

2017 No.

EDUCATION

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

|                                                        |         |                           |
|--------------------------------------------------------|---------|---------------------------|
| <i>Made</i>                                            | - - - - | <i>XX August 2017</i>     |
| <i>Laid before Parliament</i>                          |         | <i>XX August 2017</i>     |
| <i>Laid before the National Assembly for<br/>Wales</i> |         | <i>XX August 2017</i>     |
| <i>Coming into force</i>                               | - -     | <i>5th September 2017</i> |

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(a) and sections 5 and 6 of the Sale of Student Loans Act 2008(b).

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(c), 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.

(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—

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- (a) 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”.
- (b) 2008 c. 10.
- (c) 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.

- (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<sup>(a)</sup>; 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<sup>(b)</sup>;
  - “the 2017 Postgraduate Wales Regulations” means the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017<sup>(c)</sup>”;
- (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,

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

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<sup>(a)</sup> 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.

<sup>(b)</sup> S.I. 2016/606, amended by S.I. 2016/668.

<sup>(c)</sup> S.I. 2017/523 (W. 109), amended by S.I. 2017/712 (W. 169).

- (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”(a), 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)(b), 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”.

#### **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”.

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(a) The definition of “repayment threshold” was inserted by S.I. 2011/784 and was subsequently substituted by S.I. 2012/1309.  
 (b) Paragraph (2) was inserted by S.I. 2012/1309 and was subsequently amended by S.I. 2013/607.

### **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)(a)—
- (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

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(a) Paragraph (2) was amended by S.I. 2012/1309.

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)(a), omit “Subject to paragraph (2C)”.

(6) For paragraph (2C)(b), 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;
  - (ii) a student loan under regulation 18;
  - (iii) a postgraduate master’s degree loan;
- (c) where the borrower is a postgraduate master’s degree loan borrower—
  - (i) a postgraduate master’s degree loan under the overseas provisions;
  - (ii) a postgraduate master’s degree loan under regulation 18;
  - (iii) a student loan.”.

(3) In paragraph (2)(c), after “a post-2012 student loan”, insert “or a postgraduate master’s degree loan”.

(4) In paragraph (3)(d)—

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(a) Paragraphs (2A) and (2B) were inserted by S.I. 2012/1309.

(b) Paragraph (2C) was inserted by S.I. 2012/1309.

(c) Paragraph (2) was amended by S.I. 2012/1309.

(d) Paragraph (3) was amended by S.I. 2012/1309 and 2013/607.

- (a) after “the borrower’s liability to repay the student loan”, insert “or the postgraduate master’s degree loan”;
- (b) at the end of sub-paragraph (e), omit “or”;
- (c) at the end of sub-paragraph (f), insert “or”;
- (d) after sub-paragraph (f), insert—

“(g) in the case of a postgraduate master’s degree loan, the 30th anniversary of the date on which the borrower became liable to repay the postgraduate master’s degree loan.”.

(5) In paragraphs (5) and (6), after “student loan”, each time it appears, insert “or the postgraduate master’s degree loan”.

## **Amendment of regulation 20**

12.—(1) Regulation 20 (refunds) is amended as follows.

(2) In paragraph (1)(a) and (b)(a), after “the student loan”, insert “or the postgraduate master’s degree loan”.

(3) After paragraph (1A)(c), insert—

“(d) for a postgraduate master’s degree loan, as if it were the principal of a postgraduate master’s degree loan, outstanding from the date of receipt of the repayment to the earlier of—

- (i) the end of a period of 60 days after the Authority issues a notice, or
  - (ii) the date on which the Authority makes the refund to the borrower,
- after which period no interest will accrue.”.

(4) In paragraph (1B), for “and (c)(i)”, substitute “, (c)(i) and (d)(i)”.

(5) In paragraph (2)(a) and (b), after “the student loan”, insert “or the postgraduate master’s degree loan”.

(6) In paragraph (4), for “(6), (6A) and (9)”, substitute “regulation 20A”.

(7) Omit paragraphs (6) to (9).

## **New regulation 20A**

13. After regulation 20, insert—

### **“Excess payments: more than one loan**

**20A.**—(1) This regulation applies where—

- (a) a borrower has—
  - (i) a postgraduate master’s degree loan and a post-2012 student loan;
  - (ii) a postgraduate master’s degree loan and a student loan which is not a post-2012 student loan; or
  - (iii) a post-2012 student loan and a student loan which is not a post-2012 student loan; and
- (b) the Authority receives a repayment either directly from the borrower under regulation 15(1) or from HMRC under Part 3 or 4—
  - (i) which results in one of the loans being repaid in full; or
  - (ii) when one of the loans has already been repaid in full.

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(a) Paragraph (1) was amended by S.I. 2012/1309.

(2) Where the amount of the excess payment exceeds £10, the Authority must give notice to the borrower that—

- (a) the Authority intends to treat the excess payment as a direct payment under regulation 15(1) for the second loan, unless the borrower notifies the Authority, within 60 days of the date of the Authority's notice, that the excess payment should be refunded to the borrower; and
- (b) interest will accrue on a refund from the date of receipt of the repayment until the earlier of—
  - (i) a period of 60 days after the Authority issues the notice; or
  - (ii) the date on which the Authority makes the refund to the borrower.

(3) The Authority must treat any excess payment as a direct payment to the Authority under regulation 15(1) for the second loan, unless the borrower gives notice to the Authority in accordance with paragraph (2)(a).

(4) Where the borrower gives notice to the Authority in accordance with paragraph (2)(a) that the excess payment should be refunded, the Authority must refund the excess payment and any accrued interest to the borrower.

(5) A refund under paragraph (4) carries interest calculated as if it were the principal of the fully repaid loan, outstanding from the date of receipt of the repayment to the earlier of—

- (a) the end of a period of 60 days after the Authority issues a notice, or
- (b) the date on which the Authority makes the refund to the borrower,

after which period no interest will accrue.

(6) In this regulation—

- (i) “fully repaid loan” means a loan that has been repaid in full in the circumstances described in paragraph (1);
- (ii) “second loan” means the loan that remains unpaid in those circumstances;
- (iii) “excess payment” means the amount of the repayment described in paragraph (1)(b) which is not required to repay the fully repaid loan.”.

### **Amendment of regulation 21A**

14. After regulation 21A(2)(a) (interest rate on post-2012 student loans) insert—

“(2ZA) The interest rate in relation to a student loan during the period described in regulation 16(3) is the standard rate of interest.”.

### **New regulation 21B**

15. After regulation 21A, insert—

#### **“Interest rate on postgraduate master’s degree loans**

**21B.**—(1) The interest rate in relation to a postgraduate master’s degree loan is RPI plus 3%.

(2) Interest accrues as of the date that the first payment of the loan is paid out under—

- (a) regulation 13 of the 2016 Postgraduate Regulations; or
- (b) regulation 13 of the 2017 Postgraduate Wales Regulations.

(3) Interest is calculated on the principal outstanding daily and is added to the principal monthly.

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(a) Regulation 21A was inserted by S.I. 2012/1309 and subsequently amended by S.I. 2013/607 and 2013/1881.

(4) The Authority must publish, at least once a year, by whatever means and in whatever media the Authority thinks fit, the interest rate for the forthcoming academic year or part of that year.

(5) In this regulation, “RPI” means the percentage increase between the retail prices all items index published by the National Office for Statistics for the two Marches immediately before the commencement of the academic year.”.

### **Amendment of regulation 23**

16. In regulation 23(2)(b) (information notices)—

- (a) omit “and/”;
- (b) at the end, insert “or both”.

### **Amendment of regulation 25**

17. In regulation 25(3) (costs and expenses), after “the student loan”, insert “or the postgraduate master’s degree loan”.

### **Amendment of regulation 27**

18. In regulation 27 (foreclosure), after “the student loan”, insert “or the postgraduate master’s degree loan”.

### **Amendment of regulation 28**

19. In the heading of regulation 28 (repayments of student loans by persons required to submit a tax return), after “student loans”, insert “and postgraduate master’s degree loans”.

### **Amendment of regulation 29**

20.—(1) Regulation 29 (time for and amount of repayments) is amended as follows.

(2) In paragraph (1), after “student loan”, insert “or a postgraduate master’s degree loan”.

(3) For paragraph (3), substitute—

“(3) The repayment must be an amount equal to—

- (a) in the case of a student loan, 9% of the borrower’s total income for that year,
- (b) in the case of a postgraduate master’s degree loan, 6% of the borrower’s total income for that year,

calculated in accordance with paragraph (4).”.

(4) After paragraph (3), insert—

“(3A) The repayment under paragraph (3) is additional to, and concurrent with, any repayment due by—

- (a) the student loan borrower in respect of a postgraduate master’s degree loan; or
- (b) the postgraduate master’s degree loan borrower in respect of a student loan.”.

(5) In paragraph (7)(a), for “the repayment threshold is”, substitute “the repayment threshold in relation to a student loan is”.

(6) In paragraph (8)(b)—

- (i) for “for a borrower with”, substitute “in relation to”;
- (ii) after “student loan”, insert “or postgraduate master’s degree loan”.

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(a) Paragraph (7) was inserted by S.I. 2011/784 and subsequently amended by S.I. 2012/1309, 2013/607 and 2014/651.

(b) Paragraph (8) was inserted by S.I. 2012/1309.



### **Amendment of regulation 33**

21. In regulation 33(3)(b) and (d)(ii) (other returns and information), after “student loan” each time it appears, insert “or postgraduate master’s degree loan”.

### **Amendment of regulation 41**

22. In regulation 41 (interpretation)—

(a) before the definition of “combined amount”, insert—

““approved method” means—

(a) in relation to the delivery of a return in accordance with this Part, the internet services or Electronic Data Interchange services provided through PAYE Online<sup>(a)</sup> or PAYE Online for Agents<sup>(b)</sup>;

(b) in relation to the making of a payment in accordance with this Part, the services known as Direct Debit, BACS Direct Credit (including telephone and internet banking), CHAPS, debit and credit card over the internet (known as “BillPay”), Government Banking Service (formerly known as “Paymaster”), Bank Giro and payments made through the Post Office;”;

(b) in the definition of “combined amount”, after “student loan”, insert “or postgraduate master’s degree loan;”.

### **Amendment of regulation 42**

23. In the heading of regulation 42 (repayment of student loans by employees), after “student loans”, insert “or postgraduate master’s degree loans”.

### **Amendment of regulation 43**

24. In regulation 43(2)(c) (commencement of employment with a non-Real Time Information employer), after “any student loan”, insert “or postgraduate master’s degree loan”.

### **Amendment of regulation 43A**

25. In regulation 43A(d) (commencement of employment with a Real Time information employer), after “any student loan”, insert “or any postgraduate master’s degree loan”.

### **Amendment of regulation 44**

26.—(1) Regulation 44 (amount of repayments) is amended as follows.

(2) For paragraph (1), substitute—

“(1) The repayment deducted must be—

(a) in relation to a student loan, 9%, and

(b) in relation to a postgraduate master’s degree loan, 6%,

of any earnings paid to, or provided to or for the benefit of, the borrower in respect of the employment, which exceed the threshold specified in paragraph (2).”.

(3) After paragraph (2), insert—

“(2A) The repayment calculated under paragraph (1) is additional to, and concurrent with, any repayment due—

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(a) PAYE Online can be accessed at <https://www.gov.uk/payee-online>.

(b) PAYE Online for Agents can be accessed at <https://www.gov.uk/guidance/payecis-for-agents-online-service>.

(c) Paragraph (2) was amended by S.I. 2013/607.

(d) Regulation 43A was inserted by S.I. 2012/836 and subsequently amended by S.I. 2013/607.

- (a) by the student loan borrower in respect of a postgraduate master's degree loan; or
- (b) by the postgraduate master's degree loan borrower in respect of a student loan.”.

#### **Amendment of regulation 50**

27.—(1) Regulation 50 (deductions of repayments) is amended as follows.

(2) In paragraphs (1)(c) and (d), (2)(c) and (d)(a) and (8), after “student loan”, insert “or postgraduate master's degree loan”.

#### **Amendment of regulation 55**

28.—(1) Regulation 55 (notice and certificate when repayments deducted not paid) is amended as follows.

(2) In paragraphs (1)(b), (2), (4), (5) and (6), after “student loan”, insert “or postgraduate master's degree loan”.

#### **Amendment of regulation 56**

29.—(1) Regulation 56 (notice of specified amount and certificate when repayments not deducted) is amended as follows.

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

(3) In paragraph (2)—

(a) after “whether of student loan repayments”, insert “, postgraduate master's degree loan repayments”;

(b) for “in respect of student loan”, substitute “in respect of any such”.

(4) In paragraphs (4) and (5), after “student loan”, insert “or postgraduate master's degree loan”.

(5) In paragraph (6)(a)—

(a) after “student loan repayments”, the first time it appears, insert “or postgraduate master's degree loan repayments”;

(b) for “student loan repayments”, the second time it appears, substitute “any such repayment”.

(6) In paragraph (11), after “student loan repayments”, insert “or postgraduate master's degree loan repayments”.

#### **Amendment of regulation 57**

30. In regulation 57(2) (recovery of payments deducted through the income tax system), after “student loan repayments”, insert “, postgraduate master's degree loan repayments”.

#### **Amendment of regulation 59**

31. In regulation 59(9) (returns by employers), after “student loan”, insert “or postgraduate master's degree loan”.

#### **Amendment of regulation 60**

32. In regulation 60(4) (inspection of employers' records)—

(a) in sub-paragraph (a), after “student loan”, insert “or postgraduate master's degree loan”;

(b) in sub-paragraph (b), omit “student loan”.

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(a) Paragraphs (1)(d) and (2)(d) were amended by S.I. 2012/836.

(b) Paragraph (1) was amended by S.I. 2012/836.

### **Amendment of regulation 61**

33. In regulation 61(2)(b) (powers to obtain information), after “student loan”, insert “or postgraduate master’s degree loan”.

### **Amendment of regulation 67**

34. In regulation 67 (cessation of employment), in paragraphs (b) and (ba)(a), after “student loan”, insert “or any postgraduate master’s degree loan”.

### **Amendment of regulation 68**

35. In regulation 68(3) (penalties), after “student loan”, insert “or postgraduate master’s degree loan”.

### **Amendment of regulation 73**

- 36.—(1) Regulation 73 (notice of liability to make repayments) is amended as follows.
- (2) In paragraph (1), after “student loan”, insert “or any postgraduate master’s degree loan”.
- (3) In paragraph (2), after “student loan”, insert “or a postgraduate master’s degree loan”.

### **Amendment of regulation 75**

- 37.—(1) Regulation 75 (repayment by income-related instalments) is amended as follows.
- (2) For paragraph (4), substitute—
- “(4) The relevant amount is—
- (a) in relation to a student loan, 9%, and
- (b) in relation to a postgraduate master’s degree loan, 6%,
- of the gross income which the Authority considers the borrower is likely to receive in the next 12 month period following the date of the determination referred to in paragraph (2).”.
- (3) After paragraph (4), insert—
- “(4A) In calculating the relevant amount, the Authority must disregard—
- (a) income up to the applicable threshold, calculated in accordance with regulation 76; and
- (b) income in respect of which it is satisfied that repayments are likely to be made under Part 3 or 4.
- (4B) The relevant amount in paragraph (4) is additional to and concurrent with any repayment due by—
- (a) the student loan borrower in respect of a postgraduate master’s degree loan; or
- (b) the postgraduate master’s degree loan borrower in respect of a student loan.”.

### **Amendment of regulation 76**

- 38.—(1) Regulation 76 (calculation of fixed instalment and applicable threshold) is amended as follows.
- (2) In paragraph (1), in the table(b), in the right-hand column—
- (a) in the heading “Fixed instalment for post-2012 student loans”, insert at the end “and postgraduate master’s degree loans”;

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(a) Paragraph (ba) was inserted by S.I. 2012/836 and paragraph (c) was amended by S.I. 2012/836.  
(b) The table in paragraph (1) was substituted by S.I. 2012/1309.

- (b) in the heading “Applicable threshold for post-2012 student loans”, insert at the end “and postgraduate master’s degree loans”.
- (3) Omit paragraph (5)(a).
- (4) In paragraph (6), at the beginning, insert “Where a price level index cannot be calculated under paragraph (3)”.

#### **Amendment of regulation 77**

**39.** In regulation 77(1)(b) (application to cease repayment by instalments), after “student loan”, insert “or a postgraduate master’s degree loan”.

#### **Amendment of regulation 80**

- 40.**—(1) Regulation 80 (effect of borrower insolvency on student loans) is amended as follows.
- (2) In the heading, at the end, insert “and postgraduate master’s degree loans”.
  - (3) In paragraphs (2)(b) and (3), after “student loan” each time it occurs, insert “or postgraduate master’s degree loan”.

#### **Amendment of the 2016 Postgraduate Regulations**

- 41.**—(1) The 2016 Postgraduate Regulations are amended as follows.
- (2) In regulation 1 (citation, commencement, extent and application)—
    - (a) in paragraph (2), for “paragraphs (3) and”, substitute “paragraph”;
    - (b) omit paragraph (3);
    - (c) in paragraph (4)—
      - (i) omit from “on HMRC” to “Part 2 or”;
      - (ii) omit “other”.
  - (3) Omit Part 2 and Schedule 3.

Date

Minister of State  
Department for Education

8 August 2017

*Kirsty Williams*  
Cabinet Secretary for Education  
One of the Welsh Ministers

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(a) Paragraph (5) was amended by S.I. 2012/1309.  
(b) Paragraph (2) was amended by S.I. 2010/661.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Education (Student Loans) (Repayment) Regulations 2009 (“the 2009 Regulations”) make provision for the repayment of student loans in England and Wales. Part 2 of the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (“the 2016 Regulations”) makes provision for the repayment of postgraduate master’s degree loans in England.

These Regulations amend the 2009 Regulations and revoke Part 2 of the 2016 Regulations so that all repayment provisions, in respect of both student loans and postgraduate master’s degree loans in England and Wales, are consolidated in the 2009 Regulations.

These Regulations also make the following amendments to the 2009 Regulations.

Regulation 13 inserts new regulation 20A into the 2009 Regulations to provide that an excess payment of £10 or less will not require the Authority to contact the borrower and the excess payment is to be treated as a direct payment.

The applicable repayment threshold for a borrower who resides overseas varies according to where in the world the borrower is and the level of the price level index for that country, as determined by the World Bank’s Development Indicators. Regulation 38 amends regulation 76 of the 2009 Regulations so that the Authority has a measure of discretion in determining the applicable threshold for borrowers who reside overseas but only in cases where the Authority is unable to calculate the price level index for the borrower’s country of residence.

An impact assessment has not been prepared in respect of this instrument as it has minimal impact on business, charities or voluntary bodies. The impact on the public sector is minimal.