
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 307

EDUCATION

The Education (Student Loans) (Miscellaneous Amendments) (Scotland) Regulations 2018

Made - - - - 23rd October 2018
Laid before the Scottish Parliament - - - - 25th October 2018
Coming into force - - 4th December 2018

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(1) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Education (Student Loans) (Miscellaneous Amendments) (Scotland) Regulations 2018 and come into force on 4th December 2018.

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

2. In the Repayment of Student Loans (Scotland) Regulations 2000(2), regulation 8 (cancellation)(3) is amended as follows—

- (a) in paragraph (4)(c), for “35th” substitute “30th”; and
- (b) in paragraph (4)(d), for “the borrower reaches the age of 65” substitute—
“the earlier of—
(i) the borrower’s 65th birthday; or

(1) 1980 c.44. 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 the 1998 Act, section 29(2) and was amended by the 2001 Act, section 3(3); by the Income Tax (Earnings and Pensions) Act 2003 (c.1), schedule 6, Part 2, paragraph 149; by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 34(1); and by the Bankruptcy (Scotland) Act 2016 (asp 21), schedule 8, paragraph 8. Section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), section 82(1) and schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) S.S.I. 2000/110, amended by S.S.I. 2000/200, S.S.I. 2001/227, S.S.I. 2005/314, S.S.I. 2006/326, S.S.I. 2007/159, S.S.I. 2009/102, S.S.I. 2012/22, S.S.I. 2013/65, S.S.I. 2013/80, S.S.I. 2013/142, S.S.I. 2016/82 and S.I. 2008/1879.

(3) Regulation 8 was inserted by S.S.I. 2007/159.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) the 30th anniversary of the date on which the borrower became liable to repay the student loan.”.

Amendment of the Education (Student Loans) (Scotland) Regulations 2007

3. In regulation 3(2)(d) (eligible students) of the Education (Student Loans) (Scotland) Regulations 2007⁽⁴⁾—

- (a) at the end of head (ii), omit “or”; and
- (b) after head (iii) (eligible students) insert—

“or

- (iv) any grant made by the Scottish Ministers under section 42 (grants in respect of activities relating to school education) of the Standards in Scotland’s Schools etc. Act 2000⁽⁵⁾ under the Educational Psychologist Training Grant, Scotland;”.

St Andrew’s House,
Edinburgh
23rd October 2018

RICHARD LOCHHEAD
Authorised to sign by the Scottish Ministers

(4) S.S.I. 2007/154, amended by S.S.I. 2007/503, S.S.I. 2008/205, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/189, S.S.I. 2009/309, S.S.I. 2010/300, S.S.I. 2012/72, S.S.I. 2013/80, S.S.I. 2015/212, S.S.I. 2016/82, S.S.I. 2016/261, S.S.I. 2017/180, S.S.I. 2018/171 and S.I. 2010/1010.

(5) 2000 asp 6.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Repayment of Student Loans (Scotland) Regulations 2000 (“the Repayment Regulations”) and the Education (Student Loans) (Scotland) Regulations 2007 (“the Loans Regulations”).

Regulation 2(a) amends regulation 8(4)(c) of the Repayment Regulations to reduce the maximum loan repayment period for post 2007 student loans from 35 to 30 years. Liability for post 2007 student loans which are still outstanding after 30 years will be cancelled. Post 2007 student loan is defined in regulation 8(2) of the Repayment Regulations.

Regulation 2(b) amends regulation 8(4)(d) of the Repayment Regulations in relation to loans which are not post 2007 student loans to amend the maximum repayment period so that the borrower’s liability to repay the loan will be cancelled on the earlier of either the borrower’s 65th birthday or the 30th anniversary of the date on which the borrower became liable to repay the student loan.

Regulation 3 amends regulation 3(2)(d) of the Loans Regulations in relation to the eligibility conditions for student loans so that a person who is eligible to receive a grant from the Scottish Ministers under the Educational Psychologist Training Grant, Scotland will not be eligible to receive a student loan.