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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 110**

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

**PART II**

**PROVISIONS APPLICABLE TO ALL REPAYMENTS**

**Refunds**

**9.—(1)** Where the Scottish Ministers have received a repayment either directly from the borrower or by way of deduction from a borrower's emoluments in accordance with Part IV of the Collection Regulations—

- (a) which results in the student loan being paid in full; or
- (b) when the student loan has already been paid in full,

they shall refund to the borrower any amount not required to repay the student loan in full together with interest calculated as if it were the principal of a student loan outstanding from the date of receipt of the repayment to the date of the refund.

(2) Where the Scottish Ministers are considered to have received a payment collected under Part III of the Collection Regulations in respect of a year of assessment—

- (a) which results in the student loan being paid in full; or
- (b) when the student loan has already been paid in full,

the repayment shall be considered to have been received by the Scottish Ministers on the 31st January next following the year of assessment in accordance with paragraph (5)(b), and the Scottish Ministers shall refund to the Board for the account of the borrower any overpayment which results from the receipt.

(3) The Board shall be considered to have received a refund under paragraph (2) on the date on which the amount refunded was considered to have been received by the Scottish Ministers in accordance with paragraph (5).

(4) Where the Scottish Ministers have received a repayment of a student loan by way of deduction from a borrower's emoluments for a year of assessment in accordance with Part IV of the Collection Regulations and those emoluments do not exceed £10,000, the Scottish Ministers shall on application by the borrower refund the amount deducted.

(5) For the purposes of this regulation, a repayment shall be considered to have been paid by the borrower and received by the Scottish Ministers as follows—

- (a) where an amount is paid by the borrower directly to the Scottish Ministers, a repayment of that amount shall be considered to have been received by them on the date on which the amount is in fact received;
- (b) where the Board have collected a repayment under Part III of the Collection Regulations, a repayment of that amount shall be considered to have been received by the Scottish Ministers on 31st January following the year of assessment, whether or not the borrower has in fact paid any or all of that amount to the Board; and

- (c) where an amount is deducted by an employer under Part IV of the Collection Regulations, that amount shall be aggregated with all other such amounts deducted in the same year of assessment and repayments of the aggregate amount shall be considered to have been received by the Scottish Ministers in equal instalments received on the days during the year of assessment which are—
  - (i) the last days of a month;
  - (ii) days after the date on which the Scottish Ministers have given notice under regulation 11(5)(b) of the Collection Regulations that payment should be deducted; and
  - (iii) days before the date on which they have given notice under regulation 11(5)(e) of the Collection Regulations that payment should cease to be deducted.