

Status: Point in time view as at 01/03/1998.

Changes to legislation: There are currently no known outstanding effects for the Education (Student Loans) Act 1990 (repealed 13.8.1998), SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2 U.K.

Section 1(5).

LOANS FOR STUDENTS

Modifications etc. (not altering text)

C1 Sch. 2 amended(*prosp.*) by 1998 c. 29, ss. 74(1), 75(2)(3), Sch. 15 para.10

Principal, interest and payments

- 1 (1) Regulations made by the Secretary of State shall—
- (a) prescribe the maximum amount of the [^{F1}public sector student] loan that may be made to a student in any year;
 - [^{F2}(b) require the terms of every agreement for a public sector student loan to include—
 - (i) such terms relating to the time and manner of repayments,
 - (ii) such terms relating to the interest to be borne by the loan, and
 - (iii) such terms under which the borrower's liability may be deferred or cancelled,as are prescribed by the regulations.]
- (2) The maximum amount prescribed under sub-paragraph (1)(a) above for the loan to be made to a student in any year shall not exceed—
- (a) the amount specified as the ordinary maintenance requirement for students of the class or description to which he belongs by regulations having effect for that year under section 1(1) of the ^{M1}Education Act 1962 (mandatory awards); or
 - (b) if no such amount is specified for students of the class or description to which he belongs, such amount as the Secretary of State considers appropriate for students of that class or description having regard to the amount specified as mentioned in paragraph (a) above;
- but regulations, other than the first, made under sub-paragraph (1)(a) above may prescribe a higher maximum if a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (3) Regulations [^{F3}made in pursuance of sub-paragraph (1)(b)(i) above] shall make such separate provision as the Secretary of State considers appropriate with respect to the repayment of loans by borrowers who are disabled.
- [^{F4}(4) Regulations made in pursuance of sub-paragraph (1)(b)(ii) above shall make such provision with respect to the rate of interest for the time being applicable to a public

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sector student loan as the Secretary of State considers appropriate to maintain the value in real terms of the outstanding amount of the loan.

- (5) The provision required by sub-paragraph (4) above shall be framed by reference to such index of prices as may be specified in, or determined in accordance with, the regulations.]
- [^{F5}(6) Nothing in any regulations under sub-paragraph (1)(b) above shall affect the terms of any agreement for a public sector student loan entered into before the date of the coming into force of the regulations.]

Textual Amendments

- F1** Words in Sch. 2 para. 1(1) inserted (29.4.1996) by 1996 c. 9, s. 1(2), Sch. para. 3(2)(a)
- F2** Sch. 2 para. 1(1)(b) substituted (1.3.1998) for Sch. 2 para. 1(1)(b)(c) by 1998 c. 1, s. 2(2); S.I. 1998/210, art. 2
- F3** Words in Sch. 2 para. 1(3) substituted (1.3.1998) by 1998 c. 1, s. 2(3); S.I. 1998/210, art. 2
- F4** Sch. 2 para. 1(4)(5) substituted (1.3.1998) by 1998 c. 1, s. 2(4); S.I. 1998/210, art. 2
- F5** Sch. 2 para. 1(6) inserted (1.3.1998) by 1998 c. 1, s. 2(5); S.I. 1998/210, art. 2

Modifications etc. (not altering text)

- C2** Sch. 2 para. 1(6) modified (1.3.1998) by 1998 c. 1, s. 2(7); S.I. 1998/210, art. 2

Marginal Citations

- M1** 1962 c. 12.

Certificates etc.

- 2 (1) The Secretary of State may by regulations require the governing bodies of institutions at which eligible students are attending courses to take such steps (whether by the issue of certificates or otherwise) as may be prescribed by the regulations for the purposes of, or in connection with, applications by those students for [^{F6}public sector student loans or subsidised private sector student loans,] including the provision of information when a person ceases to be an eligible student.
- [^{F7}(1A) Regulations under sub-paragraph (1) above may include provision for the making of payments to governing bodies in respect of the taking by them of steps prescribed by the regulations.]
- (2) For the purposes of this paragraph the governing body, in relation to a university, means the body responsible for the management and administration of its revenue and property and the conduct of its affairs, in relation to
- [^{F8}(a) an educational establishment (not being a school) within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible, the education authority;
- (b) a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 which is managed by a board of management established under Part I of that Act, the board of management.]

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Extent Information

- E1** Sch. 2 para. 2: in so far as it relates to institutions in Northern Ireland, the power to make regulations under this paragraph does not extend to Northern Ireland see s. 4(4)

Textual Amendments

- F6** Words in Sch. 2 para. 2(1) substituted (29.4.1996) by 1996 c. 9, s. 1(2), **Sch. para. 3(3)(a)**
F7 Sch. 2 para. 2(1A) inserted (29.4.1996) by 1996 c. 9, s. 1(2), **Sch. para. 3(3)(b)**
F8 Sch. 2 para. 2(2)(a)(b) substituted for words (1.4.1993) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 12(3)**; S.I. 1992/817, art. 3(2), **Sch. 4**

[^{F9}Public sector student loans: administration]

Textual Amendments

- F9** Cross heading immediately preceding Sch. 2 para. 3 substituted (29.4.1996) by 1996 c. 9, s. 1(2), **Sch. para. 3(4)(e)** and (1.3.1998) by virtue of 1998 c. 1, s. 3(1) (with s. 3(4)(5)); S.I. 1998/210, **art.2**

- [^{F103}** (1) Arrangements made with any person under section 1(1) of this Act may in particular provide for—
- (a) the making of public sector student loans by that person;
 - (b) the terms to be contained in the agreements for such loans, so far as not provided for by or under paragraph 1 above;
 - (c) the making of payments by the Secretary of State to that person for the purpose of enabling him to make such loans or otherwise in connection with such loans;
 - (d) the making of repayments by that person to the Secretary of State; and
 - (e) the provision by that person to the Secretary of State of reports with respect to the working of the arrangements.
- (2) Any such arrangements may also provide for the appointment of an independent person approved by the Secretary of State with the function of investigating and reporting on disputes between persons borrowing or intending to borrow by way of public sector student loans and the person with whom the arrangements are made.]

Textual Amendments

- F10** Sch. 2 para. 3 substituted (1.3.1998) by 1998 c. 1, s. 3(1) (with s. 3(4)(5)); S.I. 1998/210, **art.2**

[^{F11}Circulars to minors]

Textual Amendments

- F11** Heading and Sch. 2 para. 3A substituted (29.4.1996) for Sch. 2 para. 3(8) by 1996 c. 9, s. 1(2), **Sch. para. 3(5)**

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- ^{F12}3A No document sent—
- (a) in connection with public sector student loans by any [^{F13}person with whom arrangements have been made under section 1(1) of this Act;]; or
 - (b) in connection with subsidised private sector student loans by any person making or proposing to make such loans,
- shall be regarded as sent with a view to financial gain within the meaning of section 50 of the ^{M2}Consumer Credit Act 1974 (circulars to minors).

Textual Amendments

F12 Heading and Sch. 2 para. 3A substituted (29.4.1996) for Sch. 2 para. 3(8) by 1996 c. 9, s. 1(2), **Sch. para. 3(5)**

F13 Words in Sch. 2 para. 3A(a) substituted (1.3.1998) by 1998 c. 1, s. 3(2)

Marginal Citations

M2 1974 c. 39.

Restriction on disclosure of information

- 4 [^{F14}(1) No person with whom arrangements have been made under section 1(1) of this Act shall provide or make available to anyone else (whether for consideration or not) any information held in connection with public sector student loans if the information is to be used for soliciting custom for goods or services.]

[^{F15}(1A) No person making or proposing to make subsidised private sector student loans shall provide or make available to anyone else (whether for consideration or not) any information held in connection with such loans if the information is to be used for soliciting custom for goods or services; but this sub-paragraph does not prevent a member of a group (within the meaning of Part VII of the ^{M3}Companies Act 1985) providing or making available information to another member of the group.]

- (2) As respects information constituting personal data for the purposes of the ^{M4}Data Protection Act 1984 [^{F16}sub-paragraphs (1) and (1A) above are] without prejudice to the requirements of that Act but [^{F16}apply] irrespective of any consent given for the purposes of that Act by the person to whom the information relates.

Textual Amendments

F14 Sch. 2 para. 4(1) substituted (1.3.1998) by 1998 c. 1, s. 3(3); S.I. 1998/210, art. 2

F15 Sch. 2 para. 4(1A) inserted (29.4.1996) by 1996 c. 9, s. 1(2), **Sch. para. 3(6)(b)**

F16 Words in Sch. 2 para. 4(2) substituted (29.4.1996) by 1996 c. 9, s. 1(2), **Sch. para. 3(6)(c)**

Marginal Citations

M3 1985 c. 6.

M4 1984 c. 35.

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Insolvency: England and Wales

- 5 (1) There shall not be treated as part of a bankrupt's estate or claimed for his estate under section 307 or 310 of the ^{M5}Insolvency Act 1986 any sums to which this paragraph applies and which he 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 any such sum shall be included in his bankruptcy debts.
- (3) This paragraph applies to any sum by way of [^{F17}public sector student loan or subsidised private sector student loan] payable to the bankrupt pursuant to an agreement entered into by him before or after the commencement of the bankruptcy.

Textual Amendments

F17 Words in [Sch. 2 para. 5\(3\)](#) substituted (29.4.1996) by [1996 c. 9, s. 1\(2\)](#), [Sch. para. 3\(7\)](#)

Marginal Citations

M5 [1986 c. 45.](#)

Insolvency: Scotland

- 6 Where, after the date of sequestration of a person's estate, he receives, or is entitled to receive, sums by way of [^{F18}public sector student loan or subsidised private sector student loan] pursuant to an agreement entered into by him before or after that date—
- (a) the sheriff shall not, in fixing an amount under subsection (2) of section 32 of the ^{M6}Bankruptcy (Scotland) Act 1985, treat the sums as income of the person;
- (b) for the purposes of subsection (6) of that section the sums shall not be treated as estate vesting in, or requiring to be conveyed or delivered to, the person's permanent trustee; and
- (c) any debt or liability to which the person is, or may become, subject in respect of the sums shall not be treated as a debt or liability—
- (i) for the purposes of the sequestration (or of any offer of composition to the permanent trustee); or
- (ii) from which the person is discharged, on the expiry of a period after the date of sequestration, under or by virtue of section 54 or 75(4) of that Act (or on an order being made under paragraph 11 of Schedule 4 to that Act as respects him and the permanent trustee).

Textual Amendments

F18 Words in [Sch. 2 para. 6](#) substituted (29.4.1996) by [1996 c. 9, s. 1\(2\)](#), [Sch. para. 3\(7\)](#)

Marginal Citations

M6 [1985 c. 66.](#)

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