

SCOTTISH STATUTORY INSTRUMENTS

2000 No. 110

The Repayment of Student Loans (Scotland) Regulations 2000

PART II

PROVISIONS APPLICABLE TO ALL REPAYMENTS

Application of Regulations

4. These Regulations apply to repayments of all student loans.

Commencement Information

- I1** Reg. 4 in force at 16.5.2000, see [reg. 1\(1\)](#)

Period and manner of repayment

5. Subject to regulation 7 and Part III, where the Scottish Ministers—
- (a) have not determined that repayments of student loans made under the Act shall be collected by [^{F1}HMRC] under [^{F2}Parts 3 and 4] of the Collection Regulations; or
 - (b) having so determined, are, by virtue of [^{F3}regulation 15(8)] of those Regulations, not required to give notices under [^{F4}regulation 15(3)(a) or (b)] of those Regulations,

they may require the borrower to repay his student loan in such manner and over such period of time as in all the circumstances seems appropriate.

Textual Amendments

- F1** Word in [reg. 5\(a\)](#) substituted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, [4\(a\)\(i\)](#)
- F2** Words in [reg. 5\(a\)](#) substituted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, [4\(a\)\(ii\)](#)
- F3** Words in [reg. 5\(b\)](#) substituted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, [4\(b\)\(i\)](#)
- F4** Words in [reg. 5\(b\)](#) substituted (7.4.2009) by virtue of [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, [4\(b\)\(ii\)](#)

Commencement Information

- I2** Reg. 5 in force at 16.5.2000, see [reg. 1\(1\)](#)

Application of payments received

6. Any repayment received by the Scottish Ministers shall be applied by them in reduction or in satisfaction of—

- (a) first, any outstanding interest payable by the borrower by virtue of regulation 15 of the Loan Regulations^[F5], regulation 15 of the Education (Student Loans) (Scotland) Regulations 2000, regulation 14 of the Graduate Endowment (Scotland) Regulations 2001^[F6], regulation 11 of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006^[F7] regulation 14 of the Graduate Endowment (Scotland) Regulations 2007, regulation 11 of the Graduate Endowment (Scotland) Regulations 2008,] or regulation 12(3) of these Regulations; and
- (b) second, any outstanding principal of the relevant student loan, which shall be reduced or satisfied from the date of receipt.

Textual Amendments

- F5** Words in reg. 6(a) inserted (1.8.2001) by The Repayment of Student Loans (Scotland) Amendment Regulations 2001 (S.S.I. 2001/227), regs. 1, 3
- F6** Words in reg. 6(a) inserted (1.7.2006) by The Education (Student Loans for Tuition Fees) (Repayment and Allowances) (Scotland) Amendment Regulations 2006 (S.S.I. 2006/326), regs. 1, 2(a)
- F7** Words in reg. 6(a) inserted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, 5

Commencement Information

- I3** Reg. 6 in force at 16.5.2000, see **reg. 1(1)**

Time for repayments

7.—(1) A borrower may repay all or any part of his student loan to the Scottish Ministers at any time.

^[F8](2) A borrower shall not be required to repay—

- (a) such part of their student loan as relates to a particular notification of eligibility under the Loan Regulations or the Education (Student Loans) (Scotland) Regulations 2000 until the year of assessment beginning after the date on which that eligibility terminates under regulation 8 of the relevant Regulations; ^{F9}...
 - (b) any part of any loan made under the Graduate Endowment (Scotland) Regulations 2001 ^[F10], the Graduate Endowment (Scotland) Regulations 2007 or the Graduate Endowment (Scotland) Regulations 2008] until the year of assessment beginning after the date on which that loan is applied by the Scottish Ministers in accordance with regulation 13 of ^[F11]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)]^[F12]; and
 - (c) such part of their student loan as relates to a particular notification of eligibility under the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 until the year of assessment beginning after the date on which that eligibility terminates under regulation 7 of those Regulations.]]
- (3) A borrower—
- (a) whose student loan was made in connection with his attendance at a course for the initial training of teachers, other than a course leading to a first degree; and

(b) who has notified the Scottish Ministers in writing that he does not wish to repay that loan during any period in which he is required to repay a loan under the Education (Student Loans) Act 1990(1) or the Education (Student Loans) (Northern Ireland) Order 1990(2), shall not be required to repay any of his student loan during any such period.

Textual Amendments

- F8** Words in [reg. 7\(2\)](#) substituted (1.8.2001) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2001 \(S.S.I. 2001/227\)](#), regs. 1, **4**
- F9** Word in [reg. 7\(2\)\(a\)](#) omitted (1.7.2006) by virtue of [The Education \(Student Loans for Tuition Fees\) \(Repayment and Allowances\) \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/326\)](#), regs. 1, **2(b)(i)**
- F10** Words in [reg. 7\(2\)\(b\)](#) inserted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, **6(a)**
- F11** Words in [reg. 7\(2\)\(b\)](#) substituted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, **6(b)**
- F12** [Reg. 7\(2\)\(c\)](#) and word inserted (1.7.2006) by [The Education \(Student Loans for Tuition Fees\) \(Repayment and Allowances\) \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/326\)](#), regs. 1, **2(b)(ii)**

Commencement Information

- I4** [Reg. 7](#) in force at 16.5.2000, see [reg. 1\(1\)](#)

Cancellation

^{F13}8.—(1) This regulation shall apply where a borrower is not in breach of any obligation to repay their student loan under ^{F14}Part 3] of the Collection Regulations or any obligation to repay any loan mentioned in paragraph (5).

(2) In this regulation “post 2007 student loan” means any student loan taken out by persons mentioned in paragraph (3) paid under—

- (a) the 2007 Regulations; or
- (b) any regulations made after 1st August 2007 under sections 73(f), 73B and 74(1) of the Act.

(3) The persons mentioned in this paragraph are—

- (a) a borrower who takes out a student loan for the first time in respect of an academic year beginning on or after 1st August 2007; or
- (b) a borrower who takes out a student loan in respect of a course which satisfies the following conditions—
 - (i) it begins on or after 1st August 2007;
 - (ii) it is not a continuous programme of higher education which the borrower began before 1st August 2007; and
 - (iii) it is not a course in relation to which the borrower’s status as a student eligible for support under regulations made under section 73(f), 73B and 74(1) of the Act transferred from another course which the borrower began before 1st August 2007.

(4) The Scottish Ministers shall cancel the borrower’s liability to repay that borrower’s student loan when one of the following occurs—

(1) 1990 c. 6.
(2) S.I.1990/1506 (N.I.11).

- (a) the borrower dies;
- (b) the borrower receives a disability related benefit and because of that borrower's disability is permanently unfit for work;
- (c) in the case of a post 2007 student loan, the ^{F15}30th anniversary of the date on which the borrower became liable to repay the student loan; or
- (d) in the case of a student loan which is not a post 2007 student loan, ^{F16}the earlier of —
 - (i) the borrower's 65th birthday; or
 - (ii) the 30th anniversary of the date on which the borrower became liable to repay the student loan.]

(5) The loans mentioned in this paragraph are loans made under the Education (Student Loans) Act 1990, the Education (Student Loans) (Northern Ireland) Order 1990, the Teaching and Higher Education Act 1998 and regulations made under it and the Education (Student Support) (Northern Ireland) Order 1998 and regulations made under it.

(6) The cancellation of the borrower's liability to repay that borrower's student loan under paragraph (4) shall not affect their liability to make repayments under ^{F17}Part 3 of the Collection Regulations subject to and in accordance with that Part in respect of any year of assessment—

- (a) in the case of cancellation under paragraph (4)(a) during which the borrower was alive; and
- (b) in any other case preceding the year of assessment during which the student loan was cancelled.

(7) The cancellation of a borrower's liability to repay their student loan under paragraph (4) shall not affect that borrower's liability to make repayments by way of deductions made under Part 4 of the Collection Regulations subject to and in accordance with that Part in respect of any earnings period ending before the date of cancellation.]

Textual Amendments

- F13** Reg. 8 substituted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, 4
- F14** Words in reg. 8(1) substituted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, 7
- F15** Word in reg. 8(4)(c) substituted (4.12.2018) by [The Education \(Student Loans\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/307\)](#), regs. 1, **2(a)**
- F16** Reg. 8(4)(d)(i)(ii) and words substituted for words (4.12.2018) by [The Education \(Student Loans\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/307\)](#), regs. 1, **2(b)**
- F17** Words in reg. 8(6) substituted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, 7

Commencement Information

- I5** Reg. 8 in force at 16.5.2000, see [reg. 1\(1\)](#)

Refunds

9.—(1) Where the Scottish Ministers have received a repayment either directly from the borrower or by way of deduction from a borrower's emoluments in accordance with ^{F18}Part 4 of the Collection Regulations—

- (a) which results in the student loan being paid in full; or
- (b) when the student loan has already been paid in full,

they shall refund to the borrower any amount not required to repay the student loan in full together with interest calculated as if it were the principal of a student loan outstanding from the date of receipt of the repayment to the date of the refund.

(2) Where the Scottish Ministers are considered to have received a payment collected under [F19Part 3] of the Collection Regulations in respect of a year of assessment—

- (a) which results in the student loan being paid in full; or
- (b) when the student loan has already been paid in full,

the repayment shall be considered to have been received by the Scottish Ministers on the 31st January next following the year of assessment in accordance with paragraph (5)(b), and the Scottish Ministers shall refund to [F20HMRC] for the account of the borrower any overpayment which results from the receipt.

(3) [F20HMRC] shall be considered to have received a refund under paragraph (2) on the date on which the amount refunded was considered to have been received by the Scottish Ministers in accordance with paragraph (5).

(4) Where the Scottish Ministers have received a repayment of a student loan by way of deduction from a borrower's emoluments for a year of assessment in accordance with [F21Part 4] of the Collection Regulations and those emoluments do not exceed [F22the repayment threshold], the Scottish Ministers shall on application by the borrower refund the amount deducted.

(5) For the purposes of this regulation, a repayment shall be considered to have been paid by the borrower and received by the Scottish Ministers as follows—

- (a) where an amount is paid by the borrower directly to the Scottish Ministers, a repayment of that amount shall be considered to have been received by them on the date on which the amount is in fact received;
- (b) where [F23HMRC] have collected a repayment under [F24Part 3] of the Collection Regulations, a repayment of that amount shall be considered to have been received by the Scottish Ministers on 31st January following the year of assessment, whether or not the borrower has in fact paid any or all of that amount to the Board; F25 ...
- (c) where an amount is deducted by an employer under [F26Part 4] of the Collection Regulations [F27in respect of the year of assessment ending on 5 April 2019 or any previous year of assessment], that amount shall be aggregated with all other such amounts deducted in the same year of assessment and repayments of the aggregate amount shall be considered to have been received by the Scottish Ministers in equal instalments received on the days during the year of assessment which are—
 - (i) the last days of a month;
 - (ii) days after the date on which the Scottish Ministers have given notice under [F28regulation 15(3)(b)] of the Collection Regulations that payment should be deducted; and
 - (iii) days before the date on which they have given notice under [F29regulation 15(3)(e)] of the Collection Regulations that payment should cease to be deducted [F30]; and
- (d) where an amount is deducted by an employer under Part 4 of the Collection Regulations in respect of the year of assessment beginning on 6 April 2019 or any subsequent year of assessment, a repayment of that amount is considered to have been received by the Scottish Ministers on—
 - (i) the day on which it was deducted by the employer, or

- (ii) where an adjustment is made in relation to the deduction, on [^{F31}the day on which that adjustment is made or the last day of the relevant tax year if the adjustment is made outside the relevant tax year].]

Textual Amendments

- F18** Words in reg. 9(1) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(a)**
- F19** Words in reg. 9(2) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(c)**
- F20** Word in reg. 9(2)(3) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(b)**
- F21** Words in reg. 9(4) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(a)**
- F22** Words in reg. 9(4) substituted (6.4.2012) by The Repayment of Student Loans (Scotland) Amendment Regulations 2012 (S.S.I. 2012/22), regs. 1, **4**
- F23** Word in reg. 9(5)(b) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(b)**
- F24** Words in reg. 9(5)(b) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(c)**
- F25** Word in reg. 9(5)(b) revoked (6.4.2019) by The Education (Fees and Student Support) (Miscellaneous Amendments) (EU Exit) (Scotland) Regulations 2019 (S.S.I. 2019/70), regs. 1, **2(a)**
- F26** Words in reg. 9(5)(c) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(a)**
- F27** Words in reg. 9(5)(c) inserted (6.4.2019) by The Education (Fees and Student Support) (Miscellaneous Amendments) (EU Exit) (Scotland) Regulations 2019 (S.S.I. 2019/70), regs. 1, **2(b)**
- F28** Words in reg. 9(5)(c)(ii) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(d)**
- F29** Words in reg. 9(5)(c)(iii) substituted (7.4.2009) by The Repayment of Student Loans (Scotland) Amendment Regulations 2009 (S.S.I. 2009/102), regs. 1, **8(e)**
- F30** Reg. 9(5)(d) and word inserted (6.4.2019) by The Education (Fees and Student Support) (Miscellaneous Amendments) (EU Exit) (Scotland) Regulations 2019 (S.S.I. 2019/70), regs. 1, **2(c)**
- F31** Words in reg. 9(5)(d)(ii) substituted (6.4.2021) by The Repayment of Student Loans (Scotland) Amendment Regulations 2021 (S.S.I. 2021/8), regs. 1, **4** (with reg. 9)

Commencement Information

- I6** Reg. 9 in force at 16.5.2000, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Repayment of Student Loans (Scotland) Regulations 2000, PART II.