

**2003 No. 166**

**EDUCATION**

**The Education (Student Loans) (Repayment) (Amendment)  
Regulations (Northern Ireland) 2003**

*Made* - - - - - *10th March 2003*

*Coming into operation* *14th April 2003*

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

**Citation and commencement**

1. These Regulations may be cited as the Education (Student Loans) (Repayment) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 14th April 2003.

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

2. Regulation 36 of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2000<sup>(d)</sup> shall be amended as follows.

3.—(1) For paragraph (2)(c) there shall be substituted –

“(c) income support deduction notices made under regulation 20 of the Social Security (Payments on Account, Overpayments and Recovery) Regulations (Northern Ireland) 1988<sup>(e)</sup> (“the Social Security Regulations”); or

(d) one or more of these types of order or notice”.

(2) In paragraph (3)(c) –

(a) for “deductions from earnings order” there shall be substituted “deduction from earnings order or income support deduction notice”; and

(b) after “no such order” insert “or notice”.

(3) After paragraph (3) insert –

“(4) Where under paragraph (3) an employer is required to comply with an attachment of earnings order made under regulation 20 of the Social Security Regulations before deducting a repayment under regulation 35, he shall not deduct any repayment.

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(a) 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  
(b) S.I. 1998/1760 (N.I. 14)  
(c) 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  
(d) S.R. 2000 No. 121, as amended by S.R. 2001 No. 162  
(e) S.R. 1988 No. 142

(5) Where repayments to be deducted in accordance with paragraph (3) are reduced as a result of sub-paragraph (c) of that paragraph and the total of the reduced repayments includes pence as well as pounds the pence shall be ignored.”.

Sealed with the Official Seal of the Department for Employment and Learning on 11th March 2003.

(L.S.)

*David McAuley*

A senior officer of the Department for Employment and Learning

## EXPLANATORY NOTE

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

These Regulations, which come into operation on 14th April 2003, further amend regulation 36 of the Education (Student Loans) (Repayment) Regulations 2000 (“the Repayment Regulations”).

In cases where an employee has both a student loan and is subject to an income support deduction notice (made under regulation 20 of the Social Security (Payments on Account, Overpayments and Recovery) Regulations (Northern Ireland) 1988, the employer is to treat student loan deductions as if they were made by a priority attachment of earnings order made subsequently to any such income support deduction notice, actual priority attachment of earnings order or priority deduction of earnings order to which the employee is subject (*regulation 3(1)–(3)*). Where repayments to be deducted in accordance with regulation 36(3) of the Repayment Regulations are reduced to the limit of the specified protected earnings rate and the reduced repayments include pence as well as pounds the pence are ignored (*regulation 3(3)*).

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