

2018 No. 810

EDUCATION

The Education (Student Loans) (Repayment) (Amendment) (No. 3) Regulations 2018

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| <i>Made</i> - - - - | <i>2nd July 2018</i> |
| <i>Laid before Parliament</i> | <i>6th July 2018</i> |
| <i>Laid before the National Assembly for Wales</i> | <i>6th July 2018</i> |
| <i>Coming into force</i> - - | <i>28th July 2018</i> |

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 22 and 42 of the Teaching and Higher Education Act 1998(a) and sections 5 and 6 of the Sale of Student Loans Act 2008(b).

The Welsh Ministers make these Regulations in exercise of the powers conferred on the Secretary of State by sections 22 and 42 of the Teaching and Higher Education Act 1998, now exercisable by them(c), and by sections 5 and 6 of the Sale of Student Loans Act 2008.

Citation and commencement

1. These Regulations may be cited as the Education (Student Loans) (Repayment) (Amendment) (No. 3) Regulations 2018 and come into force on 28th July 2018.

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- (a) 1998 c.30: Section 22 was amended by section 146(2) of, and Schedule 11 to, the Learning Skills Act 2000 (c.21); paragraph 236 of Part 2 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c.1); section 147(3) of the Finance Act 2003 (c.14); sections 42(1) and 43(2) and (3) of, and Schedule 7 to, the Higher Education Act 2004 (c.8); section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22); section 76(1) and (2)(a) of the Education Act 2011 (c.21); S.I. 2013/1881; and section 86(2) to (7) (not yet in force) and section 88(2) to (5) of the Higher Education and Research Act 2017 (c.29). Section 43(1) of the Teaching and Higher Education Act 1998 defines “prescribed” and “regulations”.
- (b) 2008 c.10.
- (c) The functions of the Secretary of State under section 22 as regards Wales were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 (c.8), except for those functions under section 22(2)(a), (c), (j) and (k), (3)(e) and (f), and (5). Functions under subsections (2)(a), (c) and (k) are exercisable by the Secretary of State concurrently with the National Assembly for Wales. The section 22 functions which were transferred to, or became exercisable by, the National Assembly for Wales were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32). The functions of the Secretary of State under section 42 of the Teaching and Higher Education Act 1998 as regards Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The section 42 functions which were transferred to the National Assembly for Wales were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

Amendment of the Education (Student Loans) (Repayment) Regulations 2009

2. The Education (Student Loans) (Repayment) Regulations 2009(a) are amended in accordance with regulations 3 to 7.

Amendment of regulation 3

3.—(1) Regulation 3 (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) for the definition of “the 2017 Postgraduate Wales Regulations”(b), substitute —
“the 2017 Master’s Degree Wales Regulations” means the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017(c);”;
- (b) after the definition of “the 2018 Doctoral Degree Regulations”(d), insert—
“the 2018 Doctoral Degree Wales Regulations” means the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(e);”;
- (c) in the definition of “postgraduate degree loan”(f) —
 - (i) for paragraph (a)(ii), substitute —
“(ii) a postgraduate master’s degree loan pursuant to Part 4 of the 2017 Master’s Degree Wales Regulations;”;
 - (ii) in paragraph (a)(iii), at the end for “, and” substitute “; or”;
 - (iii) after paragraph (a)(iii), insert —
“(iv) a postgraduate doctoral degree loan pursuant to Part 4 of the 2018 Doctoral Degree Wales Regulations, and”;
 - (iv) in paragraph (b), for “the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations”, substitute —

“the 2017 Master’s Degree Wales Regulations, the 2018 Doctoral Degree Regulations or the 2018 Doctoral Degree Wales Regulations”;

- (d) in the definition of “student loan”(g), in paragraph (b)(i) and (ii), for “the 2017 Postgraduate Wales Regulations”, substitute —

“the 2017 Master’s Degree Wales Regulations or the 2018 Doctoral Degree Wales Regulations”;

(3) in paragraph (2)(h), for “the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations”, substitute —

“the 2017 Master’s Degree Wales Regulations, the 2018 Doctoral Degree Regulations or the 2018 Doctoral Degree Wales Regulations”.

Amendment of regulation 5

4. In regulation 5(i) (Wales), in paragraphs (1) and (2) omit “master’s”.

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- (a) S.I. 2009/470, amended by S.I. 2010/661, S.I. 2010/1010, S.I. 2011/784, S.I. 2012/836, S.I. 2012/1309, S.I. 2013/388, S.I. 2013/591, S.I. 2013/607, S.I. 2013/1881, S.I. 2014/651, S.I. 2017/831, S.I. 2018/284, and S.I. 2018/599.
 - (b) The definition of “the 2017 Postgraduate Wales Regulations” was inserted by S.I. 2017/831.
 - (c) S.I. 2017/523, amended by S.I. 2017/712 and S.I. 2018/277.
 - (d) The definition of “the 2018 Doctoral Degree Regulations” was inserted by S.I. 2018/599.
 - (e) S.I. 2018/656.
 - (f) The definition of “postgraduate degree loan”, inserted by S.I. 2018/599, replaced the definition of “postgraduate master’s degree loan” that was previously inserted by S.I. 2017/831.
 - (g) The definition of “student loan” was substituted by S.I. 2017/831 and then by S.I. 2018/599.
 - (h) Paragraph (2) was inserted by S.I. 2012/1309 and then amended by S.I. 2013/607, S.I. 2017/831, and S.I. 2018/599.
 - (i) Regulation 5 was amended by S.I. 2017/831.

Amendment of regulation 7

5. In regulation 7(1)(a) (application to transferred loans in England and Wales)—

- (a) in the definition of “postgraduate degree loan”(b)—
 - (i) for paragraph (a)(ii), substitute —
“(ii) a postgraduate master’s degree loan pursuant to the 2017 Master’s Degree Wales Regulations;”;
 - (ii) in paragraph (a)(iii), at the end for “and” substitute “or”;
 - (iii) after paragraph (a)(iii), insert —
“(iv) a postgraduate doctoral degree loan pursuant to the 2018 Doctoral Degree Wales Regulations, and”;
 - (iv) in paragraph (b), for “the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations”, substitute —
“the 2017 Master’s Degree Wales Regulations, the 2018 Doctoral Degree Regulations or the 2018 Doctoral Degree Wales Regulations”;
- (b) in the definition of “student loan”(c), in paragraphs (a) and (b), for “the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations”, substitute —
“the 2017 Master’s Degree Wales Regulations, the 2018 Doctoral Degree Regulations or the 2018 Doctoral Degree Wales Regulations”.

Amendment of regulation 15

6. In regulation 15(2ZA)(d) (timing of repayments: general) —

- (a) in sub-paragraph (a), for “the 2017 Postgraduate Wales Regulations”, substitute “the 2017 Master’s Degree Wales Regulations”;
- (b) in sub-paragraph (b)(i), after “Part 1 of the 2018 Doctoral Degree Regulations”, insert “or Part 4 of the 2018 Doctoral Degree Wales Regulations”.

Amendment of regulation 21B

7. In regulation 21B(2)(e) (interest rate on postgraduate degree loans) —

- (a) for sub-paragraph (b), substitute “(b) regulation 13 of the 2017 Master’s Degree Wales Regulations;”;
- (b) in sub-paragraph (c), at the end insert “; or”;
- (c) after sub-paragraph (c), insert “(d) regulation 13 of the 2018 Doctoral Degree Wales Regulations”.

2nd July 2018

Sam Gyimah
Minister of State
Department for Education

27th June 2018

Kirsty Williams
Cabinet Secretary for Education, one of the Welsh Ministers

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- (a) Regulation 7(1) was amended by S.I. 2017/831.
 - (b) S.I. 2009/470, amended by S.I. 2010/661, S.I. 2010/1010, S.I. 2011/784, S.I. 2012/836, S.I. 2012/1309, S.I. 2013/388, S.I. 2013/591, S.I. 2013/607, S.I. 2013/1881, S.I. 2014/651, S.I. 2017/831, S.I. 2018/284, and S.I. 2018/599.
 - (c) The definition of “student loan” was substituted by S.I. 2017/831 and then by S.I. 2018/599.
 - (d) Paragraph (2ZA) was inserted by S.I. 2017/831 and then substituted by S.I. 2018/599.
 - (e) Regulation 21B was inserted by S.I. 2017/831 and then amended, with paragraph 2 substituted, by S.I. 2018/599.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Student Loans) (Repayment) Regulations 2009 (“the 2009 Repayment Regulations”) make provision for the repayment of student loans and postgraduate degree loans in England and Wales.

These composite Regulations made by the Secretary of State and the Welsh Ministers amend the 2009 Repayment Regulations, and make provision for the repayment of postgraduate doctoral degree loans (“the loans”) made by the Welsh Ministers under Part 4 of the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the 2018 Doctoral Degree Wales Regulations”).

Regulations 3, 4 and 5 amend, respectively, regulations 3, 5 and 7 of the 2009 Repayment Regulations so that the loans are repaid as postgraduate degree loans under those Regulations. Regulations 6 and 7 amend, respectively, regulations 15 and 21B of the 2009 Repayment Regulations to provide for when loan repayments become due. Repayments become due at the start of the tax year that next follows either the borrower’s ceasing to be eligible for a loan or, if earlier, the fourth anniversary of the course start date. In any event, the borrower is not required to make repayments before 6 April 2019. Interest at retail price index +3 % will accrue on a loan from the date that the first payment is made in respect of that loan under the 2018 Doctoral Degree Wales Regulations.

The Department for Education has not produced an impact assessment for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the exercise of the Welsh Ministers’ functions in these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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