SCOTTISH STATUTORY INSTRUMENTS

2005 No. 314

EDUCATION

The Student Loans (Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans) (Scotland) Regulations 2005

Made - - - -	*8th June 2005*
Laid before the Scottish Parliament - - - -	*8th June 2005*
Coming into force - -	*30th June 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(**1**) 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 Student Loans (Information Requests, Maximum Threshold, Maximum Repayment Levels and Hardship Loans) (Scotland) Regulations 2005 and shall come into force on 30th June 2005.

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

2. The Repayment of Student Loans (Scotland) Regulations 2000(**2**) shall be amended in accordance with regulations 3, 4 and 5 of these Regulations.

3. After regulation 11 insert–

"**Information requests**

11A. A borrower shall, within six weeks of the event, inform the Scottish Ministers and provide them with particulars if either of the following events occur–

(**1**) 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).

(**2**) S.S.I. 2000/110, amended by S.S.I. 2000/200 and S.S.I. 2001/227.

(a) the borrower's address changes; or

(b) the borrower's name changes.

11B.—(1) The Scottish Ministers may serve a notice ("an Information Notice") at the home address of the borrower.

(2) An Information Notice under paragraph (1) requires the borrower to provide some or all of the following, together with documentary evidence in support where relevant–

(a) the borrower's full name;

(b) the borrower's telephone number;

(c) the borrower's national insurance number or a valid reason for not having one;

(d) the borrower's date of birth;

(e) a statement of whether the borrower is employed, self-employed or not employed; and

(f) the following particulars of the borrower's employment and income during the period specified in the notice–

(i) for each part of that period during which the borrower was employed, the dates on which the employment began and (unless it is still continuing) ended, the name and address of the borrower's employer, the borrower's employee number and the borrower's gross income;

(ii) for each part of that period during which the borrower was self employed, the dates on which it began and (unless it is still continuing) ended and the borrower's gross income; and

(iii) the gross amount, source and date of receipt of any other income.

(3) An Information Notice under paragraph (1) must set out the provisions contained in regulation 11C.

(4) Where the Scottish Ministers have served an Information Notice on a borrower under paragraph (1), the borrower must comply with it within a period of 28 days beginning with the day on which the Information Notice was served.

11C.—(1) Where a borrower has failed to comply with regulation 11A, the Scottish Ministers may require the borrower to pay a penalty of £50.

(2) Where a borrower has failed to comply with regulation 11B(4), the Scottish Ministers may require the borrower to pay a penalty of £50.

(3) Where a borrower has been liable to a penalty under paragraph (2) in respect of an Information Notice and has not paid it, upon expiry of the time limit for payment the Scottish Ministers may require the borrower to pay one additional penalty of £100 in respect of that Information Notice.

(4) The Scottish Ministers must notify the borrower of a penalty imposed under paragraph (1), (2) or (3) by serving a notice ("a Penalty Notice") at the home address of the borrower.

(5) Notwithstanding the provisions of regulation 7(2)and (3), a penalty imposed under paragraph (1), (2) or (3) is payable within a period of 28 days beginning with the day on which the Penalty Notice was served and may be added to the borrower's loan account.

11D.—(1) Where the Scottish Ministers incur reasonable costs or expenses in taking steps to–

(a) serve an Information Notice on a borrower under regulation 11B(1);