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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 110**

**The Repayment of Student Loans (Scotland) Regulations 2000**

**PART III**

**REPAYMENTS BY OVERSEAS RESIDENTS**

**Interpretation**

**10.** 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 shall have the same meaning as it has in the Taxes Acts.

**Notice of overseas residence**

**11.**—(1) A borrower shall notify the Scottish Ministers of any period of residence outside the United Kingdom which exceeds three months.

(2) A borrower shall provide such information about any period of residence outside the United Kingdom which exceeds three months as the Scottish Ministers may require, including—

- (a) the purpose of the residence outside the United Kingdom;
- (b) whether the borrower is employed, or self employed, during that residence;
- (c) the likely duration of the residence outside the United Kingdom; and
- (d) the amount of any repayments likely to be payable under Part III of the Collection Regulations and deducted or likely to be deducted under Part IV of those Regulations in respect of any year or years of assessment during which the residence occurs.

**Notice of liability to make repayments**

**12.**—(1) Where the Scottish Ministers are satisfied that—

- (a) a borrower is resident outside the United Kingdom; and
- (b) he is not likely to be resident in the United Kingdom for any year or years of assessment during which the period of residence falls,

they may serve a notice on the borrower requiring the borrower to repay his student loan in monthly instalments in accordance with regulation 13.

(2) In a notice served under paragraph (1) the Scottish Ministers may require a borrower who has failed to—

- (a) give the notice required by regulation 11(1); or
- (b) provide any information required by the Scottish Ministers under regulation 11(2)

to repay forthwith such part of his student loan as will reduce the amount outstanding to the amount which the Scottish Ministers consider would have been outstanding if the borrower had given the notice or provided the information required of him.

(3) When they serve a notice under paragraph (1) the Scottish Ministers may determine that a student loan shall bear interest at three times the rate or rates which would otherwise be applicable during any period—

- (a) beginning when the borrower fails to give notice or provide information as described in paragraph (2); and
- (b) ending when the borrower has given the notice and provided the information required and made any repayment required under paragraph (2).

### **Repayment by instalments**

**13.**—(1) Subject to paragraph (2) a borrower shall not later than the day specified in a notice served under regulation 12 and on the same day of each subsequent month pay the Scottish Ministers an instalment of £246.

(2) Instead of paying the monthly instalment referred to in paragraph (1) a borrower shall be entitled to pay monthly instalments determined by the Scottish Ministers under paragraph (3) in respect of the twelve months referred to in the determination.

(3) On application by a borrower the Scottish Ministers may determine that the amount of each of the twelve monthly instalments, beginning with such date as may be determined by the Scottish Ministers, being a date not more than three months earlier or two months later than the date of the determination, shall be one twelfth of the relevant amount.

(4) The relevant amount shall be 9% of the gross income which the Scottish Ministers consider that the borrower is likely to receive during the twelve month period in respect of which the instalments will be paid, disregarding—

- (a) the first £10,000 of such income; and
- (b) income in respect of which the Scottish Ministers are satisfied that repayments will likely be made under Part III or IV of the Collection Regulations.

(5) After the expiry of the twelve months referred to in a determination under paragraph (3) the borrower shall pay instalments in accordance with paragraph (1), subject to any further determination under paragraph (3).

(6) If a borrower does not pay an instalment or other amount when it is due the Scottish Ministers may require him to repay his student loan in full immediately.

(7) The Scottish Ministers may allow a borrower to pay an instalment late or to fail to pay all or part of an instalment, but such indulgence shall not affect any rights or duties in relation to any other instalment.

### **Application to cease repayment by instalments**

**14.**—(1) A borrower who—

- (a) is required to make repayments in accordance with regulation 13; and
- (b) who has not been required to repay his student loan in full immediately under regulation 13(6),

may apply to the Scottish Ministers for a determination that he shall no longer be required to make such payments.

(2) The Scottish Ministers may determine that a borrower who has applied under paragraph (1) shall not be required to make repayments under this Part from a date specified in their determination,

being a date not more than three months earlier and two months later than the date of the determination, if they are satisfied that—

- (a) the borrower is resident in the United Kingdom; and
  - (b) he is likely to be resident in the United Kingdom for the year of assessment during which the date specified in his determination will fall.
- (3) A determination under paragraph (2) shall have effect until any further notice under regulation 13 is served on the borrower.