
DRAFT STATUTORY INSTRUMENTS

2000 No.

Education (Student Loans) (Repayment) Regulations 2000

PART III

REPAYMENTS BY ASSESSMENT TO INCOME TAX

Time for and amount of repayments

15.—(1) Every borrower who has received notice from the Secretary of State under regulation 11(5)(a) that he may be required to make repayments of his student loan shall make a repayment in respect of any year of assessment—

- (a) which is specified in a notice under regulation 11(5)(a) or which, subject to paragraph (2), is any subsequent year up to and including any year specified in a notice under regulation 11(5)(d); and
- (b) in respect of which he has been required to make and deliver a return under section 8 of the 1970 Act.

(2) A borrower shall not be required to make repayments in respect of any year of assessment specified in a notice under regulation 11(5)(c) or any subsequent year falling before a year specified in a subsequent notice under regulation 11(5)(a).

(3) The repayment shall be an amount equal to the 9% of the borrower's total income for that year calculated in accordance with the Taxes Acts.

(4) In calculating a borrower's total income for the purposes of paragraph (1) any deduction which falls to be made by way of personal reliefs provided for in Chapter I of Part VII of the 1988 Act shall not be made.

(5) In calculating a borrower's total income for the purposes of paragraph (1) there shall be excluded:

- (a) the first £10,000 of that income;
- (b) income on which the borrower could not become liable to tax under a self-assessment made under section 9 of the 1970 Act for that year;
- (c) unearned income unless the amount of such income for that year exceeds £2,000;
- (d) incapacity benefit payable under the Social Security Contributions and Benefits Act 1992(1);
- (e) amounts chargeable to tax under sections 145, 146, 154, 157, 158, 159AA, 159A, 160 or 162 of the 1988 Act (benefits in kind);
- (f) amounts in respect of which relief is given under Part XIV of the 1988 Act (pension schemes, social security benefits, life annuities etc.);
- (g) the amount of any loss in respect of which relief is given under section 380 of the 1988 Act (trade etc. losses set-off against general income); and

- (h) the amount of any payment in respect of which relief is given under section 109A of the 1988 Act (relief for post-cessation expenditure).
- (6) For the purposes of this regulation unearned income is income other than—
 - (a) earned income within the meaning of section 833(4) and (5) of the 1988 Act;
 - (b) income referred to in section 127(1) of that Act (enterprise allowance);
 - (c) the profits arising from a business chargeable to tax under Case I of Schedule D pursuant to section 503(1) of that Act (furnished holiday accommodation);
 - (d) payments and other benefits chargeable to tax under section 148(1) of that Act (payments and benefits in connection with termination of employment);
 - (e) income treated as earned income under section 107 of that Act (receipts after cessation of trade);
 - (f) sums treated as earned income under section 491(5) of that Act (certain receipts from bodies corporate carrying on mutual business);
 - (g) an amount treated as earned income under section 531(6) of that Act (consideration in respect of the disposal of know-how);
 - (h) any annuity treated as earned income of the annuitant under section 619(1)(b) of that Act (certain retirement annuities); and
 - (i) annual payments treated as earned income under section 628(1) of that Act (partnership annuities).