
STATUTORY INSTRUMENTS

2022 No. 1335

**The Education (Student Loans) (Repayment)
(Amendment) (No. 4) Regulations 2022**

PART 2

Amendment of the Education (Student Loans) (Repayment) Regulations 2009

Amendment of Part 2 (provisions applicable to all repayments)

Substitution of heading to Part 2

12. For the heading to Part 2 substitute “Repayments: general”.

Amendments to regulation 9 (interpretation)

13.—(1) In the heading to regulation 9, after “Interpretation” insert “of Part 2”.

(2) In regulation 9(1)—

(a) after the definition of “disability-related benefit” insert—

““direct payment” means—

(a) in relation to a plan 1, 2, 3 or 5 loan, a payment under regulation 15(1);

(b) in relation to a plan 4 loan, a payment under regulation 7(1) of the 2000 (Scotland) Regulations;

“domestic borrower” means a borrower to whom Part 3 or 4 applies;”;

(b) in the definition of “end-on course”, for “Student Support Regulations” substitute “an enactment cited in regulation 3A”;

(c) after the definition of “end-on course” insert—

““total charge for credit rules” means rules made under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(1) for the purposes of Chapter 14A of Part 2 of that Order(2).”;

(d) omit the definition of “Student Support Regulations”.

Amendments to regulation 14 (interest and penalties)

14.—(1) In the heading to regulation 14, for “Interest and penalties” substitute “Application of repayments”.

(2) Before regulation 14(1) insert—

(1) [S.I. 2001/544](#), amended by [S.I. 2013/1881](#); other amending instruments are not relevant.

(2) The total charge for credit rules are published as part of the FCA Handbook, which is published at <https://www.handbook.fca.org.uk/handbook>.

“(A1) This regulation applies in relation to plan 1, 2, 3 and 5 loans(3).”.

Amendments to regulation 15 (timing of repayments: general)

15.—(1) For the heading to regulation 15 substitute “Timing and notification of repayments”.

(2) Before regulation 15(1) insert—

“(A1) In this regulation—

(a) paragraphs (1) to (2D) relate to the timing of repayments for a plan 1, 2, 3 or 5 loan(4);

(b) paragraphs (3) to (10) relate to the notification of repayments for a student loan.”.

(3) In regulation 15(1), for “student loan or a postgraduate degree loan” substitute “plan 1, 2, 3 or 5 loan”.

(4) In regulation 15(2)—

(a) for “a student loan borrower” in each place it occurs substitute “the borrower”;

(b) for “the student loan” substitute “a plan 1, 2 or 5 loan”;

(c) for “Regulations made pursuant to section 22 of the 1998 Act in respect of a student loan” substitute “an enactment cited in regulation 3A, 3B or 3E”.

(5) In regulation 15(2ZA)—

(a) in the words before sub-paragraph (a), for “Subject to paragraph (2C) a postgraduate degree loan” substitute “The”;

(b) in sub-paragraph (a), for “loan under Part 1 of the 2016 Master’s Degree Regulations or Part 4 of the 2017 Master’s Degree Wales Regulations” substitute “postgraduate master’s degree loan”;

(c) in sub-paragraph (b)(i), for “loan under Part 1 of the 2018 Doctoral Degree Regulations or Part 4 of the 2018 Doctoral Degree Wales Regulations” substitute “postgraduate doctoral degree loan”.

(6) After regulation 15(2ZA) insert—

“(2ZB) In paragraph (2ZA)—

“postgraduate doctoral degree loan” means a plan 3 loan paid under an enactment cited in table 3 or 4 of regulation 3C;

“postgraduate master’s degree loan” means a plan 3 loan paid under an enactment cited in table 1 or 2 of regulation 3C.”

(7) In regulation 15(2A)—

(a) in the words before sub-paragraph (a), for “post-2012 student loan”—

(i) in the first place it occurs, substitute “plan 2 or 5 loan”;

(ii) in the second place it occurs, substitute “loan”;

(b) in sub-paragraph (a), for “Regulations made pursuant to section 22 of the 1998 Act” substitute “an enactment cited in regulation 3B or 3E”.

(8) In regulation 15(2B), for “post-2012 student loan” substitute “plan 2 or 5 loan”.

(9) After regulation 15(2B) substitute—

(3) The application of repayments in relation to a plan 4 loan is determined in accordance with regulation 6 of the 2000 (Scotland) Regulations.

(4) The timing of repayments in relation to a plan 4 loan is determined in accordance with regulation 7 of the 2000 (Scotland) Regulations.

“(2BA) Despite paragraphs (2), (2A) and (2B), a borrower is not required to repay any part of a plan 5 loan on or before 5th April 2026.

(2BB) Omit paragraph (2BA) and this paragraph on 6th April 2026.”.

(10) Omit regulation 15(2C).

(11) In regulation 15(2D)—

(a) in sub-paragraph (a), for “a course” substitute “an eligible course”;

(b) for sub-paragraph (b)(i) and (ii) substitute—

“(i) a full-time honours degree course the student begins, disregarding any intervening vacation, immediately after ceasing to attend a full-time original course for which the person achieved a qualification, or

(ii) a part-time honours degree course the student begins, disregarding any intervening vacation, immediately after ceasing to attend a part-time original course for which the person achieved a qualification.”.

(12) In regulation 15(3), for “(7), (8) and regulation 16” substitute “(7) and (8)”.

(13) Omit regulation 15(4)(d) and (5)(e).

(14) In regulation 15(7), omit “or postgraduate degree loan”.

Amendments to regulation 16 (timing of repayment: teachers and eligible teachers)

16.—(1) For the heading to regulation 16 substitute—

“Deferral of repayment: initial training of teachers”.

(2) Omit regulation 16(1) and (2).

(3) In regulation 16(3)—

(a) in sub-paragraph (a), for “student loan” substitute “plan 1, 2 or 5 loan”;

(b) in sub-paragraph (b), for “student loan” substitute “loan”;

(c) in the words following sub-paragraph (b), for “student loan” substitute “plan 1, 2 or 5 loan”.

(4) After regulation 16(3) insert—

“(3A) If the loan the borrower is not required to repay by virtue of paragraph (3) is a plan 2 loan, for the period the borrower is not required to repay that loan, the rate at which the loan bears interest is the lower of—

(a) the standard interest rate, or

(b) the prevailing market rate (if any) set out in regulation 20B.

(3B) Paragraph (3A) applies despite regulation 21A (interest rate on plan 2 loans).”.

(5) Omit regulation 16(4), (5) and (6).

Amendment to regulation 18 (direct debit repayment)

17. In regulation 18(1)(a), omit “or a postgraduate degree loan”.

Amendments to regulation 18A (division of repayment)

18.—(1) In the heading to regulation 18A, after “repayment” insert “: more than one loan”.

(2) For regulation 18A(1) and (1A) substitute—

- “(1) This regulation applies if—
- (a) a borrower has a combination of plan 1, 2, 4 or 5 loans⁽⁵⁾,
 - (b) the borrower is required to repay two or more of the loans,
 - (c) the loans have different repayment thresholds, and
 - (d) the Authority receives a repayment other than a direct payment.
- (1A) The Authority must reduce the outstanding balance of the loans by—
- (a) in the case of the loan with the highest repayment threshold, the total amount due in respect of that loan, and
 - (b) in the case of every other loan, the amount due in respect of each loan less the amount due in respect of the loan (or loans) with a higher repayment threshold.”.

(3) Omit regulation 18(1B) and (1C).

(4) In regulation 18A(2)—

 - (a) for “to (1C)” substitute “and (1A)”;
 - (b) omit “in regulation 29(7), 29(8) and 29(8B)”.

Amendments to regulation 19 (cancellation)

- 19.**—(1) Before regulation 19(1) insert—
- “(A1) This regulation applies in relation to plan 1, 2, 3 and 5 loans⁽⁶⁾.”.
- (2) In regulation 19(1)—
- (a) for sub-paragraph (b) substitute—
 - “(b) a plan 1, 2, 3 or 5 loan.”;
 - (b) omit sub-paragraph (c).
- (3) In regulation 19(2)—
- (a) in the words before sub-paragraph (a)—
 - (i) for “any student loan” substitute “a plan 1 loan”;
 - (ii) for “the 2006 Support Regulations or the 2006 Welsh Regulations or any subsequent Regulations made by the Secretary of State or the Welsh Ministers (as the case may be) under section 22, other than a post-2012 student loan or a postgraduate degree loan, of the 1998 Act” substitute “an enactment cited in table 2 or 3 of regulation 3A”;
 - (b) in sub-paragraph (a), for “student loan” substitute “plan 1 loan”;
 - (c) in sub-paragraph (b)—
 - (i) in the words before paragraph (i), for “student loan” substitute “plan 1 loan”;
 - (ii) in paragraph (iii), for “Regulations made under section 22 of the 1998 Act” substitute “an enactment cited in table 2 or 3 of regulation 3A”.
- (4) In regulation 19(3)—
- (a) in the words before sub-paragraph (a), for “student loan or the postgraduate degree loan” substitute “loan”;
 - (b) in sub-paragraph (c)—
 - (i) for “post-2006-student loans” substitute “a post-2006 student loan”;

⁽⁵⁾ The repayment of a plan 3 loan is additional to, and concurrent with, the repayment of a plan 1, 2, 4 or 5 loan (see regulation 29(3A), 44(2A) or 75(4A)).

⁽⁶⁾ The cancellation of a plan 4 loan is determined in accordance with regulation 8 of the 2000 (Scotland) Regulations.

- (ii) for “the student loan” substitute “the loan”;
 - (c) in sub-paragraph (d), for “student loans which are not post-2006 student loans and not post-2012 loans” substitute “a plan 1 loan other than a post-2006 student loan”;
 - (d) in sub-paragraph (e)—
 - (i) for “post-2012 student loans” substitute “a plan 2 loan, unless sub-paragraph (f) applies”;
 - (ii) for “the student loan” substitute “the loan”;
 - (e) for sub-paragraph (f) substitute—
 - “(f) in the case of a plan 2 or 5 loan for an Access to HE Diploma, if the borrower—
 - (i) achieves at least one Access to HE Diploma, and
 - (ii) as an eligible student completes a designated course;”;
 - (f) in sub-paragraph (g)—
 - (i) for “a postgraduate degree loan” substitute “a plan 3 loan”;
 - (ii) for “the postgraduate degree loan.” substitute “the loan;”;
 - (g) after sub-paragraph (g), insert—
 - “(h) in the case of a plan 5 loan, unless sub-paragraph (f) applies, the 40th anniversary of the date on which the borrower became liable to repay the loan.”.
- (5) In regulation 19(5)—
- (a) in the words before sub-paragraph (a), for “student loan or the postgraduate degree loan” substitute “loan”;
 - (b) in sub-paragraph (b), for “student loan” substitute “loan”.
- (6) In regulation 19(6), for “student loan or the postgraduate degree loan” substitute “loan”.
- (7) After regulation 19(6) insert—
- “(7) In this regulation—
 - “Access to HE Diploma” has the meaning given in regulation 2 of the Further Education Loans Regulations 2012;
 - “designated course” means a course designated by or under regulation 5 or 139 of the 2011 Support Regulations;
 - “eligible student” has the meaning given in regulation 4 or 137 of the 2011 Support Regulations.”.

Amendments to regulation 20 (refunds)

- 20.—**(1) Before regulation 20(1) insert—
- “(A1) This regulation applies in relation to plan 1, 2, 3 and 5 loans(7).”.
- (2) In regulation 20(1)(a) and (b), for “student loan or the postgraduate degree loan” substitute “loan”.
- (3) For regulation 20(1A) and (1B) substitute—
- “(1A) The excess payment accrues interest—
 - (a) on and after the day on which the Authority receives the excess payment until the earlier of—

(7) A refund in relation to a plan 4 loan is determined in accordance with regulation 9 of the 2000 (Scotland) Regulations.

- (i) the end of the 60th day after the day on which the Authority gives notice under paragraph (1B), or
 - (ii) the end of the day on which the Authority refunds the excess payment to the borrower, and
- (b) at the rate set out in paragraph (1C).
- (1B) The Authority must give notice informing the borrower of the following—
 - (a) that the Authority—
 - (i) has received an excess payment;
 - (ii) must pay interest on an excess payment;
 - (b) the period for which an excess payment accrues interest.”.
- (4) After regulation 20(1B) insert—
 - “(1C) The rate at which an excess payment accrues interest is—
 - (a) if the excess payment relates to a plan 1, 3 or 5 loan, the rate at which the loan would have borne interest if it had not been repaid in full;
 - (b) if the excess payment relates to a plan 2 loan, the lower of—
 - (i) the rate at which the loan would have borne interest if it had not been repaid in full, or
 - (ii) the standard interest rate.”.
- (5) In regulation 20(2)—
 - (a) in sub-paragraphs (a) and (b), for “student loan or the postgraduate degree loan” substitute “loan”;
 - (b) in the words after sub-paragraph (b), for “overpayment” substitute “excess payment”.
- (6) In regulation 20(4), omit “paragraphs”.
- (7) Omit regulation 20(5).

Amendments to regulation 20A (excess payments: more than one loan)

- 21.—(1) In regulation 20A(1)—
 - (a) for sub-paragraph (a) substitute—
 - “(a) a borrower has a dual-plan loan, and”;
 - (b) in sub-paragraph (b)—
 - (i) for “repayment either directly” substitute “direct payment”;
 - (ii) for “under regulation 15(1) or” substitute “or a repayment”.
- (2) In regulation 20A(2)(a) and (3), omit “under regulation 15(1)”.
- (3) In regulation 20A(6)—
 - (a) omit the sub-paragraph numbers;
 - (b) before the definition of “fully repaid loan” insert—
 - ““dual-plan loan” means any two of the following—
 - (a) a plan 1 loan;
 - (b) a plan 2 loan;
 - (c) a plan 3 loan;
 - (d) a plan 4 loan;

(e) a plan 5 loan;”.

Insertion of regulation 20B (interest rate not to exceed prevailing market rate)

22. After regulation 20A (excess payments: more than one loan) insert—

“Interest rate not to exceed prevailing market rate

20B.—(1) This regulation applies if the interest rate at which a post-2012 student loan or a postgraduate degree loan⁽⁸⁾ bears interest exceeds the prevailing market rate (if any).

(2) The Authority must substitute the prevailing market rate for the interest rate.

(3) In this regulation—

“interest rate” means the interest rate calculated in accordance with regulation 21A or 21B (as the case may be);

“prevailing market rate” means, for the period specified in the left-hand column of the table, the rate specified in the right-hand column of the table in relation to that period.

<i>Period (inclusive of dates)</i>	<i>Prevailing market rate</i>
1st July 2021 to 31st August 2021	5.3%
1st September 2021 to 30th September 2021	4.2%
1st October 2021 to 31st December 2021	4.1%
1st January 2022 to 28th February 2022	4.4%
1st March 2022 to 31st August 2022	(no rate specified)
1st September 2022 to 30th November 2022	6.3%
1st December 2022 to 28th February 2023	6.5%
Any other period	(no rate specified)”.

Amendments to regulation 20B (interest rate not to exceed prevailing market rate)

23.—(1) In regulation 20B(1) (which is inserted by regulation 22), for “post-2012 student loan or a postgraduate degree loan” (including the footnote) substitute “plan 2, 3 or 5 loan⁽⁹⁾”.

(2) In regulation 20B(3), in the definition of “interest rate”, for “21A or 21B” substitute “21A, 21B or 21C”.

Amendments to regulation 21 (interest rate on the loans)

24.—(1) In the heading to regulation 21, for “the loans” substitute “plan 1 loans”.

(2) In regulation 21(A1), for “student loans which are not post-2012 student loans” substitute “plan 1 loans”.

(3) In regulation 21(1)—

(a) for “student loans” substitute “plan 1 loans”;

⁽⁸⁾ The rate at which a student loan (other than a post-2012 student loan) bears interest is limited by regulation 21(2). The rate at which a Scottish student loan bears interest is determined in accordance with regulations made under the Education (Scotland) Act 1980.

⁽⁹⁾ The rate at which a plan 1 loan bears interest is limited by regulation 21(2). The rate at which a plan 4 loan bears interest is determined in accordance with regulations made under the Education (Scotland) Act 1980.

- (b) for “rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order” substitute “total charge for credit rules”;
- (c) for “percentage increase between the retail prices all items index published by the Office for National Statistics for the two Marches immediately before the commencement of the academic year” substitute “standard interest rate”.
- (4) In regulation 21(2), for “student loans” substitute “plan 1 loans”.
- (5) In regulation 21(4)—
 - (a) for “student loans” substitute “plan 1 loans”;
 - (b) for “retail prices all items index mentioned in paragraph (1)” substitute “retail price index”.
- (6) In regulation 21(6) and (7), for “student loans” substitute “plan 1 loans”.

Amendments to regulation 21A (interest rate on post-2012 student loans)

- 25.—(1) In the heading to regulation 21A, for “post-2012 student loans” substitute “plan 2 loans”.
- (2) In regulation 21A(1), for “post-2012 student loans” substitute “plan 2 loans”.
- (3) In regulation 21A(2)—
 - (a) in the words before sub-paragraph (a)—
 - (i) omit “(3),”;
 - (ii) for “post-2012 student loans” substitute “plan 2 loans”;
 - (b) in sub-paragraph (b), for “borrower to whom Part 3 or 4 applies” substitute “domestic borrower”;
 - (c) in sub-paragraphs (c) and (d), for “a borrower for whom Part 5 applies” substitute “an overseas borrower”.
- (4) Omit regulation 21A(2ZA).
- (5) In regulation 21A(2A)—
 - (a) in the words before sub-paragraph (a)—
 - (i) for “student loan” substitute “loan”;
 - (ii) “post-2012 student loans bear” substitute “the loan bears”.
 - (b) in sub-paragraph (a), for “borrower to whom Part 3 or 4 applies and also applied” substitute “domestic borrower who was a domestic borrower”;
 - (c) in sub-paragraphs (b) and (c), for “a borrower for whom Part 5 applies” substitute “an overseas borrower”.
- (6) In regulation 21A(2B)(b), for “student loan” substitute “loan”.
- (7) In regulation 21A(2C)—
 - (a) for “student loan” substitute “loan”;
 - (b) for “post-2012 student loans bear” substitute “the loan bears”.
- (8) In regulation 21A(2D), omit “post-2012 student”.
- (9) In regulation 21A(2E) and (2F), omit “post-2012 student”.
- (10) Omit regulation 21A(3).
- (11) In regulation 21A(4), for “post-2012 student loans bear” substitute “their loan bears”.
- (12) In regulation 21A(8), for “post-2012 student loans” substitute “plan 2 loans”.
- (13) Omit regulation 21A(8A) and (8B).

- (14) Omit regulation 21A(9).
- (15) After regulation 21A(11) insert—
 - “(11A) This regulation is subject to regulation 20B (interest rate not to exceed prevailing market rate).”.
- (16) For regulation 21A(11A) substitute—
 - “(11A) This regulation is subject to the following—
 - (a) regulation 16 (deferral of repayment: initial training of teachers);
 - (b) regulation 20B (interest rate not to exceed prevailing market rate).”.
- (17) After regulation 21A(11A) insert—
 - “(11B) In this regulation—
 - “higher interest threshold” means the higher interest threshold set out in, or calculated in accordance with, regulation 21AA;
 - “lower interest threshold” means the lower interest threshold set out in, or calculated in accordance with, regulation 21AB.”.
- (18) Omit regulation 21A(12), (12A), (13), (13A), (14) and (15).

Insertion of regulations 21AA and 21AB (interest thresholds for plan 2 loans)

- 26. After regulation 21A (interest rate on plan 2 loans) insert—

“Higher interest threshold for plan 2 loans

- 21AA.**—(1) For a domestic borrower, the higher interest threshold is—
 - (a) £49,130 for the repayment threshold years ending on 5th April 2024 and 5th April 2025, and
 - (b) for each repayment threshold year ending on or after 5th April 2026, the amount rounded up to the nearest £5 (if necessary) being the product of—
 - (i) the amount of the higher interest threshold for the previous repayment threshold year, and
 - (ii) the repayment threshold variable.
- (2) For an overseas borrower, the higher interest threshold is the amount rounded up to the nearest £5 (if necessary) being the product of—
 - (a) the higher interest threshold for a domestic borrower, and
 - (b) the country-specific multiplier for the overseas borrower’s country of residence.

Lower interest threshold for plan 2 loans

- 21AB.**—(1) For a domestic borrower, the lower interest threshold is the repayment threshold for a plan 2 loan.
- (2) For an overseas borrower, the lower interest threshold is the amount rounded up to the nearest £5 (if necessary) being the product of—
 - (a) the lower interest threshold for a domestic borrower, and
 - (b) the country-specific multiplier for the overseas borrower’s country of residence.”.

Amendments to regulation 21B (interest rate on postgraduate degree loans)

27.—(1) In the heading to regulation 21B, for “postgraduate degree loans” substitute “plan 3 loans”.

(2) In regulation 21B(1)—

(a) for “postgraduate degree loan” substitute “plan 3 loan”;

(b) for “RPI” substitute “the standard interest rate”.

(3) For regulation 21B(2) substitute—

“(2) Interest accrues beginning with the day on which any part of the loan is paid.”.

(4) After regulation 21B(4) insert—

“(4ZA) This regulation is subject to regulation 20B (interest rate not to exceed prevailing market rate).”.

(5) Omit regulation 21B(4A) and (4B).

(6) Omit regulation 21B(5).

Insertion of regulation 21C (interest on plan 5 loans)

28. After regulation 21B insert—

“Interest rate on plan 5 loans

21C.—(1) A plan 5 loan bears interest at the standard interest rate.

(2) Interest accrues beginning with the day on which any part of the loan is paid.

(3) Interest is—

(a) calculated on the outstanding principal of the loan daily, and

(b) added to the outstanding principal of the loan monthly.

(4) This regulation is subject to regulation 20B (interest rate not to exceed prevailing market rate).”.

Amendment to regulation 24 (penalties and penalty notices)

29. In regulation 24(7), for “and” substitute “and, if in relation to a plan 1, 2, 3 or 5 loan,”.

Amendments to regulation 25 (costs and expenses)

30. In regulation 25(3)—

(a) for “and” substitute “and, if in relation to a plan 1, 2, 3 or 5 loan,”;

(b) for “student loan or the postgraduate degree loan” substitute “loan”.

Amendment to regulation 27 (foreclosure)

31. In regulation 27, omit “or the postgraduate degree loan”.