

**2007 No. 158**

**EDUCATION**

**The Education (Student Loans for Tuition Fees) (Scotland)  
Amendment Regulations 2007**

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>6th March 2007</i>
<i>Coming into force</i> - -	<i>1st August 2007</i>

The Scottish Ministers, in exercise of the powers conferred upon them by sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Student Loans for Tuition Fees) (Scotland) Amendment Regulations 2007 and shall come into force on 1st August 2007.

**Amendment of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006**

2. After regulation 5 (applications for loans) of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006(b), insert—

**“Provision of United Kingdom national insurance number**

**5A.**—(1) The Scottish Ministers may make it a condition of eligibility for a loan that the student must provide them with that student’s United Kingdom national insurance number.

(2) Where the Scottish Ministers have imposed a condition under paragraph (1), they must not make any payment of the loan to the student before they are satisfied that the student has complied with that condition.

(3) Notwithstanding paragraph (2), the Scottish Ministers may make a payment of loan to a student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the student having complied with the condition imposed under paragraph (1).”

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(a) 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30), section 29(1) and by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2); section 73B was inserted by the Teaching and Higher Education Act 1998, section 29(2) and amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001, section 3(3) and by the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, paragraph 149; section 74(1) was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c.39), Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2006/333.

3. In regulation 8 (information) of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006, after paragraph (3) insert—

“(4) The Scottish Ministers may at any time require an applicant or eligible student to enter into an agreement to repay a loan by a particular method.

(5) The Scottish Ministers may at any time request from an applicant or eligible student sight of their valid national identity card, their valid passport issued by the state of which they are a national or their birth certificate.

(6) The Scottish Ministers may at any time verify with the Department for Work and Pensions the United Kingdom national insurance number that an applicant or eligible student has provided or may check with the Department for Work and Pensions whether that applicant or eligible student has such a number with a view to obtaining it if that applicant or eligible student does.

(7) Where the Scottish Ministers have requested information or documents under this regulation, they may withhold any payment of a loan until the applicant or eligible student provides what has been requested or provides a satisfactory explanation for not complying with the request.

(8) Where the Scottish Ministers have requested an agreement as to the method of repayment under this regulation, they may withhold any payment of a loan until the applicant or eligible student provides what has been requested.”.

*NICOL STEPHEN*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
6<sup>th</sup> March 2007

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006. Regulation 2 inserts new provisions allowing the Scottish Ministers to impose a condition on a student to provide them with that student's United Kingdom national insurance number. The amendment in regulation 3, enables the Scottish Ministers to request an applicant or eligible student to enter into a repayment agreement, to verify the national insurance number and request sight of the identity card, passport or birth certificate of an applicant or eligible student and to withhold payment of the loan until all information requests have been satisfied or any repayment agreement completed.

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**£3.00**

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