STATUTORY INSTRUMENTS

2017 No. 831

EDUCATION

The Repayment of Student Loans and Postgraduate Master's Degree Loans (Amendment) Regulations 2017

Made - - - -	*8th August 2017*
Laid before Parliament	*11th August 2017*
Laid before the National Assembly for Wales - -	*11th August 2017*
Coming into force - -	*5th September 2017*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 22 and 42 of the Teaching and Higher Education Act 1998(**1**) and sections 5 and 6 of the Sale of Student Loans Act 2008(**2**).

The Welsh Ministers make these Regulations in exercise of the powers conferred on the Secretary of State by sections 22 and 42 of the Teaching and Higher Education Act 1998, now exercisable by them(**3**), and by sections 5 and 6 of the Sale of Student Loans Act 2008.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Repayment of Student Loans and Postgraduate Master's Degree Loans (Amendment) Regulations 2017 and come into force on 5th September 2017.

(2) Subject to paragraphs (3) to (5), these Regulations extend to England and Wales only.

(**1**) 1998 c. 30. Section 22 was amended by: section 146(2) of, and Schedule 11 to, the Learning Skills Act 2000 (c. 21); paragraph 236 of Part 2 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1); section 147(3) of the Finance Act 2003 (c. 14); sections 42(1) and 43(2) and (3) of, and Schedule 7 to, the Higher Education Act 2004 (c. 8); section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); section 76(1) and (2)(a) of the Education Act 2011 (c. 21); and S.I. 2013/1881. Section 43(1) of the Teaching and Higher Education Act 1998 defines "prescribed" and "regulations".

(**2**) 2008 c. 10.

(**3**) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 as regards Wales were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004, except for those functions under section 22(2)(a), (c), (j) and (k), (3)(e) and (f) and (5). Functions under subsections (2)(a), (c) and (k) are exercisable by the Secretary of State concurrently with the National Assembly for Wales. The section 22 functions which were transferred to, or became exercisable by, the National Assembly for Wales were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). The functions of the Secretary of State under section 42 of the Teaching and Higher Education Act 1998 as regards Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions under section 42 which were transferred to the National Assembly for Wales were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

(3) These Regulations extend to all of the United Kingdom in so far as they impose or amend any obligation or confer or amend any power conferred on—

(a) Her Majesty's Revenue and Customs, an employer or a borrower in relation to repayments under—

(i) Part 3 or 4 of the Education (Student Loans) (Repayment) Regulations 2009(**4**); or

(ii) Chapter 3 or 4 of Part 2 of the 2016 Postgraduate Regulations; or

(b) any other person in relation to the retention or production of information or records.

(4) Regulation 41(2)(b) extends to England and Wales and Northern Ireland.

(5) Regulation 41(2)(c) extends to all of the United Kingdom.

Amendment of the Education (Student Loans) (Repayment) Regulations 2009

2. The Education (Student Loans) (Repayment) Regulations 2009 are amended in accordance with regulations 3 to 40.

Amendment of regulation 3

3.—(1) Regulation 3 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) after the definition of "the 2011 Welsh Regulations", insert—

""the 2016 Postgraduate Regulations" means the Education (Postgraduate Master's Degree Loans) Regulations 2016(**5**);

"the 2017 Postgraduate Wales Regulations" means the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017(**6**);";

(b) in the definition of "the Authority", in paragraphs (a) and (b)—

(i) after "student loan", insert "or a postgraduate master's degree loan";

(ii) omit from "pursuant" to "Act";

(c) for the definition of "borrower", substitute—

""borrower" means—

(a) a student loan borrower; or

(b) a postgraduate master's degree loan borrower;";

(d) in the definition of "loan purchaser", after "student loans", insert "or postgraduate master's degree loans";

(e) after the definition of "post-2012 student loan", insert—

""postgraduate master's degree loan" means the total outstanding—

(a) principal owed by a person to the Authority pursuant to—

(i) Part 1 of the 2016 Postgraduate Regulations, or

(ii) Part 4 of the 2017 Postgraduate Wales Regulations, and

(b) interest, penalties and charges owed by a person to the Authority pursuant to these Regulations in connection with the 2016 Postgraduate Regulations or the 2017 Postgraduate Wales Regulations,

(**4**) S.I. 2009/470, amended by S.I. 2010/661, 2011/784, 2012/836, 2012/1309, 2013/388, 2013/591, 2013/607 and 2013/1881.
(**5**) S.I. 2016/606, amended by S.I. 2016/668.
(**6**) S.I. 2017/523 (W. 109), amended by S.I. 2017/712 (W. 169).

excluding any interest, penalties or charges payable under Part 3 or 4, and also has the meaning given to it in regulation 7;

"postgraduate master's degree loan borrower" means a person—

(a) to whom the Authority has lent money in respect of a postgraduate master's degree loan; and

(b) who has not received a notice from the Authority or the loan purchaser (as the case may be) that the loan has been repaid in full or cancelled;";

(f) in the definition of "repayment", at the end, insert "or a postgraduate master's degree loan";

(g) in the definition of "repayment threshold"(**7**), after paragraph (b), insert—

"(c) in relation to a postgraduate master's degree loan, has the meaning given to it in regulation 29(8);";

(h) for the definition of "student loan", substitute—

""student loan" means the total outstanding principal, interest, penalties and charges owed by a person—

(a) to the Secretary of State, pursuant to—

(i) these Regulations, other than any interest, penalties and charges owed in connection with the 2016 Postgraduate Regulations, and

(ii) any other Regulations made under section 22 of the 1998 Act, other than the 2016 Postgraduate Regulations,

(b) to the Welsh Ministers, pursuant to—

(i) these Regulations, other than any interest, penalties and charges owed in connection with the 2017 Postgraduate Wales Regulations, and

(ii) any other Regulations made under section 22 of the 1998 Act, other than the 2017 Postgraduate Wales Regulations,

excluding any interest, penalties or charges payable under Part 3 or 4, and also has the meanings given to it in regulations 6 and 7;";

(i) after the definition of "student loan", insert—

""student loan borrower" means a person—

(a) to whom the Authority has lent money in respect of a student loan, and

(b) who has not received a notice from the Authority or the loan purchaser (as the case may be) that the loan has been repaid in full or cancelled,

and also has the meaning given to it in regulation 6;".

(3) In paragraph (2)(**8**), after "the 1998 Act" the first time it appears, insert ", other than the 2016 Postgraduate Regulations or the 2017 Postgraduate Wales Regulations".

Amendment of regulation 4

4. In regulation 4 (application: general), after "student loans", insert "and postgraduate master's degree loans".

(**7**) The definition of "repayment threshold" was inserted by S.I. 2011/784 and was subsequently substituted by S.I. 2012/1309.
(**8**) Paragraph (2) was inserted by S.I. 2012/1309 and was subsequently amended by S.I. 2013/607.

Amendment of regulation 5

5.—(1) Regulation 5 (Wales) is amended as follows.

(2) In paragraph (1), after "student loans", insert "and postgraduate master's degree loans".

(3) In paragraph (2)—

(a) for "description of student", substitute "postgraduate master's degree";

(b) for "Parts 3 and 4 and any provision" to the end, substitute "no provision of these Regulations made by virtue of section 22(5) of the 1998 Act will apply".

Amendment of regulation 6

6. In regulation 6(3) (Scotland), for "borrower", substitute "student loan borrower".

Amendment of regulation 7

7. In regulation 7(1) (application to transferred loans in England and Wales)—

(a) in the definition of "the Authority", at the end, omit "and";

(b) after the definition of "the Authority", insert—

> ""postgraduate master's degree loan" means, subject to any provisions of transfer arrangements, the total outstanding—
>
> (a) principal owed by a person to a loan purchaser pursuant to—
>
> (i) the 2016 Postgraduate Regulations; or
>
> (ii) the 2017 Postgraduate Wales Regulations; and
>
> (b) interest, penalties and charges owed by a person to a loan purchaser pursuant to these Regulations in connection with the 2016 Postgraduate Regulations or the 2017 Postgraduate Wales Regulations; and";

(c) for the definition of "student loan", substitute—

> ""student loan" means, subject to any provisions of transfer arrangements, the total outstanding principal, interest, penalties and charges owed by a person to a loan purchaser pursuant to—
>
> (a) these Regulations, other than any interest, penalties and charges owed in connection with the 2016 Postgraduate Regulations or the 2017 Postgraduate Wales Regulations; and
>
> (b) any other Regulations made under section 22 of the 1998 Act, other than the 2016 Postgraduate Regulations or the 2017 Postgraduate Wales Regulations.".

Amendment of regulation 9

8. In regulation 9 (interpretation), in the definition of "Student Support Regulations"—

(a) renumber paragraphs (c) and (d) as paragraphs (a) and (b) respectively;

(b) in paragraphs (a) and (b), after "any Regulations made", insert "in respect of student loans".

Amendment of regulation 15

9.—(1) Regulation 15 (timing of repayments: general) is amended as follows.

(2) In paragraph (1), after "a student loan", insert "or a postgraduate master's degree loan".

(3) In paragraph (2)(**9**)—

(a) for "(2A), (2B) and (2C)", substitute "(2A) and (2B)";

(b) for "borrower", both times it appears, substitute "student loan borrower";

(c) after "the 1998 Act", insert "in respect of a student loan".

(4) After paragraph (2), insert—

"(2ZA) Subject to paragraph (2C) a postgraduate master's degree loan borrower is not required to repay any part of the postgraduate master's degree loan before the start of the following tax year commencing on 6 April after a postgraduate master's degree loan borrower ceases to be eligible for a loan under Part 1 of the 2016 Postgraduate Regulations or Part 4 of the 2017 Postgraduate Wales Regulations, whether by reason of having completed that course or otherwise.".

(5) In paragraphs (2A) and (2B)(**10**), omit "Subject to paragraph (2C)".

(6) For paragraph (2C)(**11**), substitute—

"(2C) A postgraduate master's degree loan borrower is not required to repay any part of the postgraduate master's degree loan under paragraph (2ZA) before—

(a) 6 April 2019, in the case of a loan made under Part 1 of the 2016 Postgraduate Regulations; or

(b) 6 April 2019, in the case of a loan made under Part 4 of the 2017 Postgraduate Wales Regulations.".

(7) In paragraph (7), after "student loan", insert "or postgraduate master's degree loan".

Amendment of regulation 18

10.—(1) Regulation 18 (direct debit repayment) is amended as follows.

(2) In paragraph (1)—

(a) in the words before paragraph (a), for "will apply", substitute "applies";

(b) in paragraph (a), after "outstanding balance", insert "of a student loan or a postgraduate master's degree loan ("the relevant loan")";

(c) in paragraph (b), for "the student loan", substitute "the relevant loan";

(d) in paragraph (c), for "the loan", substitute "the relevant loan".

(3) In paragraphs (2) and (5), after "deductions", insert "in respect of the relevant loan".

(4) In paragraph (3), after "outstanding balance", insert "of the relevant loan".

Amendment of regulation 19

11.—(1) Regulation 19 (cancellation) is amended as follows.

(2) For paragraph (1), substitute—

"(1) This regulation applies where a borrower is not in breach of any obligation to repay any of the following—

(a) a loan mentioned in paragraph (4);

(b) where the borrower is a student loan borrower—

(i) a student loan under the overseas provisions;

(**9**) Paragraph (2) was amended by S.I. 2012/1309.
(**10**) Paragraphs (2A) and (2B) were inserted by S.I. 2012/1309.
(**11**) Paragraph (2C) was inserted by S.I. 2012/1309.