

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 128

**The Education (Student Loans) (Repayment)
Regulations (Northern Ireland) 2009**

PART 4

Deduction of Repayments by Employers

Deductions of repayments

45.—(1) Every employer who has received [^{F1}any of the following]—

- (a) a notice under regulation 44(1);
- (b) a Form P45 containing a statement under regulation 62; ^{F2}...

^{F3}(c)

[^{F4}(d) information under [^{F5}regulation 38] that the employee has any liability to repay any student loan,]

must, on making to that employee any payment of earnings on the first available pay date, which falls on or after the date referred to in paragraph (2) and at any time after that pay date, but before the date referred to in paragraph (3), deduct the appropriate repayment in accordance with these Regulations.

(2) The date is—

- (a) where the employer has received notice from HMRC under regulation 44(1), the date specified in the notice as the date on and after which deductions must be made;
- (b) where the employer has received a Form P45, the date on which that Form is first received; ^{F6}...

^{F7}(c)

[^{F8}(d) where an employer has received information under [^{F9}regulation 38] that the employee has any liability to repay any student loan, the date on which that information is received.]

(3) The date referred to in this paragraph is the date specified in the notice given by HMRC under regulation 44(3) as the date on and after which deductions must not be made; and the employer must not make deductions on or after the first available pay day on or after this date.

(4) Where two or more payments of earnings are to be aggregated for the purposes of calculating the amount of a repayment requiring deduction the employer may deduct that amount either wholly from one such payment or partly from one and partly from the other or any one or more of the others.

(5) Subject to paragraphs (6) and (7), if the employer does not deduct from any payment of earnings to an employee the full amount of a repayment which should have been deducted, the employer may deduct the remainder of the sum which should have been deducted from any subsequent payment or payments of earnings to that employee during the same tax year.

(6) An employer may not make a subsequent deduction in respect of any remainder not previously deducted after the date referred to in paragraph (3).

(7) The amount of any subsequent deduction referred to in paragraph (5) may be an amount in addition to but must not exceed the amount deductible from the payment under the other provisions of this Part.

(8) If the employer deducts any repayment from the earnings of an employee who is a borrower in accordance with these Regulations, the employer is not required to repay any amount to the employee only because that amount was not owed by the employee to the Department as all or part of a student loan.

Textual Amendments

- F1** Words in [reg. 45\(1\)](#) inserted (6.4.2024) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2024 \(S.R. 2024/55\)](#), regs. 1(2), **14(a)(i)**
- F2** Word in [reg. 45\(1\)\(b\)](#) omitted (6.4.2012) by virtue of [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/136\)](#), regs. 1, **10(a)(i)**
- F3** [Reg. 45\(1\)\(c\)](#) and word omitted (6.4.2024) by virtue of [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2024 \(S.R. 2024/55\)](#), regs. 1(2), **14(a)(ii)**
- F4** [Reg. 45\(1\)\(d\)](#) and word substituted (6.4.2012) for the comma at the end of [reg. 45\(1\)\(c\)](#) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/136\)](#), regs. 1, **10(a)(ii)**
- F5** Words in [reg. 45\(1\)\(d\)](#) substituted (6.4.2024) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2024 \(S.R. 2024/55\)](#), regs. 1(2), **14(a)(iii)**
- F6** Word in [reg. 45\(2\)\(b\)](#) omitted (6.4.2012) by virtue of [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/136\)](#), regs. 1, **10(b)(i)**
- F7** [Reg. 45\(2\)\(c\)](#) and word omitted (6.4.2024) by virtue of [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2024 \(S.R. 2024/55\)](#), regs. 1(2), **14(b)(i)**
- F8** [Reg. 45\(2\)\(d\)](#) and word substituted (6.4.2012) for the full stop at the end of [reg. 45\(2\)\(c\)](#) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/136\)](#), regs. 1, **10(b)(ii)**
- F9** Words in [reg. 45\(2\)\(d\)](#) substituted (6.4.2024) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2024 \(S.R. 2024/55\)](#), regs. 1(2), **14(b)(ii)**

Commencement Information

- I1** [Reg. 45](#) in operation at 6.4.2009, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009, Section 45.