
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 128

**The Education (Student Loans) (Repayment)
Regulations (Northern Ireland) 2009**

PART 5

Repayment by Overseas Borrowers

Interpretation

66. In this Part—

“gross income” means income from all sources before deductions for or relief from tax or other statutory charge;

“residence” in or outside the United Kingdom has the same meaning as it has in the Taxes Acts; and

“Eurostat” means the Statistical Office for the European Communities.

Notice of overseas residence

67.—(1) A borrower must notify the Department of any period of residence outside the United Kingdom which exceeds 3 months.

(2) A borrower must provide such information about the borrower’s income during any such period of residence as the Department may require.

Notice of liability to make repayments

68.—(1) Subject to regulation 70, where the Department is satisfied that a borrower is resident outside the United Kingdom, it may serve a notice on the borrower requiring the borrower to make repayments on any student loan in accordance with regulation 69.

(2) In a notice served under paragraph (1), the Department may require a borrower, if the borrower has failed—

(a) to give the notice required by regulation 67(1); or

(b) to provide any information required by the Department under regulation 67(2),

to repay immediately such part of a student loan as will reduce the amount outstanding to the amount which the Department considers would have been outstanding if the borrower had given the notice or provided the information required.

Repayment by fixed instalments

69. A borrower must pay to the Department a fixed instalment calculated in accordance with regulation 71—

(a) no later than the day specified in a notice served under regulation 68; and

- (b) no later than the same day of each subsequent month.

Repayment by income-related instalments

70.—(1) Where the Department is satisfied that a borrower to whom regulation 68 applies has complied with a requirement to provide information under regulation 67, the Department may determine that the borrower may repay a loan by income-related instalments in accordance with this regulation.

(2) The first such instalment must be paid on a date determined by the Department being a date not more than 2 months later than the date of the determination and subsequent instalments must be paid on the same date in each subsequent month for up to 12 months.

(3) Each instalment must be one twelfth of the relevant amount.

(4) The relevant amount is 9% of the gross income which the Department consider the borrower is likely to receive in the next 12 month period following the date of the determination referred to in paragraph (2), disregarding—

- (a) income up to the applicable threshold, calculated in accordance with regulation 71; and
 (b) income in respect of which the Department is satisfied that repayments are likely to be made under Part 3 or 4.

(5) The amount of the instalment must be stated in the determination.

(6) At the end of the period referred to in paragraph (2), the borrower must pay fixed instalments under regulation 69, subject to a further determination under paragraph (1).

(7) At any time during the period referred to in paragraph (2), the Department may make a re-determination under paragraph (1).

Calculation of fixed instalment and applicable threshold

71.—(1) The fixed instalment in regulation 69 and the applicable threshold in regulation 70 are to be determined by reference to the most recent price level index for the borrower's country of residence and in accordance with the following tables—

<i>Band</i>	<i>Price Level Index</i>	<i>Fixed Instalment</i>
A	0<30	£49.20
B	30<50	£98.40
C	50<70	£147.60
D	70<90	£196.80
E	90<110	£246
F	110<130	£295.20
G	130+	£344.40

<i>Band</i>	<i>Price Level Index</i>	<i>Applicable Threshold</i>
A	0<30	£3000
B	30<50	£6000
C	50<70	£9000
D	70<90	£12000

<i>Band</i>	<i>Price Level Index</i>	<i>Fixed Instalment</i>
E	90<110	£15000
F	110<130	£18000
G	130+	£21000

(2) The price level index for the United Kingdom is 100.

(3) Price level indices are to be calculated using the most recent provisional comparative price level indices measured in gross domestic product produced by Eurostat.

(4) Where the price level index for any country cannot be calculated because Eurostat does not hold the necessary data, it is to be calculated using the most recent provisional comparative price level indices measured in gross domestic product produced by the World Bank's Development Indicators.

(5) Subject to paragraph (6), where a price level index cannot be calculated under paragraph (3) or (4), the applicable threshold and fixed instalment are those for band A.

(6) The Department may determine that the applicable threshold or fixed instalment for a borrower is to be that for a country other than the borrower's present country of residence.

Application to cease repayment by instalments

72.—(1) A borrower who—

- (a) is required to make repayments under this Part; and
- (b) who has not been required to repay a student loan in full immediately under regulation 73,

may apply to the Department for a determination that the borrower is no longer required to make such repayments.

(2) Where the Department is satisfied that—

- (a) the borrower is resident in the United Kingdom; and
- (b) the borrower is likely to be resident in the United Kingdom for the tax year during which the date specified in the determination relating to that borrower will fall,

the Department may determine that a borrower who has applied under paragraph (1) is not to be required to make repayments under this Part from a date specified in the determination, being a date not more than 2 months later than the date of the determination.

(3) A determination under paragraph (2) has effect until the borrower again becomes liable to repay the loan under regulation 69 or 70.

Foreclosure

73. If a borrower does not pay an instalment or other amount when it is due, the Department may require the borrower to repay the loan in full immediately.

Costs and expenses of the Department

74.—(1) Where the Department incurs reasonable costs or expenses in taking steps—

- (a) resulting from a borrower's failure to comply with regulation 67, to
 - (i) obtain a borrower's address outside the United Kingdom; or
 - (ii) obtain information about a borrower's income during any period of residence outside the United Kingdom;

(b) to serve a notice under regulation 68(1) in any of the circumstances set out in regulation 68(2); or

(c) to recover the outstanding balance of the loan in full under regulation 73,

the Department may require reimbursement of those costs or expenses by the borrower and may add them to the borrower's loan account and they will form part of the principal of the loan from the date on which they are added.