

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Loans) (Scotland) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 154

The Education (Student Loans) (Scotland) Regulations 2007

PROSPECTIVE

PART V

INTEREST AND INSOLVENCY

Insolvency

15. Where after the date of sequestration of an eligible student's estate, that student receives, or is entitled to receive, sums by way of loan—

- (a) the sheriff shall not, in fixing an amount under section 32(2) of the Bankruptcy (Scotland) Act 1985⁽¹⁾ treat the sums as income of the eligible student;
- (b) for the purpose of section 32(6) of that Act the sums shall not be treated as estate vesting in, or requiring to be conveyed or delivered to, the eligible student's permanent trustee; and
- (c) any debt or liability to which the eligible student is, or may become, subject in respect of the sums shall not be treated as a debt or liability—
 - (i) for the purposes of the sequestration (or of any offer of composition to the permanent trustee); or
 - (ii) from which the eligible student is discharged on the expiry of a period after the date of sequestration, under or by virtue of section 54 or 75(4) of that Act (or on an order being made under paragraph 11 of Schedule 4 to that Act as respects them and the permanent trustee).

Commencement Information

II Reg. 15 in force at 1.8.2007, see [reg. 1](#)

⁽¹⁾ 1985 c. 66; section 32 was amended by the Child Support Act 1991 (c. 48), Schedule 5, paragraph 6, the Pensions Act 1995 (c. 26), Schedule 3, paragraph 14 and prospectively by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), sections 17, 18 and 19 and schedule 1.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2022/157 Sch. 5](#)
- reg 15 am by [S.S.I. 2010/300 reg 3](#)
- reg. 15 coming into force by [S.S.I. 2007/154 reg. 1](#)
- reg. 15(a) words substituted by [S.S.I. 2014/293 Sch. para. 9\(a\)](#)
- reg. 15(c)(ii) words inserted by [S.S.I. 2014/293 Sch. para. 9\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 4(3) inserted by [S.S.I. 2007/503 reg. 8\(3\)\(a\)\(ii\)](#)
- Sch. 1 para. 10 inserted by [S.S.I. 2007/503 reg. 8\(3\)\(b\)](#)
- Sch. 1 para. 6A inserted by [S.S.I. 2009/309 reg. 17](#)
- Sch. 1 para. 8A inserted by [S.S.I. 2012/72 reg. 35\(5\)](#)
- Sch. 1 para. 11 inserted by [S.S.I. 2012/72 reg. 35\(6\)](#)
- Sch. 1 para. 6B inserted by [S.S.I. 2016/82 reg. 10\(2\)](#)
- sch. 1 para. 6C6D inserted by [S.S.I. 2018/171 reg. 6\(4\)\(a\)](#)
- sch. 1 para. 6E inserted by [S.S.I. 2019/70 reg. 7\(5\)\(a\)](#)
- sch. 1 para. 12 inserted by [S.S.I. 2019/70 reg. 7\(5\)\(c\)](#)
- sch. 1 para. 6F6G inserted by [S.S.I. 2020/213 reg. 6](#)
- sch. 1 para. 8A(3)(c) inserted by [S.S.I. 2021/28 reg. 22\(e\)\(iii\)\(bb\)](#)
- sch. 1 para. 10(aa) inserted by [S.S.I. 2021/28 reg. 22\(g\)\(ii\)](#)
- sch. 1 para. 10A-10D inserted by [S.S.I. 2021/28 reg. 22\(h\)](#)
- sch. 1 para. 8A(4) omitted by [S.S.I. 2021/28 reg. 22\(e\)\(iv\)](#)
- sch. 1 para. 12 omitted by [S.S.I. 2021/28 reg. 22\(j\)](#)
- Sch. 1 para. 8A(1)(a) substituted by [S.S.I. 2013/80 reg. 27\(3\)\(a\)](#)
- Sch. 1 para. 8A(3)(b) substituted by [S.S.I. 2013/80 reg. 27\(3\)\(b\)](#)
- sch. 1 para. 8A(1) substituted by [S.S.I. 2021/28 reg. 22\(e\)\(i\)](#)
- sch. 1 para. 8A(2) substituted by [S.S.I. 2021/28 reg. 22\(e\)\(ii\)](#)
- sch. 1 para. 8A(1)(c) word substituted by [S.S.I. 2018/171 reg. 6\(4\)\(b\)](#)
- sch. 1 para. 8A(1)(c) words inserted by [S.S.I. 2019/70 reg. 7\(5\)\(b\)](#)
- sch. 1 para. 4(3) words inserted by [S.S.I. 2021/28 reg. 22\(c\)\(v\)](#)
- sch. 1 para. 10(a) words inserted by [S.S.I. 2021/28 reg. 22\(g\)\(i\)](#)
- sch. 1 para. 10(c) words inserted by [S.S.I. 2021/28 reg. 22\(g\)\(iii\)](#)
- sch. 1 para. 11(1) words inserted by [S.S.I. 2021/28 reg. 22\(i\)\(i\)](#)
- Sch. 1 para. 4(3) words substituted by [S.S.I. 2012/72 reg. 35\(3\)\(b\)](#)
- sch. 1 para. 8A(3)(a) words substituted by [S.S.I. 2021/28 reg. 22\(e\)\(iii\)\(aa\)](#)
- sch. 1 para. 11(2) words substituted by [S.S.I. 2021/28 reg. 22\(i\)\(ii\)](#)
- Sch. 2 para. 89 inserted by [S.S.I. 2012/72 reg. 36](#)
- sch. 2 para. 10 inserted by [S.S.I. 2017/180 reg. 20](#)
- sch. 2 para. 9A inserted by [S.S.I. 2019/70 reg. 7\(6\)](#)
- sch. 2 para. 8 word substituted by [S.S.I. 2018/171 reg. 6\(5\)](#)

- sch. 2 para. 9 word substituted by S.S.I. 2018/171 reg. 6(5)
- reg. 2(8) inserted by S.S.I. 2017/180 reg. 16(b)
- reg. 2(8)(a) words substituted by S.S.I. 2018/171 reg. 6(2)(b)
- reg. 2(9) inserted by S.S.I. 2021/28 reg. 21(f)
- reg. 3(2)(d)(v) and word inserted by S.S.I. 2019/70 reg. 7(3)(b)
- reg. 3(2)(d)(iii) and word inserted by S.S.I. 2017/180 reg. 18
- reg. 3(2)(d)(iii) word omitted by S.S.I. 2019/70 reg. 7(3)(a)
- reg. 3(2)(d)(iv) and word inserted by S.S.I. 2018/307 reg. 3(b)
- reg. 3(2A) inserted by S.S.I. 2012/72 reg. 33(2)
- reg. 3(2A) substituted by S.S.I. 2015/212 reg. 3(3)
- reg. 3(6)(7) inserted by S.S.I. 2012/72 reg. 33(3)
- reg. 4(1)(b)(i) words inserted by S.S.I. 2019/70 reg. 7(4)(a)
- reg. 4(1)(d)(i)(ii) and words inserted by S.S.I. 2018/171 reg. 6(3)(b)
- reg. 4(4A)(4B) inserted by S.S.I. 2018/171 reg. 6(3)(c)
- reg. 4(4AA) inserted by S.S.I. 2019/70 reg. 7(4)(c)