

SCOTTISH STATUTORY INSTRUMENTS

**2000 No. 110**

**The Repayment of Student Loans (Scotland) Regulations 2000**

**PART III**

**REPAYMENTS BY OVERSEAS RESIDENTS**

**Interpretation**

**10.** In this Part—

<sup>F1</sup>  
...

“gross income” means income from all sources before deductions for or relief from tax or other statutory charge;

“residence” in or outside the United Kingdom shall have the same meaning as it has in the Taxes Acts.

**F1** Words in [reg. 10](#) omitted (1.4.2013) by virtue of [The Education \(Fees, Awards and Student Support\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/80\)](#), regs. 1(2), [5](#)

**Commencement Information**

**I1** [Reg. 10](#) in force at 16.5.2000, see [reg. 1\(1\)](#)

**Notice of overseas residence**

<sup>F2</sup>**11.**—(1) A borrower shall notify the Scottish Ministers of any period of residence outside the United Kingdom which exceeds 3 months and such notification shall be made within 6 weeks of the expiry of that period.

(2) A borrower shall provide, within such period as may be specified by the Scottish Ministers, such information about that borrower’s income during any such period of residence as they may require.]

**F2** [Reg. 11](#) substituted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, [6](#)

**Commencement Information**

**I2** [Reg. 11](#) in force at 16.5.2000, see [reg. 1\(1\)](#)

<sup>F3</sup>**Information requests**

**11A.** A borrower shall, within six weeks of the event, inform the Scottish Ministers and provide them with particulars if either of the following events occur—

(a) the borrower’s address changes; or

(b) the borrower's name changes.

**F3** Regs. 11A-11F inserted (30.6.2005) by [The Student Loans \(Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/314\)](#), regs. 1, 3

**11B.**—(1) The Scottish Ministers may serve a notice (“an Information Notice”) [<sup>F4</sup>on a borrower].

(2) An Information Notice under paragraph (1) requires the borrower to provide some or all of the following, together with documentary evidence in support where relevant—

- (a) the borrower's full name;
- (b) the borrower's telephone number;
- (c) the borrower's national insurance number or a valid reason for not having one;
- (d) the borrower's date of birth;
- (e) a statement of whether the borrower is employed, self-employed or not employed; and
- (f) the following particulars of the borrower's employment and income during the period specified in the notice—
  - (i) for each part of that period during which the borrower was employed, the dates on which the employment began and (unless it is still continuing) ended, the name and address of the borrower's employer, the borrower's employee number and the borrower's gross income;
  - (ii) for each part of that period during which the borrower was self employed, the dates on which it began and (unless it is still continuing) ended and the borrower's gross income; and
  - (iii) the gross amount, source and date of receipt of any other income.

(3) An Information Notice under paragraph (1) must set out the provisions contained in regulation 11C.

(4) Where the Scottish Ministers have served an Information Notice on a borrower under paragraph (1), the borrower must comply with it within a period of 28 days beginning with the day on which the Information Notice was served.

**F3** Regs. 11A-11F inserted (30.6.2005) by [The Student Loans \(Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/314\)](#), regs. 1, 3

**F4** Words in [reg. 11B\(1\)](#) substituted (6.4.2021) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/8\)](#), regs. 1, 5 (with reg. 9)

**11C.**—(1) Where a borrower has failed to comply with regulation 11A, the Scottish Ministers may require the borrower to pay a penalty of £50.

(2) Where a borrower has failed to comply with regulation 11B(4), the Scottish Ministers may require the borrower to pay a penalty of £50.

(3) Where a borrower has been liable to a penalty under paragraph (2) in respect of an Information Notice and has not paid it, upon expiry of the time limit for payment the Scottish Ministers may require the borrower to pay one additional penalty of £100 in respect of that Information Notice.

[<sup>F5</sup>(3A) Where a borrower has been liable to a penalty under paragraph (2) in respect of a failure to comply with an Information Notice and has paid it, but does not comply with the Information Notice

within a period of 28 days from the date of payment, the Scottish Ministers may require the borrower to pay one additional penalty of £100 in respect of a failure to comply with that Information Notice;]

(4) The Scottish Ministers must notify the borrower of a penalty imposed under paragraph (1), (2)<sup>[F6]</sup>, (3) or (3A)] by serving a notice (“a Penalty Notice”) <sup>[F7]</sup>on the borrower].

(5) Notwithstanding the provisions of regulation 7(2)and (3), a penalty imposed under paragraph (1), (2)<sup>[F8]</sup>, (3) or (3A)] is payable within a period of 28 days beginning with the day on which the Penalty Notice was served and may be added to the borrower’s loan account.

- F3** Regs. 11A-11F inserted (30.6.2005) by [The Student Loans \(Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/314\)](#), regs. 1, **3**
- F5** Reg. 11C(3A) inserted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, **7(a)**
- F6** Words in reg. 11C(4) substituted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, **7(b)**
- F7** Words in reg. 11C(4) substituted (6.4.2021) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/8\)](#), regs. 1, **6** (with reg. 9)
- F8** Words in reg. 11C(5) substituted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, **7(c)**

**11D.**—(1) Where the Scottish Ministers incur reasonable costs or expenses in taking steps to—

- (a) serve an Information Notice on a borrower under regulation 11B(1);
- (b) serve a Penalty Notice on a borrower under regulation 11C(4); or
- (c) obtain the information requested in an Information Notice served under regulation 11B(1),

they may require the reimbursement of those costs or expenses by the borrower and may add them to the borrower’s loan account.

- F3** Regs. 11A-11F inserted (30.6.2005) by [The Student Loans \(Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/314\)](#), regs. 1, **3**

**11E.**—(1) Where the Scottish Ministers consider that having regard to all the circumstances of a particular case a time limit in regulation 11B(4)<sup>[F9]</sup>, 11C(3A)] or regulation 11C(5) should be relaxed, they may specify another time limit.

- F3** Regs. 11A-11F inserted (30.6.2005) by [The Student Loans \(Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/314\)](#), regs. 1, **3**
- F9** Word in reg. 11E inserted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, **8**

**11F.** In this Part a document is to be treated as served on a person when it is delivered to that person or sent to that person by post <sup>[F10]</sup>or by electronic means].]

- F3** Regs. 11A-11F inserted (30.6.2005) by [The Student Loans \(Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/314\)](#), regs. 1, **3**

**F10** Words in [reg. 11F](#) inserted (6.4.2021) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/8\)](#), regs. 1, 7 (with [reg. 9](#))

[<sup>F11</sup>**11G.** Where a borrower has failed to comply with a Penalty Notice or an Information Notice or both the Scottish Ministers may require the borrower to repay their student loan in full immediately.]

**F11** [Reg. 11G](#) inserted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, 9

### Notice of liability to make repayments

[<sup>F12</sup>**12.**—(1) Subject to regulation 13A, where the Scottish Ministers are satisfied that a borrower is resident outside the United Kingdom they may serve a notice on the borrower requiring the borrower to repay that borrower’s student loan in accordance with regulation 13.

(2) In a notice served under paragraph (1) the Scottish Ministers may require a borrower who has failed to—

- (a) give the notice required by regulation 11(1); or
- (b) provide any information required by the Scottish Ministers under regulation 11(2),

to repay immediately such part of their student loan as will reduce the amount outstanding to the amount which the Scottish Ministers consider would have been outstanding if the borrower had given the notice timeously or provided the information required of that borrower and if they had made a determination in terms of regulation 13A.]

**F12** [Reg. 12](#) substituted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, 10

#### Commencement Information

**I3** [Reg. 12](#) in force at 16.5.2000, see [reg. 1\(1\)](#)

### Repayment by fixed instalments

[<sup>F13</sup>**13.** A borrower upon whom notice is served under regulation 12(1) shall not later than the day specified in that notice and not later than the same day of each subsequent month pay the Scottish Ministers a fixed instalment, calculated in accordance with regulation 13B.]

**F13** [Reg. 13](#) substituted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, 11

#### Commencement Information

**I4** [Reg. 13](#) in force at 16.5.2000, see [reg. 1\(1\)](#)

### [<sup>F14</sup>Repayment by income related instalments

**13A.**—(1) Where the Scottish Ministers are satisfied that a borrower to whom regulation 12 applies has complied with a requirement to provide information under regulation 11, they may determine that the borrower may repay that borrower’s student loan by income related instalments, in accordance with this regulation.

(2) The first such instalment must be paid on a day determined by the Scottish Ministers, being a day not more than 2 months later than the date of the determination, and subsequent instalments shall be paid not later than the same day of each subsequent month for up to 12 months.

[<sup>F15</sup>(3) The Scottish Ministers must determine the amount of each instalment and must ensure that the total amount of all instalments paid in the period up to 12 months from the date of the first instalment referred to in paragraph (2) does not exceed the relevant amount.]

(4) The relevant amount shall be 9% of the gross income which the Scottish Ministers consider the borrower is likely to receive during the 12 month period following the date of the determination referred to in paragraph (2), disregarding—

- (a) income up to the applicable threshold, calculated in accordance with the table in regulation 13B(2) [<sup>F16</sup>as read with regulation 13B(2A)]; and
- (b) income in respect of which the Scottish Ministers are satisfied that repayments are likely to be made under [<sup>F17</sup>Part 3 or 4] of the Collection Regulations.

(5) The amount of [<sup>F18</sup>each instalment] shall be stated in the determination.

(6) At the end of the period for payment of instalments referred to in paragraph (2), the borrower shall pay fixed instalments under regulation 13, subject to a further determination under paragraph (1).

(7) At any time during the period for payment of instalments referred to in paragraph (2) the Scottish Ministers may make a re determination under paragraph (1).

- F14** Regs. 13A-13B inserted (1.8.2007) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/159\)](#), regs. 1, **12**
- F15** Reg. 13A(3) substituted (1.4.2013) by [The Education \(Fees, Awards and Student Support\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/80\)](#), regs. 1(2), **6(2)**
- F16** Words in reg. 13A(4)(a) inserted (6.4.2012) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/22\)](#), regs. 1, **5**
- F17** Words in reg. 13A(4)(b) substituted (7.4.2009) by [The Repayment of Student Loans \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/102\)](#), regs. 1, **9**
- F18** Words in reg. 13A(5) substituted (1.4.2013) by [The Education \(Fees, Awards and Student Support\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/80\)](#), regs. 1(2), **6(3)**

### Calculation of fixed instalment and applicable threshold

**13B.**—(1) The fixed instalment mentioned in regulation 13 shall be determined by reference to the most recent price level index for the borrower’s country of residence and in accordance with the following table—

<sup>F19</sup> Band	Price Level Index	Fixed Instalment
A	0<30	£40.20
B	30<50	£80.40
C	50<70	£120.60
D	70<90	£160.80
E	90<110	£201.00
F	110<130	£241.00
G	130+	£281.40]

**Changes to legislation:** There are currently no known outstanding effects for the The Repayment of Student Loans (Scotland) Regulations 2000, PART III. (See end of Document for details)

(2) The applicable threshold mentioned in regulation 13A shall be determined by reference to the most recent price level index for the borrower’s country of residence and in accordance with the following table [<sup>F20</sup>as read with paragraph (2A)] –

<sup>F21</sup> Band	Price Level Index	Applicable Threshold
A	0<30	£5,000
B	30<50	£10,000
C	50<70	£15,000
D	70<90	£20,000
E	90<110	£25,000
F	110<130	£30,000
G	130+	£35,000]

[<sup>F22</sup>(2A) On 6th April 2012, and on 6th April of each subsequent year <sup>F23</sup>..., each amount in the column headed “Applicable Threshold” in the table in paragraph (2) shall increase to an amount equal to X + (X x Y%) and rounded up to the nearest £5 where—

X is the amount in the column entitled “Applicable Threshold” immediately before 6th April, and

Y is the percentage increase between the retail prices all items index published by the Office for National Statistics for the two Marches immediately before the previous year of assessment.]

(3) The price level index for the United Kingdom is 100.

[<sup>F24</sup>(4) Price level indices shall be calculated using the most recent provisional comparative price level indices measured in gross domestic product produced by the World Bank’s Development Indicators.]

<sup>F25</sup>(5) .....

(6) Where a price level index cannot be calculated under paragraph (4) <sup>F26</sup>..., the applicable fixed instalment and threshold shall respectively be those for Band A given in the tables in paragraphs (1) and (2).

(7) The Scottish Ministers may determine that the applicable fixed instalment and threshold for a borrower shall be that for a country other than that borrower’s country of residence.]

- F14** Regs. 13A-13B inserted (1.8.2007) by The Repayment of Student Loans (Scotland) Amendment Regulations 2007 (S.S.I. 2007/159), regs. 1, **12**
- F19** Reg. 13B(1) Table substituted (6.4.2021) by The Repayment of Student Loans (Scotland) Amendment Regulations 2021 (S.S.I. 2021/8), regs. 1, **8(a)** (with reg. 9)
- F20** Words in reg. 13B(2) inserted (6.4.2012) by The Repayment of Student Loans (Scotland) Amendment Regulations 2012 (S.S.I. 2012/22), regs. 1, **6(a)**
- F21** Reg. 13B(2) Table substituted (6.4.2021) by The Repayment of Student Loans (Scotland) Amendment Regulations 2021 (S.S.I. 2021/8), regs. 1, **8(b)** (with reg. 9)
- F22** Reg. 13B(2A) inserted (6.4.2012) by The Repayment of Student Loans (Scotland) Amendment Regulations 2012 (S.S.I. 2012/22), regs. 1, **6(b)**
- F23** Words in reg. 13B(2A) omitted (5.4.2016) by virtue of The Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/82), regs. 1(3), **4**
- F24** Reg. 13B(4) substituted (1.4.2013) by The Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2013 (S.S.I. 2013/80), regs. 1(2), **7(2)**

- F25** Reg. 13B(5) omitted (1.4.2013) by virtue of *The Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2013 (S.S.I. 2013/80)*, regs. 1(2), **7(3)**
- F26** Words in reg. 13B(6) omitted (1.4.2013) by virtue of *The Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2013 (S.S.I. 2013/80)*, regs. 1(2), **7(4)**

### Application to cease repayment by instalments

[<sup>F27</sup>14.—(1) A borrower who—

- (a) is required to make repayments under this Part; and
- (b) has not been required to repay that borrower's student loan in full immediately under regulation 15,

may apply to the Scottish Ministers for a determination that the borrower shall no longer be required to make such repayments.

(2) Where the Scottish Ministers are satisfied that—

- (a) the borrower is resident in the United Kingdom; and
- (b) the borrower is likely to be resident in the United Kingdom for the year of assessment during which the date specified in their determination will fall,

the Scottish Ministers may determine that a borrower who has applied under paragraph (1) shall not be required to make repayments under this Part from a date specified in their determination, being a date not more than 2 months later than the date of the determination.

(3) A determination under paragraph (2) shall have effect until the borrower again becomes liable to repay that borrower's student loan under regulation 13 or 13A.]

- F27** Reg. 14 substituted (1.8.2007) by *The Repayment of Student Loans (Scotland) Amendment Regulations 2007 (S.S.I. 2007/159)*, regs. 1, **13**

#### Commencement Information

- I5** Reg. 14 in force at 16.5.2000, see **reg. 1(1)**

### [<sup>F28</sup>Penalties

**15.** If a borrower does not pay an instalment or other amount when it is due the Scottish Ministers may require the borrower to repay their student loan in full immediately.]

- F28** Reg. 15 inserted (1.8.2007) by *The Repayment of Student Loans (Scotland) Amendment Regulations 2007 (S.S.I. 2007/159)*, regs. 1, **14**

**Changes to legislation:**

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