

2007 No. 360

EDUCATION

**The Education (Student Loans) (Repayment) (Amendment)
Regulations (Northern Ireland) 2007**

Made - - - - - *16th August 2007*

Coming into operation

for purpose of regulations 1, 2,3 *14th September 2007*

for the purpose of regulation 4 *6th April 2008*

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

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Student Loans) (Repayment) (Amendment) Regulations (Northern Ireland) 2007 and —

- (a) this regulation and regulations 2 and 3 come into operation on 14th September 2007,
- (b) regulation 4 comes into operation on 6th April 2008.

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 and 4.

3. In regulation 11—

- (a) in paragraph (5)(e)(iv) after “paragraph (4) there shall be inserted “or” , and
- (b) after paragraph (5)(e)(iv) there shall be inserted—
 - “(v) the borrower has undertaken to repay the loan in full after that date by fixed instalments or a lump sum.”

4. In regulation 35—

- (a) in paragraph (1) for the words following sub-paragraph (c) there shall be substituted—

(a) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* S.I. 1999/283 (N.I. 1) and the Department for Employment and Learning Act (Northern Ireland) 2001 c.15
(b) S.I.1998/1760 (N.I. 14)
(c) S.R. 1999 No. 481 *see* 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 Nos. 444 and 478 and S.R. 2006 Nos. 28 and 331

“shall, on making to that employee any payment of emoluments on the first available pay day after the date referred to in paragraph (2) and at any time after that pay day but before the date referred to in paragraph (3), deduct the appropriate repayment in accordance with these Regulations.”,

(b) after paragraph (3) there shall be inserted—

“(3A) The employer shall not make or shall cease to make deductions on the first available pay day after the date referred to in paragraph (3)”, and

(c) paragraph (4) shall be omitted.

Sealed with the Official Seal of the Department for Employment and Learning on 16th August 2007

Sir Reg Empey MLA
Minister for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2000 (S.R. 2000 No. 121) (“the principal Regulations”). Regulations 1, 2 and 3 come into operation on 14th September 2007. Regulation 4 comes into operation on 6th April 2008. The principal Regulations deal with the repayment of student loans paid to students under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998.

Regulation 3 amends regulation 11 of the principal Regulations. Regulation 11 makes provision for the timing of repayments of student loans. Regulation 3 inserts a new provision enabling repayments made by employers to cease in the case of borrowers who have agreed to repay the loan in full via fixed instalments or a lump sum after a certain date.

Regulation 4 amends regulation 35 of the principal Regulations. Regulation 35 deals with the deduction from earnings of student loan repayments by employers of borrowers. It provides for employers to start and stop making deductions in accordance with notices from Her Majesty’s Revenue and Customs. The regulation states that employers must start and stop making deductions on the dates specified in the notice, which will be at least 14 days from the date of issue of the notice for employers with weekly payrolls and at least 42 days from that date in all other cases. Regulation 4 removes the 14 day and the 42 day lead in times in relation to start and stop notices. The employer is required to start making deductions on the first available pay day after the date specified in the start notice. The employer is to continue making such deductions up until the date specified in the stop notice. The employer is required to stop making deductions on the first available pay day after the date specified in the stop notice.

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