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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 8**

**EDUCATION**

**The Repayment of Student Loans  
(Scotland) Amendment Regulations 2021**

<i>Made</i>	- - - -	<i>11th January 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>13th January 2021</i>
<i>Coming into force</i>	- -	<i>6th April 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(1), and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Repayment of Student Loans (Scotland) Amendment Regulations 2021 and come into force on 6 April 2021.

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

2. The Repayment of Student Loans (Scotland) Regulations 2000(2) are amended in accordance with regulations 3 to 9.

**Amendment of regulation 2**

3. In regulation 2 (interpretation) in the definition of “repayment threshold”—
- (a) in paragraph (a)—
- (i) for “5th April 2013”, substitute “5 April 2022”,

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(1) [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 \(asp 6\)](#) (“the 2001 Act”), section 3(2). Section 73B was inserted by the 1998 Act, section 29(2) and was amended by the 2001 Act, section 3(3); by the Income Tax (Earnings and Pensions) Act [2003 \(c.1\)](#), schedule 6, Part 2, paragraph 149; by the Bankruptcy and Diligence etc. (Scotland) Act [2007 \(asp 3\)](#), section 34(1); and by the Bankruptcy (Scotland) Act [2016 \(asp 21\)](#), schedule 8, paragraph 8. Section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act [1989 \(c.39\)](#), section 82(1) and schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act [1998 \(c.46\)](#), section 53.

(2) [S.S.I. 2000/110](#), amended by [S.S.I. 2000/200](#), [S.S.I. 2001/227](#), [S.S.I. 2005/314](#), [S.S.I. 2006/326](#), [S.S.I. 2007/159](#), [S.S.I. 2009/102](#), [S.S.I. 2012/22](#), [S.S.I. 2013/65](#), [S.S.I. 2013/80](#), [S.S.I. 2013/142](#), [S.S.I. 2016/82](#), [S.S.I. 2018/307](#), [S.S.I. 2019/70](#) and [S.I. 2008/1879](#).

- (ii) for “£15,000” in both places where it appears, substitute “£25,000”,  
 (b) in paragraph (b), for “6th April 2013”, insert “6 April 2022”.

#### **Amendment of regulation 9**

4. In regulation 9(5)(d)(ii) (refunds), for “such other day as HMRC specifies in order to take account of that adjustment” substitute “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”.

#### **Amendment of regulation 11B**

5. In regulation 11B(1) (information notices), for “at the home address of the borrower” substitute “on a borrower”.

#### **Amendment of regulation 11C**

6. In regulation 11C(4) (penalties), for “at the home address of the borrower” substitute “on the borrower”.

#### **Amendment of regulation 11F**

7. In regulation 11F (service of documents), after “post” insert “or by electronic means”.

#### **Amendment of regulation 13B**

8. In regulation 13B (calculation of fixed instalment and applicable threshold)—

- (a) in paragraph (1), substitute the table with the following table—

<i>“Band</i>	<i>Price Level Index</i>	<i>Fixed Instalment</i>
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”

- (b) in paragraph (2), substitute the table with the following table—

<i>“Band</i>	<i>Price Level Index</i>	<i>Applicable Threshold</i>
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

<i>“Band</i>	<i>Price Level Index</i>	<i>Applicable Threshold</i>
G	130+	£35,000”

## **Savings**

### **9. Nothing in these Regulations affects—**

- (a) any right, privilege, obligation, liability or penalty acquired, accrued or incurred under the Repayment of Student Loans (Scotland) Regulations 2000 or the Education (Student Loans) (Repayment) Regulations 2009, prior to these Regulations coming into force, or
- (b) any legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty.

St Andrew’s House,  
Edinburgh  
11th January 2021

*RICHARD LOCHHEAD*  
Authorised to sign by the Scottish Ministers

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

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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

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

### **Increase of repayment threshold**

Regulation 3 amends regulation 2 of the Repayment Regulations to increase the repayment threshold for student loans to £25,000 with effect from the tax year commencing 6 April 2021.

Regulation 8 makes equivalent amendments to regulation 13B, so that the fixed instalment payments and applicable thresholds in relation to overseas borrowers correspond with the new repayment threshold for borrowers living in the UK.

Regulation 9 makes savings provision to ensure that any existing rights, privileges, obligations, liabilities or penalties under the Repayment Regulations or the Education (Student Loans) (Repayment) Regulations 2009, prior to these Regulations coming into force, are not affected by these Regulations. This means that any outstanding repayments from the tax year prior to that beginning on 6 April 2021 will still be calculated and pursued with reference to the repayment threshold in force at the relevant time.

### **Miscellaneous amendments**

Regulation 4 amends regulation 9(d)(ii) to remove the impression that HMRC has discretion to select the date of the deemed receipt of any repayment where an adjustment is made.

Regulations 5 to 7 amend regulations 11B, 11C and 11F, so that service of documents may be carried out either by post or by electronic means.

No business or regulatory impact assessment has been prepared in relation to these Regulations as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.