

2007 No. 1683

EDUCATION

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

<i>Made</i>	- - - -	<i>8th June 2007</i>
<i>Laid before Parliament</i>		<i>18th June 2007</i>
<i>Coming into force</i>		
<i>for the purpose of regulations 1, 2, 3</i>		<i>20th July 2007</i>
<i>for the purpose of regulation 4</i>		<i>6th April 2008</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 22 and 42 of the Teaching and Higher Education Act 1998(a) and sections 73(f) and 73B of the Education (Scotland) Act 1980(b):

Citation and commencement

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

- (a) this regulation and regulations 2 and 3 come into force on 20th July 2007,
- (b) regulation 4 comes into force on 6th April 2008.

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

2. The Education (Student Loans) (Repayment) Regulations 2000(c) are amended as follows.

3. In regulation 11—

- (a) in paragraph (5)(e)(v) after “eligible employment”, insert “or”, and
- (b) after paragraph (5)(e)(v) insert—

“(vi) 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) substitute the following—

(a) 1998 c30; Section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146; the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6; the Finance Act 2003 (c.14), section 147 and the Higher Education Act 2004 (c.8), sections 42 and 43.
(b) 1980 c44; Section 73(f) was amended by the Teaching and Higher Education Act 1998, section 29(1); section 73B was inserted by the same Act, section 29(2) and was amended by section 722 of, and paragraph 149 of Schedule 6 to, the Income Tax (Earnings and Pensions) Act 2003 (c.1).
(c) S.I. 2000/944; relevant amending instruments are SI 2001/971, SI 2002/2087, SI 2005/2690, SI 2006/2009

“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) insert the following paragraph—

“(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) omit paragraph (4).

Bill Rammell

Minister of State

Department for Education and Skills

8th June 2007

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”). Regulations 1, 2 and 3 come into force on 20 July 2007. Regulation 4 comes into force on 6 April 2008. The principal Regulations deal with the repayment of student loans paid to students under section 22 of the Teaching and Higher Education Act 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 principle 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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