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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 314**

**The Student Loans (Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans) (Scotland) Regulations 2005**

**Amendment of the Repayment of Student Loans (Scotland) Regulations 2000**

**3.** After regulation 11 insert—

**“Information requests**

**11A.** A borrower shall, within six weeks of the event, inform the Scottish Ministers and provide them with particulars if either of the following events occur—

- (a) the borrower’s address changes; or
- (b) the borrower’s name changes.

**11B.—(1)** The Scottish Ministers may serve a notice (“an Information Notice”) at the home address of the borrower.

(2) An Information Notice under paragraph (1) requires the borrower to provide some or all of the following, together with documentary evidence in support where relevant—

- (a) the borrower’s full name;
- (b) the borrower’s telephone number;
- (c) the borrower’s national insurance number or a valid reason for not having one;
- (d) the borrower’s date of birth;
- (e) a statement of whether the borrower is employed, self-employed or not employed; and
- (f) the following particulars of the borrower’s employment and income during the period specified in the notice—
  - (i) for each part of that period during which the borrower was employed, the dates on which the employment began and (unless it is still continuing) ended, the name and address of the borrower’s employer, the borrower’s employee number and the borrower’s gross income;
  - (ii) for each part of that period during which the borrower was self employed, the dates on which it began and (unless it is still continuing) ended and the borrower’s gross income; and
  - (iii) the gross amount, source and date of receipt of any other income.

(3) An Information Notice under paragraph (1) must set out the provisions contained in regulation 11C.

(4) Where the Scottish Ministers have served an Information Notice on a borrower under paragraph (1), the borrower must comply with it within a period of 28 days beginning with the day on which the Information Notice was served.

**11C.**—(1) Where a borrower has failed to comply with regulation 11A, the Scottish Ministers may require the borrower to pay a penalty of £50.

(2) Where a borrower has failed to comply with regulation 11B(4), the Scottish Ministers may require the borrower to pay a penalty of £50.

(3) Where a borrower has been liable to a penalty under paragraph (2) in respect of an Information Notice and has not paid it, upon expiry of the time limit for payment the Scottish Ministers may require the borrower to pay one additional penalty of £100 in respect of that Information Notice.

(4) The Scottish Ministers must notify the borrower of a penalty imposed under paragraph (1), (2) or (3) by serving a notice (“a Penalty Notice”) at the home address of the borrower.

(5) Notwithstanding the provisions of regulation 7(2) and (3), a penalty imposed under paragraph (1), (2) or (3) is payable within a period of 28 days beginning with the day on which the Penalty Notice was served and may be added to the borrower’s loan account.

**11D.**—(1) Where the Scottish Ministers incur reasonable costs or expenses in taking steps to—

- (a) serve an Information Notice on a borrower under regulation 11B(1);
- (b) serve a Penalty Notice on a borrower under regulation 11C(4); or
- (c) obtain the information requested in an Information Notice served under regulation 11B(1),

they may require the reimbursement of those costs or expenses by the borrower and may add them to the borrower’s loan account.

**11E.**—(1) Where the Scottish Ministers consider that having regard to all the circumstances of a particular case a time limit in regulation 11B(4) or regulation 11C(5) should be relaxed, they may specify another time limit.

**11F.** In this Part a document is to be treated as served on a person when it is delivered to that person or sent to that person by post.”.