (Northern Ireland) Order 1990(3) or the Education (Student Loans) Act 1990(4);

shall not be required to repay any of his student loan during any such period.

(5) Subject to paragraph (7) the Department shall notify the borrower and the Board of—

- (a) the first, or as the case may be next, year of assessment in respect of which the borrower may be required to make repayments under Part III;
- (b) the date on and after which a borrower may be required to make repayments by way of deduction from his emoluments under Part IV;
- (c) where the borrower has given the Department notification in accordance with paragraph (4), the year of assessment in respect of which the borrower shall cease to be required to make repayments under Part III;
- (d) the final year of assessment in respect of which the borrower shall be required to make repayments under Part III because—
  - (i) the loan has been repaid to the Department in full, or
  - (ii) an amount sufficient to repay the balance owing to the Department in full is likely to be received by the Board under Part IV and by the Department under Part V by the 30th April following the date of issue of the notice, or
  - (iii) the loan has been cancelled; and

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(3) S.I. 1990/1506 (N.I. 11); as amended by S.I. 1996/274 (N.I.), Article 43 and Schedule 5 Part II, S.I. 1996/18 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I.), Articles 3 to 6

(4) 1990 c. 6 amended by the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 67; by the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraphs 12(2) and (3); by the Education Act 1994 (c. 30), Schedule 2, paragraph 9; by the Education (Student Loans) Act 1996 9 c. 9), section 1(1) and the Schedule; by the Education Act 1996 (c. 56), Schedule 37, paragraph 98 and Schedule 38, and by the Education (Student Loans) Act 1998 (c. 1), sections 1 to 3.

(e) the date after which a borrower shall not be required to make repayments by way of deduction from his emoluments under Part IV because—

- (i) the loan has been repaid to the Department in full, or
- (ii) an amount sufficient to repay the balance owing to the Department in full is likely to be received by the Board under Parts III and IV and by the Department under Part V by that date, or
- (iii) the loan has been cancelled; or
- (iv) the borrower has given the Department notification in accordance with paragraph (4).

(6) The Department shall not issue a notice under paragraph (5)(d) after the end of the calendar year during which the final year of assessment specified in the notice ends.

(7) Where the Department has notified a borrower and the Board that repayments under Parts III and IV shall no longer be made but at a later date it appears to him that the student loan has not been fully repaid he may give further notices in accordance with paragraph (5).

(8) The Department shall not be required to give notices under paragraph (5)(a) or (b) where the borrower's student loan does not exceed £120.

(9) Where under paragraph (8) the Department is not required to give notices under paragraph (5) (a) or (b) he may require the borrower to repay his student loan in such manner and over such period of time as in all the circumstances seems appropriate.

## **Cancellation**

**12.**—(1) Subject to paragraph (4) where a borrower is not in breach of any obligation to repay his loan in accordance with Part V or in breach of any obligation to repay any other loan mentioned in paragraph (2) and the Department is satisfied that he —

- (a) has died;
- (b) has attained the age of 65; or
- (c) receives a disability related benefit and because of his disability he is permanently unfit for work

the Department shall cancel his liability to repay his student loan.

(2) The loans mentioned in this paragraph are loans made under the Education (Student Loans) (Northern Ireland) Order 1990(5), the Education (Student Loans) Act 1990(6), the Education (Scotland) Act 1980(7) and regulations made thereunder and the Education (Student Support) (Northern Ireland) Order 1998(8) and regulations made thereunder.

(3) For the purposes of this Part the cancellation of a student loan shall have effect on the date on which it is cancelled, not on the date the event giving rise to the right to cancellation takes place.

(4) The cancellation of a borrower's liability to repay his student loan under paragraph (1) shall not affect his liability to make repayments under Part III subject to and in accordance with that Part in respect of any year of assessment—

- (a) in the case of cancellation under paragraph (1)(a) during which the borrower was alive; and
- (b) in any other case preceding the year of assessment during which the loan is cancelled.

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(5) S.I. 1990/1506 (N.I. 11).

(6) 1990 c. 6, amended by the Further and Higher Education Act 1992 (c. 13), Schedule 9, paragraph 67; by the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraph 12(2) and (3); by Education Act 1994 (c. 30), Schedule 2, paragraph 9; by the Education (Student Loans) Act 1996 (c. 9), section 1(1) and the Schedule' by the Education Act 1996 (c. 56), Schedule 37, paragraph 98 and Schedule 38, and by the Education (Student Loans) Act 1998 (c. 1), sections 1 to 3.

(7) 1980 c. 44, amended by the Teaching and Higher Education Act 1998 (c. 30), section 29.

(8) S.I. 1998/1760 (N.I. 14)

(5) The cancellation of a borrower's liability to repay his student loan under paragraph (1) shall not affect his liability to make repayments by way of deductions made under Part IV subject to and in accordance with that Part in respect of any earnings period ending before the date of cancellation.

## **Refunds**

**13.**—(1) Where the Department has received a repayment either directly from the borrower or from the Board under Part IV—

- (a) which results in the student loan being paid in full, or
- (b) when the student loan has already been paid in full,

he shall refund to the borrower any amount not required to repay the loan in full together with interest calculated as if it were the principal of a student loan outstanding from the date of receipt of the repayment to the date of the refund.

(2) Where the Department is considered to have received a payment from the Board under Part III in respect of a year of assessment—

- (a) which results in the student loan being paid in full, or
- (b) when the student loan has already been paid in full,

the repayment shall be considered to have been received by the Department on the 31st January next following the year of assessment in accordance with regulation 9(2)(b), and the Department shall refund to the Board for the account of the borrower any overpayment which results from the receipt.

(3) A refund under paragraph (2) shall not carry interest, and the Board shall be considered to have received the refund on the date on which the amount refunded was considered to have been received by the Department in accordance with regulation 9.

(4) Where in accordance with Part IV the Department has received a repayment by way of deduction from a borrower's emoluments for a year of assessment and those emoluments do not exceed £10,000 the Department shall on application by the borrower refund the amount deducted.