
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 314

EDUCATION

The Student Loans (Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans) (Scotland) Regulations 2005

<i>Made</i>	- - - -	<i>8th June 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th June 2005</i>
<i>Coming into force</i>	- -	<i>30th June 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Student Loans (Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans) (Scotland) Regulations 2005 and shall come into force on 30th June 2005.

Amendment of the Repayment of Student Loans (Scotland) Regulations 2000

2. The Repayment of Student Loans (Scotland) Regulations 2000(2) shall be amended in accordance with regulations 3, 4 and 5 of these Regulations.

3. After regulation 11 insert—

“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—

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- (1) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2); section 73B was inserted by the Teaching and Higher Education Act 1998, section 29(2) and amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001, section 3(3) and by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, paragraph 149; section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (2) S.S.I. 2000/110, amended by S.S.I. 2000/200 and S.S.I. 2001/227.

- (a) the borrower's address changes; or
- (b) the borrower's name changes.

11B.—(1) The Scottish Ministers may serve a notice (“an Information Notice”) at the home address of the 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.

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.

(4) The Scottish Ministers must notify the borrower of a penalty imposed under paragraph (1), (2) or (3) by serving a notice (“a Penalty Notice”) at the home address of the borrower.

(5) Notwithstanding the provisions of regulation 7(2) and (3), a penalty imposed under paragraph (1), (2) or (3) 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.

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.

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) or regulation 11C(5) should be relaxed, they may specify another time limit.

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.”.

- 4.—(1) For “£10,000” substitute “£15,000” in—
 - (a) paragraph 9(4); and
 - (b) sub paragraph 13(4)(a).
- 5. In paragraph 13(1), for “£246” substitute “£208”.

Amendment of the Education (Student Loans) (Scotland) Regulations 2000

6. Regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000(3) is hereby revoked.

St Andrew's House, Edinburgh
8th June 2005

J R WALLACE
A member of the Scottish Executive

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Repayment of Student Loans (Scotland) Regulations 2000 (“the Repayment Regulations”) and the Education (Student Loans) (Scotland) Regulations 2000 (“the Loans Regulations”).

These Regulations require the provision of information to the Scottish Ministers by borrowers of student loans and the imposition of penalties upon failure to do so. They also increase the earnings threshold for repayment and remove all provisions on hardship loans.

Regulation 3 inserts a new series of regulations into the Repayment Regulations. The first of these, regulation 11A, creates a requirement that borrowers must inform the Scottish Ministers each time that their home address or name changes.

Regulation 11B provides that the Scottish Ministers may serve an Information Notice on a borrower requiring him or her to provide certain information. The borrower must comply with the Notice within 28 days of service.

Regulation 11C allows the Scottish Ministers to impose penalties on borrowers where they have failed to comply with a requirement to provide information, whether the loan is due for repayment or not. The Scottish Ministers must inform the borrower of the penalty by serving a Penalty Notice on him or her. The penalties are payments of £50 where the borrower has failed to comply with regulation 11A or 11B(4) and an additional penalty payment of £108 where the borrower has not complied with regulation 11C(2).

Regulation 11D sets out the circumstances where the Scottish Ministers may require the reimbursement of costs and expenses by a borrower.

Regulation 11E allows the Scottish Ministers to relax the Information Notice or Penalty Notice time limits contained in regulation 11B or regulation 11C where they consider it should be relaxed having regard to all the circumstances of the particular case.

Regulation 4 of the amending regulations amends the Repayment Regulations in order to raise the earning threshold for repayment from £10,000 to £15,000. This amendment applies to all borrowers regardless of the date that their liability to repay arose.

Regulation 5 of the amending regulations amends the instalment payment from £246 to £208.

Regulation 6 of the amending regulations amends the Loans Regulations by removing all provisions on hardship loans.

A Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the costs to businesses or charities.