

2004 No. 478

EDUCATION

**The Education (Student Loans) (Repayment) (Amendment)
(No. 2) Regulations (Northern Ireland) 2004**

Made - - - - - *18th November 2004*

Coming into operation *10th December 2004*

The Department for Employment and Learning^(a), in exercise of the powers conferred on it by Articles 3(2) and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998^(b) and now vested in it^(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Student Loans) (Repayment) (Amendment) (No. 2) Regulations (Northern Ireland) 2004 and shall come into operation on 10th December 2004 except for regulation 5 which shall come into operation on 6th April 2005.

Amendment of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2000

2. The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2000^(d) shall be amended as provided by regulations 3 to 6.

3. For regulation 10(2) there shall be substituted –

“(2) Any repayment received by the Department shall be applied by it in reduction or in satisfaction of:

- (a) first, any outstanding penalties, costs or expenses under regulation 13C or 13D;
- (b) second, any outstanding penalties or charges under Part V;
- (c) third, any outstanding interest; and
- (d) fourth, any outstanding principal, which shall be reduced or satisfied from the date of receipt.”.

4. After regulation 13 there shall be inserted the following regulations –

“Information requests

13A. Every borrower must, within six weeks, inform the Department and provide it with particulars if either of the following occurs –

(a) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment & Learning Act (Northern Ireland) 2001 c. 15
(b) S.I. 1998/1760 (N.I. 14)
(c) S.R. 1999 No. 481, Article 5(b) and Schedule 3 Part II transferred functions from the Department of Education to the Department of Higher and Further Education, Training and Employment which is now renamed the Department for Employment and Learning
(d) S.R. 2000 No. 121, as amended by S.R. 2001 No. 162, S.R. 2003 No. 166, S.R. 2004 No. 444

- (a) his home address changes; or
- (b) his name changes.

13B.—(1) The Department may serve a notice (“an Information Notice”) on a borrower at his home address.

(2) An Information Notice under paragraph (1) requires the borrower to provide some or all of the following, together with documentary evidence in support where relevant –

- (a) his full name;
- (b) his telephone number;
- (c) his national insurance number or a valid reason for not having one;
- (d) his date of birth;
- (e) a statement of whether he is employed, self-employed or not employed;
- (f) the following particulars of his employment and income during the period specified in the notice –
 - (i) for each part of that period during which he was employed, the dates on which the employment began and (unless it is still continuing) ended, the name and address of his employer, his employee number and his gross earnings,
 - (ii) for each part of that period during which he was self-employed, the dates on which it began and (unless it is still continuing) ended and his gross earnings, and
 - (iii) the amount, source and date of receipt of any other income.

(3) An Information Notice under paragraph (1) must set out the provisions contained in regulation 13C.

(4) Where the Department has served an Information Notice on a borrower under paragraph (1), the borrower must comply with it within a period of 28 days beginning with the day on which the Information Notice was served.

13C.—(1) Where a borrower has failed to comply with regulation 13A, the Department may require the borrower to pay a penalty of £50.

(2) Where a borrower has failed to comply with regulation 13B(4), the Department may require the borrower to pay a penalty of £50.

(3) Where a borrower has been liable to a penalty under paragraph (2) in respect of an Information Notice and has not paid it, upon expiry of the time limit for payment the Department may require the borrower to pay one additional penalty of £100 in respect of that Information Notice.

(4) The Department must notify the borrower of a penalty imposed under paragraph (1), (2) or (3) by serving a notice (“a Penalty Notice”) on the borrower at his home address.

(5) Notwithstanding the provisions of regulation 11(3) and (4), a penalty imposed under paragraph (1), (2) or (3) is payable within a period of 28 days beginning with the day on which the Penalty Notice was served and may be added to the borrower’s loan account.

13D. Where the Department incurs reasonable costs or expenses in taking steps to –

- (a) serve an Information Notice on a borrower under regulation 13B(1);
- (b) serve a Penalty Notice on a borrower under regulation 13C(4); or
- (c) obtain the information requested in an Information Notice served under regulation 13B(1),

it may require the reimbursement of those costs or expenses by the borrower and may add them to the borrower’s loan account.

13E. Where the Department considers that having regard to all the circumstances of a particular case a time limit in regulation 13B(4) or regulation 13C(5) should be relaxed, it may specify another time limit.”.

5. In the following regulations, for “£10,000” there shall be substituted “£15,000” –

- (a) regulation 13(4);
- (b) regulation 15(5)(a);
- (c) regulation 29(2)(a);
- (d) regulation 29(2)(b);
- (e) regulation 56(4)(a).

6. In regulation 15(4) and (5) for the words “paragraph (1)” there shall be substituted “paragraph (3)”.

Sealed with the Official Seal of the Department for Employment and Learning on 18th November 2004.

(L.S.)

David McAuley

A senior officer of the Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Education (Student Loans) (Repayment) Regulations 2000 (“the 2000 Regulations”). The amending regulations concern the provision of information to the Department by borrowers of student loans and the imposition of penalties upon failure to do so. They also increase the earnings threshold for repayment.

Regulation 3 amends Regulation 10(2) of the 2000 Regulations to provide that where penalties, costs or expenses are charged as a result of a failure to provide information, these will be satisfied first wherever a repayment is received.

Regulation 4 inserts a series of new regulations into the 2000 Regulations. The first of these, regulation 13A, creates a requirement that borrowers must inform the Department each time that their home address or name changes.

Regulation 13B provides that the Department may serve an Information Notice on a borrower requiring him to provide certain information. The borrower must comply with the Notice within 28 days of service.

Regulation 13C allows the Department to impose penalties on borrowers where they have failed to comply with a requirement to provide information, whether the loan is due for repayment or not. The Department must inform the borrower of the penalty by serving a Penalty Notice on him.

Regulation 13D sets out the circumstances where the Department may require the reimbursement of costs and expenses by a borrower.

Regulation 13E gives the Department a discretion in a particular case to relax a time limit contained in regulation 13B or regulation 13C and to specify another time limit.

Regulation 5 raises the earning threshold for repayment from £10,000 to £15,000 from 6th April 2005. This amendment applies to all borrowers regardless of the date that their liability to repay arose.

Regulation 6 amends regulation 15 of the 2000 Regulations to correct a drafting error.

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