

This Statutory Instrument has been made in consequence of drafting errors in S.I. 2022/1335 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2022 No. 1392

EDUCATION

The Education (Student Loans) (Repayment) (Amendment) (No. 5) Regulations 2022

<i>Made</i>	- - - -	<i>21st December 2022</i>
		<i>22nd December</i>
<i>Laid before Parliament</i>		<i>2022</i>
		<i>22nd December</i>
<i>Laid before Senedd Cymru</i>		<i>2022</i>
<i>Coming into force</i>	- -	<i>15th January 2023</i>

The Secretary of State for Education makes these Regulations in exercise of the powers conferred by—

- (a) sections 73(f) and 73B(1) and (3) of the Education (Scotland) Act 1980(1),
- (b) sections 22(1), (2)(g), (3), (4)(b) and (5) and 42(6) of the Teaching and Higher Education Act 1998(2), and
- (c) sections 5(2), (3) and (4) and 6(1) and (2) of the Sale of Student Loans Act 2008(3).

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- (a) sections 22(1), (2)(g), (3)(a) to (d) and (4)(b) and 42(6) of the Teaching and Higher Education Act 1998, now exercisable by them(4), and
- (b) sections 5(4) and 6(1) and (2)(a) of the Sale of Student Loans Act 2008.

(1) 1980 c. 44. Section 73(f) was amended by section 29(1) of the Teaching and Higher Education Act 1998 (c. 30) and section 3(2) of the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6). Section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998 (c. 30).

(2) 1998 c. 30. Section 22(1) was amended by section 146(2)(a) of the Learning and Skills Act 2000 (c. 21). Section 22(3) was amended by section 42(1) of the Higher Education Act 2004 (c. 8), section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and section 88(5) of the Higher Education and Research Act 2017 (c. 29). Section 22(5) was amended by paragraph 236(a) of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1).

(3) 2008 c. 10.

(4) The functions of the Secretary of State under section 22(1), (2)(g), (3)(a) to (d) and (4)(b) in relation to Wales were transferred to the National Assembly for Wales by section 44(1) of the Higher Education Act 2004 (c. 8). The functions of the Secretary of State under section 42(6) in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672. The aforementioned functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). The National Assembly for Wales was renamed Senedd Cymru or the Welsh Parliament by section 2 of the Senedd and Elections (Wales) Act 2020 (anaw 1).

Citation, commencement and extent

1. These Regulations—
 - (a) may be cited as the Education (Student Loans) (Repayment) (Amendment) (No. 5) Regulations 2022,
 - (b) come into force on 15th January 2023, and
 - (c) extend to England and Wales, Northern Ireland and Scotland.

Amendment of the Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022

2. The Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022⁽⁵⁾ are amended in accordance with regulations 3 and 4.

Amendment of regulation 2 (commencement)

3. After regulation 2(1)(a) insert—
 - “(aa) regulation 4;”.

Amendment of regulation 3 (extent)

4. In regulation 3(a), for “regulations” substitute “this Part and regulations 4,”.

Signed by authority of the Secretary of State for Education

21st December 2022

21st December 2022

Barran
Parliamentary Under Secretary of State
Department for Education
Jeremy Miles
Minister for Education and Welsh Language, one
of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 15th January 2023, amend the Education (Student Loan) (Repayment) (Amendment) (No. 4) Regulations 2022 (S.I. 2022/1335) (“the principal Regulations”) to correct two drafting errors in Part 1 of those Regulations before that Part comes into force on 16th January 2023.

These Regulations are being issued free of charge to all known recipients of the principal Regulations.

Regulation 2 of the principal Regulations (commencement) is amended to include regulation 4 of the principal Regulations (amendment of the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470)) in the list of provisions to commence on 16th January 2023.

Regulation 3 of the principal Regulations (extent) is amended to include Part 1 (preliminary provisions) and regulation 4 of the principal Regulations in the list of provisions that extend beyond England and Wales to Northern Ireland and to Scotland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

An Explanatory Memorandum is published alongside this instrument at www.legislation.gov.uk.