

2009 No. 102

EDUCATION

**The Repayment of Student Loans (Scotland) Amendment
Regulations 2009**

Made - - - - - *10th March 2009*

Laid before the Scottish Parliament *11th March 2009*

Coming into force - - - *7th April 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Repayment of Student Loans (Scotland) Amendment Regulations 2009 and come into force on 7th April 2009.

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

2. The Repayment of Student Loans (Scotland) Regulations 2000(b) are amended in accordance with regulations 3 to 9.

3. In regulation 2(1) (interpretation)–

- (a) omit the definition of “the Board”;
- (b) in the definition of “Collection Regulations” for “Education (Student Loans) (Repayment) Regulations 2000” substitute “Education (Student Loans) (Repayment) Regulations 2009(c)”;
- (c) after the definition of “disability related benefit” insert–
““HMRC” means Her Majesty’s Revenue and Customs;”; and
- (d) in the definition of “student loan” for “Part III or IV” substitute “Part 3 or 4”.

4. In regulation 5 (period and manner of repayment)–

- (a) in paragraph (a)–
 - (i) for “the Board” substitute “HMRC”; and

(a) 1980 c.44 (“the 1980 Act”). Section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30) (“the 1998 Act”), section 29(1) and by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6) (“the 2001 Act”), section 3(2). Section 73B was inserted by section 29(2) of the 1998 Act and was amended by the 2001 Act, section 3(3); by the Income Tax (Earnings and Pensions) Act 2000 (c.1), Schedule 6, paragraph 149; and by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 34. Section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), Schedule 10, paragraph 8(17). The functions of the Secretary of State contained in sections 73(f), 73B and 74(1) were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2000/110, amended by S.S.I. 2000/200, 2001/227, 2005/314, 2006/326 and 2007/159 and S.I. 2008/1879.

(c) S.I. 2009/470.

- (ii) for “Parts III and IV” substitute “Parts 3 and 4”; and
- (b) in paragraph (b)–
 - (i) for “regulation 11(8)” substitute “regulation 15(8)”; and
 - (ii) for “regulation 11(5)(a) or (b)” substitute “regulation 15(3)(a) or (b)”.

5. In regulation 6(a) (application of payments received) after “2006,” insert “regulation 14 of the Graduate Endowment (Scotland) Regulations 2007(a), regulation 11 of the Graduate Endowment (Scotland) Regulations 2008(b),”.

6. In regulation 7(2)(b) (time for repayments)–

- (a) after “2001” insert “, the Graduate Endowment (Scotland) Regulations 2007, the Graduate Endowment (Scotland) Regulations 2008”; and
- (b) for “those Regulations” substitute “the Graduate Endowment (Scotland) Regulations 2001, regulation 13 of the Graduate Endowment (Scotland) Regulations 2007 or regulation 9 of the Graduate Endowment (Scotland) Regulations 2008 (whichever is appropriate)”.

7. In regulation 8(1) and (6) (cancellation) for “Part III” on each occasion it occurs substitute “Part 3”.

8. In regulation 9 (refunds)–

- (a) in paragraphs (1), (4) and (5)(c) for “Part IV” on each occasion it occurs substitute “Part 4”;
- (b) in paragraphs (2), (3) and (5)(b) for “the Board” on each occasion it occurs substitute “HMRC”;
- (c) in paragraphs (2) and (5)(b) for “Part III” on each occasion it occurs substitute “Part 3”;
- (d) in paragraph (5)(c)(ii) for “regulation 11(5)(b)” substitute “regulation 15(3)(b)”; and
- (e) in paragraph (5)(c)(iii) for “regulation 11(5)(e)” substitute “regulation 15(3)(e)”.

9. In regulation 13A(4)(b) (repayment by income related instalments) for “Part III or IV” substitute “Part 3 or 4”.

FIONA HYSLOP
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
10th March 2009

(a) S.S.I. 2007/155, amended by S.S.I. 2007/503 and revoked by the Graduate Endowment Abolition (Scotland) Act 2008 (asp 3), section 1(1).
(b) S.S.I. 2008/235.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Repayment of Student Loans (Scotland) Regulations 2000 (“the principal Regulations”).

The principal Regulations make several references to the Education (Student Loans) (Repayment) Regulations 2000 (S.I. 2000/944) (“the Collection Regulations”). The Education (Student Loans) (Repayment) Regulations 2009 revoke and replace the Collection Regulations. Regulations 3, 4 and 7 to 9 make amendments to the principal Regulations which are consequential to the revoking and replacement of the Collection Regulations.

Regulations 5 and 6 amend the principal Regulations to correct an omission of references to the Graduate Endowment (Scotland) Regulations 2007 and the Graduate Endowment (Scotland) Regulations 2008.

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