

2010 No. 300

EDUCATION

**The Education (Treatment of Student Loans on Sequestration)
(Scotland) Regulations 2010**

Made - - - - *16th August 2010*

Laid before the Scottish Parliament *19th August 2010*

Coming into force - - *27th September 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 73(f) and 73B(12) of the Education (Scotland) Act 1980(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Education (Treatment of Student Loans on Sequestration) (Scotland) Regulations 2010 and come into force on 27th September 2010.

Amendment of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006

2. In regulation 12 (insolvency) of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006(b) after “Where” insert “, before, on or”.

Amendment of the Education (Student Loans) (Scotland) Regulations 2007

3. In regulation 15 (insolvency) of the Education (Student Loans) (Scotland) Regulations 2007(c) after “Where” insert “, before, on or”.

MICHAEL W RUSSELL

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
16th August 2010

(a) 1980 c. 44. Section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30) (“the 1998 Act”), 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 section 29(2) of the 1998 Act. Section 73B(12) was amended by section 34(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).
(b) S.S.I. 2006/333, amended by S.S.I 2007/158 and 503 and 2009/188, 189 and 309.
(c) S.S.I. 2007/154, amended by S.S.I 2007/503, 2008/205 and 206 and 2009/188, 189 and 309.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 and the Education (Student Loans) (Scotland) Regulations 2007 so that the insolvency provisions in those Regulations also apply to student loans paid or payable before or on the date that the debtor's estate is sequestrated.

This means that such loans will not form part of the debtor's estate and cannot, therefore, be claimed by the debtor's trustee. The debtor will also not be discharged from the liability to repay such loans under or by virtue of section 54 or 75(4) of the Bankruptcy (Scotland) Act 1985 (c.66).

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