
STATUTORY INSTRUMENTS

2009 No. 470

The Education (Student Loans) (Repayment) Regulations 2009

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Student Loans) (Repayment) Regulations 2009 and, subject to paragraphs (2) and (3), come into force on 6 April 2009.

(2) Regulations 2(2), 21 and Part 6 come into force on 1 September 2009.

(3) Regulations 15(5)(f) and 18 come into force on 21 December 2009.

(4) Subject to paragraphs (5) and (6), these Regulations extend to England and Wales only.

(5) Regulation 80(3) extends to Northern Ireland.

(6) These Regulations extend to all of the United Kingdom in so far as they impose any obligation or confer any power on HMRC, an employer or a borrower in relation to repayments under Parts 3 or 4 or on any other person in relation to the retention or production of information or records.

Revocation of previous Regulations

2.—(1) The Instruments listed in the Schedule are revoked.

(2) Regulations 4(4), 93 and 94 of the Education (Student Support) (No. 2) Regulations 2008(1) and regulation 51 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2008(2) are revoked.

Interpretation

3. In these Regulations—

“the 1970 Act” means the Taxes Management Act 1970(3) as amended from time to time;

“the 1988 Act” means the Income and Corporation Taxes Act 1988(4) as amended from time to time;

“the 1998 Act” means the Teaching and Higher Education Act 1998(5) as amended from time to time;

“the 2003 Act” means the Income Tax (Earnings and Pensions) Act 2003(6) as amended from time to time;

(1) [SI 2008/1582](#) amended by [SI 2008/2094](#)

(2) [SI 2008/3170 \(W. 283\)](#)

(3) 1970 c.9

(4) 1988 c.1

(5) 1998 c.30

(6) 2003 c.1

“the 2005 Act” means The Income Tax (Trading and Other Income) Act 2005(7) as amended from time to time;

“the 2007 Act” means the Income Tax Act 2007(8) as amended from time to time;

“the 2008 Act” means the Sale of Student Loans Act 2008(9) as amended from time to time;

“academic year” means the period from 1 September in any year to 31 August of the following year, regardless of whether this is, in fact, the period over which a borrower’s course runs;

“the Authority” –

- (a) in relation to a student loan made by the Secretary of State pursuant to Regulations made under section 22 of the 1998 Act, means the Secretary of State;
- (b) in relation to a student loan made or deemed made by the Welsh Ministers pursuant to Regulations made under section 22 of the 1998 Act, means the Welsh Ministers; and
- (c) also has the meanings given to it in regulations 6 and 7;

“borrower” means a person to whom the Authority has lent money pursuant to Regulations made under section 22 of the 1998 Act and who has not received a notice from the Authority or loan purchaser (as the case may be) that it has been repaid or cancelled, and also has the meaning given to it in regulation 6;

“eligible employment” has the same meaning as in the Teachers’ Regulations;

“eligible teacher” means a teacher with a student loan made when that person was resident in England or Wales who was eligible for a reduction in respect of that loan under the Teachers’ Regulations;

“HMRC” means Her Majesty’s Revenue and Customs;

“loan purchaser” includes any person who has entered into transfer arrangements with the Authority or another loan purchaser or both and who presently owns one or more student loans made pursuant to Regulations made under section 22 of the 1998 Act;

“National Insurance number” means the National Insurance number allocated within the meaning of the Social Security (Contributions) Regulations 2001(10);

“overseas provisions” means the requirements of these Regulations in Part 5;

“overseas borrowers” means borrowers making or due to make repayments in accordance with Part 5;

“part-time” employment means employment where the contract of employment requires the employee to work for less than the whole working week;

“repayment” means repayment of a student loan;

“Secretary of State” includes any person exercising functions on behalf of a Secretary of State pursuant to section 23(4) of the 1998 Act;

“student loan” means the total outstanding principal, interest, penalties and charges owed by a borrower to the Authority pursuant to these or any other Regulations made under section 22 of the 1998 Act excluding any interest, penalties or charges payable under Part 3 or 4, and also has the meanings given to it in regulations 6 and 7;

“the Taxes Acts” has the same meaning as it has in the 1970 Act;

“tax year” –

(7) 2005 c.5
(8) 2007 c.3
(9) 2008 c. 10
(10) SI 2001/1004

(a) for the purposes of Part 4 and any provision of Part 2 relating to Part 4 means the period from 6 April to 5 April of the following year;

(b) for the purposes of Part 3 and any provision of Part 2 relating to Part 3 means any year of assessment for the purposes of the 1970 Act;

“Teachers’ Regulations” means the Education (Teacher Student Loans) (Repayment etc) Regulations 2003⁽¹¹⁾;

“transferred loan” includes loans subject to further transfer arrangements;

“the tribunal” means the First-tier Tribunal or, where determined by or under the Tribunal Procedure (Upper Tribunal) Rules 2008⁽¹²⁾, the Upper Tribunal; and

“Welsh Ministers” includes any person exercising functions on their behalf pursuant to section 23(4) of the 1998 Act.

Application: general

4. These Regulations apply to repayments of student loans made under the 1998 Act.

Wales

5.—(1) Subject to paragraph (2), these Regulations apply to student loans made or deemed made by the Welsh Ministers under section 22 of the 1998 Act.

(2) Unless the Welsh Ministers have determined in relation to any student loan or description of student loan made or deemed made by them under section 22 of the 1998 Act that repayments are to be collected by HMRC under Parts 3 and 4 and have given notice of this to the Secretary of State and the borrower, Parts 3 and 4 and any provision of Part 2 which relates to Parts 3 or 4 will not apply.

Scotland

6.—(1) If the Scottish Ministers have determined that the repayments of student loans made under the Education (Scotland) Act 1980 will be collected by HMRC under Parts 3 and 4 of these Regulations, they must give notices to HMRC and the borrower in accordance with regulation 15.

(2) Where the Scottish Ministers have given notices in accordance with regulation 15(3)(a) or (b), Parts 3 and 4, and the provisions of Parts 1 and 2 so far as they relate to Parts 3 and 4, will apply to those student loans in the same way as they apply to student loans under the 1998 Act.

(3) In the application of these Regulations to loans made under the Education (Scotland) Act 1980—

“borrower” means a person to whom the Scottish Ministers or Secretary of State have lent money pursuant to Regulations made under section 73(f) of the Education (Scotland) Act 1980 and who has not received a notice from the Scottish Ministers that it has been repaid in full or cancelled;

“the Authority” means the Scottish Ministers (other than in regulations 3 and 11) and includes any person exercising functions on behalf of the Scottish Ministers pursuant to section 73A(4) of the Education (Scotland) Act 1980; and

“student loan” means the total outstanding principal, interest and charges owed by the borrower to the Scottish Ministers pursuant to Regulations made under section 73(f) of the Education (Scotland) Act 1980, excluding any interest, penalties or charges payable under Part 3 or 4.

(11) [SI 2003/1917](#)

(12) [SI 2008/2698](#)

Application to transferred loans in England and Wales

7.—(1) Where these Regulations apply to a transferred loan—

“the Authority” means, for the purpose of those regulations listed in paragraph (2), the Secretary of State or Welsh Ministers acting on behalf of the loan purchaser (regardless of whether any person is also exercising functions on behalf of the Secretary of State or Welsh Ministers pursuant to section 23(4) of the 1998 Act); and

“student loan” means, subject to any provisions of transfer arrangements, the total outstanding principal, interest, penalties and charges owed by a borrower to a loan purchaser pursuant to these or any other Regulations made under section 22 of the 1998 Act.

(2) The regulations referred to in paragraph (1) are: regulations 15 to 20, 22 to 27, and 73 to 79.

Service by post or electronic communication

8.—(1) Any notice or other document which is authorised or required to be given, served or issued under these Regulations may be sent by post, or, if the recipient has previously agreed to receive communications in this format, by an agreed electronic format.

(2) In particular, any notice which the Authority may give to HMRC may be transmitted electronically, and for these purposes a notice is transmitted electronically where the content and form of a notice is sent and received by electronic media between computer systems operated by the Authority and HMRC respectively.