
STATUTORY INSTRUMENTS

2002 No. 2087

EDUCATION, ENGLAND AND WALES

**Education (Student Loans) (Repayment)
(Amendment) Regulations 2002**

Made - - - - *6th August 2002*
Laid before Parliament *9th August 2002*
Coming into force - - *1st September 2002*

In exercise of the powers conferred on the Secretary of State by sections 22 and 42(6) of the Teaching and Higher Education Act 1998⁽¹⁾ and sections 186 and 210 of the Education Act 2002⁽²⁾, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Student Loans) (Repayment) (Amendment) Regulations 2002 and shall come into force on 1st September 2002.

(2) These Regulations shall extend to England and Wales.

Interpretation

2.—(1) In these Regulations “the principal Regulations” means the Education (Student Loans) (Repayment) Regulations 2000⁽³⁾.

(2) In regulation 2 of the principal Regulations, in the appropriate places in alphabetical order, insert the following definitions—

““eligible employment” has the same meaning as in the Teachers' Regulations;”;

““eligible teacher” means a teacher with a student loan made when he was resident in England or Wales who is eligible for a reduction in respect of that loan under the Teachers' Regulations;”;

““full-time” employment is full-time if the contract of employment so provides;”;

““part-time” employment is part-time if the contract of employment requires the employee to work for less than the whole of the working week;” and

(1) 1998 c. 30; section 22 was amended by sections 146, 153 of, and Schedule 11 to, the Learning and Skills Act 2000 (c. 21).

(2) 2002 c. 32.

(3) S.I. 2000/944.

““the Teachers' Regulations” means the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002(4);”.

Amendments to regulation 11 of the principal Regulations

3.—(1) Regulation 11 of the principal Regulations shall be amended as follows.

(2) After paragraph (4) insert the following paragraphs—

“(4A) A borrower who is an eligible teacher in full-time eligible employment shall not be required to repay any of his student loan during the period he remains eligible under regulation 3(1) of the Teachers' Regulations.

“(4B) A borrower who is an eligible teacher in part-time eligible employment shall not be required to repay the proportion of any of his student loan for which he is eligible for a reduction under the Teachers' Regulations during the period he remains eligible under regulation 3(1) of the Teachers' Regulations.”.

(3) In paragraph (5)(d)(iii) after “cancelled;” insert—

“or

(iv) the borrower is an eligible teacher in full-time eligible employment;”.

(4) In paragraph (5)(e)(iv) after “paragraph (4)” insert—

“or

(v) the borrower is an eligible teacher in full-time eligible employment”.

(5) After paragraph (8) insert the following paragraphs—

“(8A) Where a borrower is an eligible teacher in full-time eligible employment the Secretary of State shall not issue a notice under paragraphs (5)(a) to (d).

(8B) Paragraph (5) shall apply where—

(i) a person ceases to be eligible for a reduction under the Teachers' Regulations; or

(ii) an eligible teacher in full-time eligible employment changes to part-time eligible employment.”.

Amendment to regulation 13 of the principal Regulations

4. After regulation 13(4) of the principal Regulations add the following paragraph—

“(5) Where the Secretary of State has received a voluntary payment not required under these Regulations in relation to loans of a borrower who is an eligible teacher after he has commenced eligible employment or 1st September 2002 whichever is the later he may refund to the borrower—

(a) who is a full-time eligible teacher, an amount equal to that payment, or

(b) who is a part-time eligible teacher, an amount equal to the part of that payment which is not required to pay the loan in full not including the proportion of the loan for which he is eligible for a reduction under the Teachers' Regulations.”.

Amendments to regulation 15 of the principal Regulations

5.—(1) Regulation 15 of the principal Regulations shall be amended as follows.

- (2) After paragraph (5)(a) insert the following sub-paragraph—
 - “(aa) where a borrower is an eligible teacher in part-time eligible employment, any amount of his income from that employment in excess of £ 10,000;”.
- (3) At the end of paragraph (5)(g) delete ‘and’.
- (4) In paragraph (5)(h) after “expenditure)” insert—
 - “; and
 - (i) amounts of any reduction or repayment made under the Teachers' Regulations”.

Amendment to regulation 35 of the principal Regulations

- 6. After regulation 35(7) of the principal Regulations add the following paragraph—
 - “(8) Paragraph (1) shall not apply to an employer of an eligible teacher in respect of eligible employment where the employer has received a written notification from the Secretary of State to that effect.”.

Amendment to regulation 43 of the principal Regulations

- 7.—(1) Regulation 43 of the principal Regulations shall be amended as follows.
- (2) At the end of paragraph (1)(b) delete ‘or’.
- (3) In paragraph (1)(c) after “officer” insert—
 - “; or
 - (d) any notification received under regulation 35(8)”.

6th August 2002

David Miliband
Minister of State,
Department for Education and Skills

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Loans) (Repayment) Regulations 2000 (S.I.2000/944) (“the principal Regulations”) in consequence of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002 (S.I. 2002/2086) (“the Teachers' Regulations”). The Teachers' Regulations provide for the reduction of amounts payable in respect of student loans made pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998 (c. 30) to teachers who meet certain eligibility conditions.

Regulation 3 amends the principal Regulations to remove the liability on such teachers in full-time employment to repay student loans, to remove the liability on such teachers in part-time employment to repay the proportion of student loans for which they are eligible for a reduction under the Teachers' Regulations, to require the Secretary of State not to issue a notice to the Inland Revenue to commence the collection of repayments and to issue a notice to the Inland Revenue to stop the collection of repayments (where they have already commenced) in relation to such teachers.

Regulation 4 amends the principal Regulations to allow the Secretary of State to refund to a borrower who is an eligible teacher any voluntary repayments made after he commenced such employment or 1st September 2002 whichever is the later.

Regulation 5 amends the principal Regulations to exclude from the calculations of a borrower’s total income (from which the amount of repayments under the principal Regulations is calculated) in relation to an eligible teacher any income above £10,000 received from eligible employment and in relation to any borrower any repayment or reduction of loans made under the Teachers' Regulations.

Regulation 6 amends the principal Regulations to remove the requirement on an employer to deduct repayments from the salary of a borrower in relation to an eligible teacher where the Secretary of State has notified the employer so in writing. Regulation 7 amends the principal Regulations to require an employer to produce to an officer authorised by the Commissioners of Inland Revenue when required this written notification.