
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 159

**The Repayment of Student Loans
(Scotland) Amendment Regulations 2007**

Amendment of the Repayment of Student Loans (Scotland) Regulations 2000

4. For regulation 8 (cancellation) substitute—

“Cancellation

8.—(1) This regulation shall apply where a borrower is not in breach of any obligation to repay their student loan under Part III of the Collection Regulations or any obligation to repay any loan mentioned in paragraph (5).

(2) In this regulation “post 2007 student loan” means any student loan taken out by persons mentioned in paragraph (3) paid under—

- (a) the 2007 Regulations; or
- (b) any regulations made after 1st August 2007 under sections 73(f), 73B and 74(1) of the Act.

(3) The persons mentioned in this paragraph are—

- (a) a borrower who takes out a student loan for the first time in respect of an academic year beginning on or after 1st August 2007; or
- (b) a borrower who takes out a student loan in respect of a course which satisfies the following conditions—
 - (i) it begins on or after 1st August 2007;
 - (ii) it is not a continuous programme of higher education which the borrower began before 1st August 2007; and
 - (iii) it is not a course in relation to which the borrower’s status as a student eligible for support under regulations made under section 73(f), 73B and 74(1) of the Act transferred from another course which the borrower began before 1st August 2007.

(4) The Scottish Ministers shall cancel the borrower’s liability to repay that borrower’s student loan when one of the following occurs—

- (a) the borrower dies;
- (b) the borrower receives a disability related benefit and because of that borrower’s disability is permanently unfit for work;
- (c) in the case of a post 2007 student loan, the 35th anniversary of the date on which the borrower became liable to repay the student loan; or
- (d) in the case of a student loan which is not a post 2007 student loan, the borrower reaches the age of 65.

(5) The loans mentioned in this paragraph are loans made under the Education (Student Loans) Act 1990⁽¹⁾, the Education (Student Loans) (Northern Ireland) Order 1990⁽²⁾, the Teaching and Higher Education Act 1998⁽³⁾ and regulations made under it and the Education (Student Support) (Northern Ireland) Order 1998⁽⁴⁾ and regulations made under it.

(6) The cancellation of the borrower's liability to repay that borrower's student loan under paragraph (4) shall not affect their liability to make repayments under Part III of the Collection Regulations subject to and in accordance with that Part in respect of any year of assessment—

- (a) in the case of cancellation under paragraph (4)(a) during which the borrower was alive; and
- (b) in any other case preceding the year of assessment during which the student loan was cancelled.

(7) The cancellation of a borrower's liability to repay their student loan under paragraph (4) shall not affect that borrower's liability to make repayments by way of deductions made under Part 4 of the Collection Regulations subject to and in accordance with that Part in respect of any earnings period ending before the date of cancellation.”.

(1) 1990 c. 6: repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4.
(2) S.I.1990/1506 (N.I. 11), repealed by S.I. 1998/1760 (N.I. 14).
(3) 1998 (c. 30).
(4) S.I. 1998/1760 (N.I. 14).