STATUTORY RULES OF NORTHERN IRELAND

2004 No. 478

EDUCATION

The Education (Student Loans) (Repayment) (Amendment) (No. 2) Regulations (Northern Ireland) 2004

Made - - - -	*18th November 2004*
Coming into operation	*10th December 2004*

The Department for Employment and Learning(**1**), in exercise of the powers conferred on it by Articles 3(2) and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**2**) and now vested in it(**3**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Student Loans) (Repayment) (Amendment) (No. 2) Regulations (Northern Ireland) 2004 and shall come into operation on 10th December 2004 except for regulation 5 which shall come into operation on 6th April 2005.

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

2. The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2000(**4**) shall be amended as provided by regulations 3 to 6.

3. For regulation 10(2) there shall be substituted –

"(2) Any repayment received by the Department shall be applied by it in reduction or in satisfaction of:

(a) first, any outstanding penalties, costs or expenses under regulation 13C or 13D;

(b) second, any outstanding penalties or charges under Part V;

(c) third, any outstanding interest; and

(**1**) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment & Learning Act (Northern Ireland) 2001 c. 15

(**2**) S.I. 1998/1760 (N.I. 14)

(**3**) S.R. 1999 No. 481, Article 5(b) and Schedule 3 Part II transferred functions from the Department of Education to the Department of Higher and Further Education, Training and Employment which is now renamed the Department for Employment and Learning

(**4**) S.R. 2000 No. 121, as amended by S.R. 2001 No. 162, S.R. 2003 No. 166, S.R. 2004 No. 444

(d) fourth, any outstanding principal, which shall be reduced or satisfied from the date of receipt.".

4. After regulation 13 there shall be inserted the following regulations –

"**Information requests**

13A. Every borrower must, within six weeks, inform the Department and provide it with particulars if either of the following occurs –

(a) his home address changes; or

(b) his name changes.

13B.—(1) The Department may serve a notice ("an Information Notice") on a borrower at his home address.

(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) his full name;

(b) his telephone number;

(c) his national insurance number or a valid reason for not having one;

(d) his date of birth;

(e) a statement of whether he is employed, self-employed or not employed;

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

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

(ii) for each part of that period during which he was self-employed, the dates on which it began and (unless it is still continuing) ended and his gross earnings, and

(iii) the 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 13C.

(4) Where the Department has 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.

13C.—(1) Where a borrower has failed to comply with regulation 13A, the Department may require the borrower to pay a penalty of £50.

(2) Where a borrower has failed to comply with regulation 13B(4), the Department 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 Department may require the borrower to pay one additional penalty of £100 in respect of that Information Notice.

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