



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 12

#### MISCELLANEOUS

##### *Student loans*

#### 257 Student loans under the 1998 Act: IVAs

- (1) The [Teaching and Higher Education Act 1998 \(c. 30\)](#) is amended as set out in subsections (2) and (3).
- (2) In section 22(3) (new arrangements for giving financial support to students), after paragraph (f) insert—
  - “(g) with respect to sums which a borrower receives, or is entitled to receive, under such a loan before or after a voluntary arrangement under Part 8 of the Insolvency Act 1986 or Part 8 of the Insolvency (Northern Ireland) Order 1989 (individual voluntary arrangements) takes effect in respect of the borrower;
  - (h) excluding or modifying the application of Part 8 of that Act, or Part 8 of that Order, in relation to liability to make repayments in respect of such a loan (whether the repayments relate to sums which the borrower receives, or is entitled to receive, before or after a voluntary arrangement takes effect in respect of the borrower).”
- (3) In section 46(8) (provisions extending to Northern Ireland), in the entry relating to section 22, for “(3)(e) or (f)” substitute “(3)(e), (f), (g) or (h)”.
- (4) Nothing in this section affects a voluntary arrangement that takes effect before this section comes into force.

**258 Student loans under the 1990 Act: IVAs and bankruptcy**

- (1) Subsections (2) to (5) have effect in relation to the [Education \(Student Loans\) Act 1990 \(c. 6\)](#) to the extent that that Act continues in force by virtue of any savings made, in connection with its repeal by the [Teaching and Higher Education Act 1998 \(c. 30\)](#), by an order under section 46(4) of that Act.
- (2) In Schedule 2 (loans for students), in paragraph 5(1) for “or 310” substitute “, 310 or 310A”.
- (3) In Schedule 2, after paragraph 5 insert—
- “5A (1) This paragraph applies to a sum by way of public sector student loan or subsidised private sector student loan that a person (“the debtor”) receives or is entitled to receive before or after a voluntary arrangement under Part 8 of the Insolvency Act 1986 takes effect in respect of the debtor.
- (2) The sum is to be ignored for the purposes of the voluntary arrangement.
- 5B (1) Part 8 of the Insolvency Act 1986 (individual voluntary arrangements) has effect in relation to a student loan debt with the following modifications.
- (2) A student loan debt is to be treated as not included among the debtor’s debts.
- (3) A person to whom a student loan debt is owed is to be treated as not being one of the debtor’s creditors.
- (4) A “student loan debt” is a debt or liability to which a debtor is or may become subject in respect of a public sector student loan or subsidised private sector student loan.”
- (4) In Schedule 2, after paragraph 6 insert—

*“Insolvency: Northern Ireland*

- 7 (1) There shall not be treated as part of a bankrupt’s estate or claimed for his estate under article 280 or 283 of the Insolvency (Northern Ireland) Order 1989 any sums to which this paragraph applies that the bankrupt receives or is entitled to receive after the commencement of the bankruptcy.
- (2) No debt or liability to which a bankrupt is or may become subject in respect of a sum to which this paragraph applies shall be included in the bankrupt’s bankruptcy debts.
- (3) This paragraph applies to a sum by way of public sector student loan or subsidised private sector student loan payable to the bankrupt pursuant to an agreement entered into by the bankrupt before or after the commencement of the bankruptcy.
- 8 (1) This paragraph applies to a sum by way of public sector student loan or subsidised private sector student loan that a person (“the debtor”) receives or is entitled to receive before or after a voluntary arrangement under Part 8 of the Insolvency (Northern Ireland) Order 1989 takes effect in respect of the debtor.
- (2) The sum is to be ignored for the purposes of the voluntary arrangement.

- 9 (1) Part 8 of the Insolvency (Northern Ireland) Order 1989 (individual voluntary arrangements) has effect in relation to a student loan debt with the following modifications.
- (2) A student loan debt is to be treated as not included among the debtor's debts.
- (3) A person to whom a student loan debt is owed is to be treated as not being one of the debtor's creditors.
- (4) A "student loan debt" is a debt or liability to which a debtor is or may become subject in respect of a public sector student loan or subsidised private sector student loan."
- (5) In section 4, for subsection (4) (extent) substitute—
- “(4) This Act does not extend to Northern Ireland, with the following exceptions—
- (a) section 1, so far as necessary for the purpose of defining “public sector student loan” and “subsidised private sector student loan”;
- (b) section 2;
- (c) as respects institutions in Northern Ireland, the power to make regulations under paragraph 2 of Schedule 2;
- (d) paragraphs 7 to 9 of Schedule 2.”
- (6) Nothing in this section affects a voluntary arrangement that takes effect, or a bankruptcy that commences, before this section comes into force.