
STATUTORY INSTRUMENTS

2000 No. 944

Education (Student Loans) (Repayment) Regulations 2000

PART II

PROVISIONS APPLICABLE TO ALL REPAYMENTS

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 Secretary of State 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 Secretary of State shall cancel his liability to repay his student loan.

(2) The loans mentioned in this paragraph are loans made under the Education (Student Loans) Act 1990(1), the Education (Student Loans) (Northern Ireland) Order 1990(2), the Education (Scotland) Act 1980(3) and regulations made thereunder and the Education (Student Support) (Northern Ireland) Order 1998(4) 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.

(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.

(1) 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, paragraph 12(2) and (3); by the 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.

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

(3) 1980 c. 44, amended by the Teaching and Higher Education Act 1998 (c. 30), section 29.

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