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STATUTORY INSTRUMENTS

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**2022 No. 1335**

**The Education (Student Loans) (Repayment)  
(Amendment) (No. 4) Regulations 2022**

**PART 2**

**Amendment of the Education (Student Loans) (Repayment) Regulations 2009**

*Amendment of Part 1 (general)*

**Amendments to regulation 3 (interpretation)**

**5.—(1)** In regulation 3(1)—

- (a) after the definition of “the 2008 Act” (which is omitted by sub-paragraph (q)) insert—
  - ““the 2000 (Scotland) Regulations” means the Repayment of Student Loans (Scotland) Regulations 2000(1);”;
- (b) for the definition of “the Authority” substitute—
  - ““the Authority” means—
    - (a) in relation to a plan 1, 2 or 3 loan and subject to regulation 7—
      - (i) the Welsh Ministers in the case of a loan made or deemed made by them,  
or
      - (ii) the Secretary of State in any other case;
    - (b) in relation to a plan 4 loan—
      - (i) the Scottish Ministers, or
      - (ii) a person exercising functions in accordance with arrangements made under section 73A(3) of the Education (Scotland) Act 1980;
    - (c) in relation to a plan 5 loan and subject to regulation 7, the Secretary of State;”;
- (c) for the definition of “borrower” substitute—
  - ““borrower” means a person—
    - (a) in respect of whom a student loan has been paid, 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;”;
- (d) after the definition of “borrower” insert—
  - ““country” includes territory;
  - “country-specific multiplier” means the country-specific multiplier calculated in accordance with regulation 8A;”;

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(1) S.S.I. 2000/110, amended by S.I. 2008/1879 and S.S.I. 2000/200, 2001/227, 2005/314, 2006/326, 2007/159, 2009/102, 2012/22, 2013/65, 80, 142, 2016/82, 2018/307, 2019/70, 2021/8, 73 and 2022/31.

- (e) after the definition of “eligible borrower” (which is omitted by sub-paragraph (q)) insert—
- ““eligible course” means any of the following—
- (a) a course for the Certificate of Higher Education;
  - (b) a course for the Diploma of Higher Education;
  - (c) a course for the Higher National Certificate or Higher National Diploma of—
    - (i) the Business and Technician Education Council, or
    - (ii) the Scottish Qualifications Authority;
  - (d) a foundation degree course;
  - (e) an ordinary degree course;”;
- (f) in the definition of “loan purchaser”, for “one or more student loans or postgraduate degree loans made pursuant to Regulations made under section 22 of the 1998 Act” substitute “a plan 1 loan”;
- (g) after the definition of “part-time” (which is omitted by sub-paragraph (q)) insert—
- ““plan 1 loan” has the meaning given in regulation 3A;
- “plan 2 loan” has the meaning given in regulation 3B;
- “plan 3 loan” has the meaning given in regulation 3C;
- “plan 4 loan” has the meaning given in regulation 3D;
- “plan 5 loan” has the meaning given in regulation 3E;”;
- (h) after the definition of “postgraduate degree loan borrower” (which is omitted by sub-paragraph (q)) insert—
- ““principal” has the meaning given in regulation 4(3);”;
- (i) for the definition of “repayment” substitute—
- ““repayment” has the meaning given in regulation 4(2);”;
- (j) for the definition of “repayment threshold” substitute—
- ““repayment threshold” means the repayment threshold set out in, or calculated in accordance with, Schedule 1A;”;
- (k) after the definition of “repayment threshold” insert—
- ““repayment threshold variable” means the repayment threshold variable calculated in accordance with regulation 8B;”;
- (l) after the definition of “repayment threshold year” insert—
- ““residence” has the same meaning as in the Taxes Acts (whether in relation to the United Kingdom or any other country);
- “retail price index” means the RPI All Items Index published by the Office for National Statistics<sup>(2)</sup>;”;
- (m) after the definition of “Secretary of State” insert—
- ““standard interest rate” means, in relation to a loan, the greater of—
- (a) zero, or
  - (b) the percentage increase in the retail price index between the two Marches immediately before the commencement of the academic year in which the loan bears interest<sup>(3)</sup>;”;

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(2) The RPI All Items Index is published at <https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/chaw/>.

(3) The percentage increase is published at <https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/czbh/>.

- (n) for the definition of “student loan” substitute—
- ““student loan” means any of the following—
- (a) a plan 1 loan;
  - (b) a plan 2 loan;
  - (c) a plan 3 loan;
  - (d) a plan 4 loan;
  - (e) a plan 5 loan;”;
- (o) after the definition of “Teachers’ Regulations” (which is omitted by sub-paragraph (q)) insert—
- ““transfer arrangements” means—
- (a) transfer arrangements made under section 1(1) or 9(1) of the Sale of Student Loans Act 2008, and
  - (b) further transfer arrangements made under section 3(1) of that Act (if any);”;
- (p) for the definition of “transferred loan” substitute—
- ““transferred loan” means a plan 1 loan in respect of which transfer arrangements are made;”;
- (q) omit the definitions of the following expressions—
- “the 1988 Act”;
  - “the 2005 Act”;
  - “the 2007 Act”
  - “the 2008 Act”;
  - “the 2011 Welsh Regulations”;
  - “the 2016 Master’s Degree Regulations”;
  - “the 2017 Master’s Degree Wales Regulations”;
  - “the 2018 Doctoral Degree Regulations”;
  - “the 2018 Doctoral Degree Wales Regulations”;
  - “Access to HE Diploma”;
  - “designated course”;
  - “eligible borrower”;
  - “eligible employment”;
  - “eligible teacher”;
  - “overseas provisions”;
  - “part-time”;
  - “post-2012 student loan”;
  - “postgraduate degree loan”;
  - “postgraduate degree loan borrower”;
  - “relevant percentage difference in average earnings”;
  - “Scottish student loan”;
  - “student loan borrower”;
  - “tax year 2009–10”;

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022, Cross Heading: Amendment of Part 1 (general). (See end of Document for details)

“Teachers’ Regulations”.

(2) Omit regulation 3(2).

#### Commencement Information

**II** [Reg. 5](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

### Insertion of regulations 3A to 3E (interpretation provisions)

6. After regulation 3 (interpretation) insert—

#### “Meaning of “plan 1 loan”

**3A.**—(1) A “plan 1 loan” is a loan—

(a) taken out by a person in respect of—

- (i) a course the person begins on or before 31st August 2012,
- (ii) a full-time course in relation to which the person has a transfer of status from another full-time course the person began on or before 31st August 2012, or
- (iii) a full-time honours degree course the person begins, disregarding any intervening vacation, immediately after ceasing to attend a full-time eligible course the person began on or before 31st August 2012 and for which the person achieved a qualification, and

(b) paid under an enactment cited in any of tables 1 to 3.

**Table 1**

#### Enactments applying in relation to England and Wales

<i>Title</i>	<i>Number</i>
The Education (Student Support) Regulations 1998 (revoked)	<a href="#">S.I. 1998/2003</a>
The Education (Student Support) Regulations 1999 (revoked)	<a href="#">S.I. 1999/496</a>
The Education (Student Support) Regulations 2000 (revoked)	<a href="#">S.I. 2000/1121</a>
The Education (Student Support) Regulations 2001 (revoked)	<a href="#">S.I. 2001/951</a>
The Education (Student Support) Regulations 2002 (revoked)	<a href="#">S.I. 2002/195</a>
The Education (Student Support) (No. 2) Regulations 2002 (revoked)	<a href="#">S.I. 2002/3200</a>
The Education (Student Support) Regulations 2005 (revoked)	<a href="#">S.I. 2005/52</a>

**Table 2**

#### Enactments applying in relation to England

<i>Title</i>	<i>Number</i>
The Education (Student Support) Regulations 2006 (revoked)	<a href="#">S.I. 2006/119</a>
The Education (Student Support) Regulations 2007 (revoked)	<a href="#">S.I. 2007/176</a>
The Education (Student Support) Regulations 2008 (revoked)	<a href="#">S.I. 2008/529</a>

<i>Title</i>	<i>Number</i>
The Education (Student Support) (No.2) Regulations 2008 (revoked)	S.I. 2008/1582
The Education (Student Support) Regulations 2009 (revoked)	S.I. 2009/1555
The Education (Student Support) Regulations 2011	S.I. 2011/1986

**Table 3****Enactments applying in relation to Wales**

<i>Title</i>	<i>Number</i>
The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (revoked)	S.I. 2006/126 (W. 19)
The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 (revoked)	S.I. 2007/1045 (W. 104)
The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008 (revoked)	S.I. 2008/1273 (W. 130)
The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2008 (revoked)	S.I. 2008/3170 (W. 283)
The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 (revoked)	S.I. 2009/2737 (W. 235)
The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011 (revoked)	S.I. 2011/148 (W. 32)
The Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011 (revoked)	S.I. 2011/886 (W.130)
The Education (Student Support) (Wales) Regulations 2012 (revoked)	S.I. 2012/3097 (W. 313)
The Education (Student Support) (Wales) Regulations 2013 (revoked)	S.I. 2013/3177 (W. 316)
The Education (Student Support) (Wales) Regulations 2015 (revoked)	S.I. 2015/54 (W. 5)
The Education (Student Support) (Wales) Regulations 2017	S.I. 2017/47 (W. 21)

(2) In this regulation, “transfer of status” means a transfer of status under—

- (a) regulation 7 of the 2011 Support Regulations(4), or
- (b) regulation 8 of any of the following—
  - (i) the Education (Student Support) (Wales) Regulations 2012(5);
  - (ii) the Education (Student Support) (Wales) Regulations 2013(6);
  - (iii) the Education (Student Support) (Wales) Regulations 2015(7);

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(4) Regulation 3(1) of the Education (Student Loans) (Repayment) Regulations 2009 defines “the 2011 Support Regulations” as the Education (Student Support) Regulations 2011 (S.I. 2011/1986).

(5) S.I. 2012/3097 (W. 313); the amending instruments are not relevant.

(6) S.I. 2013/3177 (W. 316); the amending instruments are not relevant.

(7) S.I. 2015/54 (W. 5); the amending instruments are not relevant.

(iv) the Education (Student Support) (Wales) Regulations 2017<sup>(8)</sup>.

### Meaning of “plan 2 loan”

**3B.**—(1) A “plan 2 loan” is a loan mentioned in any of paragraphs (2) to (4).

(2) A loan—

(a) taken out by the person in respect of—

- (i) a course the person begins during the period beginning on 1st September 2012 and ending at the close of 31st July 2023,
- (ii) a course in relation to which the person has a variation of status from another course the person began during the period mentioned in paragraph (i), or
- (iii) an honours degree course the person begins, disregarding any intervening vacation, immediately after ceasing to attend or undertake an eligible course the person began during the period mentioned in paragraph (i) and for which the person achieved a qualification, and

(b) paid under any of the following enactments—

- (i) the 2011 Support Regulations;
- (ii) the Further Education Loans Regulations 2012<sup>(9)</sup>.

(3) A loan—

- (a) taken out by the person in respect of a course the person begins during the period beginning on 1st September 2022 and ending at the close of 31st July 2025, and
- (b) paid under the Higher Education Short Course Loans Regulations 2022<sup>(10)</sup> (which apply in relation to England).

(4) A loan—

- (a) taken out by the person in respect of a course the person begins on or after 1st September 2012, and
- (b) paid to the person under an enactment cited in the table (which apply in relation to Wales).

<i>Title</i>	<i>Number</i>
The Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011 (revoked)	S.I. 2011/886 (W.130)
The Education (Student Support) (Wales) Regulations 2012 (revoked)	S.I. 2012/3097 (W. 313)
The Education (Student Support) (Wales) Regulations 2013 (revoked)	S.I. 2013/3177 (W. 316)
The Education (Student Support) (Wales) Regulations 2015 (revoked)	S.I. 2015/54 (W. 5)
The Education (Student Support) (Wales) Regulations 2017	S.I. 2017/47 (W. 21)

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<sup>(8)</sup> S.I. 2017/47 (W. 21); the amending instruments are not relevant.

<sup>(9)</sup> S.I. 2012/1818, amended by S.I. 2014/290, 1766, 2015/181, 2016/238, 584, 2017/336, 2018/182, 2019/142, 983, 2020/48, 1181, 1203, 2021/127, 929, 1348, 2022/57, 354, and 534.

<sup>(10)</sup> S.I. 2022/349, amended by S.I. 2022/534.

<i>Title</i>	<i>Number</i>
The Education (Student Support) (Wales) Regulations 2018	S.I. 2018/191 (W. 42)

(5) Despite paragraphs (1), (2) and (4), a loan taken out by the person for a course mentioned in regulation 3A(1)(a)(ii) or (iii) is a plan 1 loan.

(6) In this regulation, “variation of status” means any of the following—

- (a) a conversion of status under regulation 139B or 139C of the 2011 Support Regulations;
- (b) a transfer of status under—
  - (i) regulation 7 or 139A of the 2011 Support Regulations;
  - (ii) regulation 8 of the Further Education Loans Regulations 2012.

### Meaning of “plan 3 loan”

3C. A “plan 3 loan” is a loan paid under an enactment cited in any of tables 1 to 4.

**Table 1**

#### Enactments applying in relation to England (postgraduate master’s degree)

<i>Title</i>	<i>Number</i>
The Education (Postgraduate Master’s Degree Loans) Regulations 2016	S.I. 2016/606

**Table 2**

#### Enactments applying in relation to Wales (postgraduate master’s degree)

<i>Title</i>	<i>Number</i>
The Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017	S.I. 2017/523 (W. 109)
The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019	S.I. 2019/895 (W. 161)

**Table 3**

#### Enactments applying in relation to England (postgraduate doctoral degree)

<i>Title</i>	<i>Number</i>
The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018	S.I. 2018/599

**Table 4****Enactments applying in relation to Wales (postgraduate doctoral degree)**

<i>Title</i>	<i>Number</i>
The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018	S.I. 2018/656 (W. 124)

**Meaning of “plan 4 loan”**

**3D.** A “plan 4 loan” is a loan—

- (a) paid under an enactment cited in the table, and
- (b) in respect of which the Scottish Ministers have determined that repayments are to be collected by HMRC under Parts 3 and 4(11).

<i>Title</i>	<i>Number</i>
The Education (Student Loans) (Scotland) Regulations 1998 (revoked)	S.I. 1998/2026 (S. 107)
The Education (Student Loans) (Scotland) Regulations 1999 (revoked)	S.I. 1999/1001 (S. 71)
The Education (Student Loans) (Scotland) Regulations 2000 (revoked)	S.S.I. 2000/200
The Graduate Endowment (Scotland) Regulations 2001 (revoked)	S.S.I. 2001/280
The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (revoked)	S.S.I. 2006/333
The Education (Student Loans) (Scotland) Regulations 2007 (revoked)	S.S.I. 2007/154
The Graduate Endowment (Scotland) Regulations 2007 (revoked)	S.S.I. 2007/155
The Graduate Endowment (Scotland) Regulations 2008	S.S.I. 2008/235
The Student Support (Scotland) Regulations 2022	S.S.I. 2022/157

**Meaning of “plan 5 loan”**

**3E.—(1)** A “plan 5 loan” is a loan—

- (a) taken out by a person in respect of a course the person begins on or after 1st August 2023, and
  - (b) paid under any of the following—
    - (i) the 2011 Support Regulations;
    - (ii) the Further Education Loans Regulations 2012.
- (2) Despite paragraph (1), a loan taken out by a person for a course mentioned in regulation 3B(2)(a)(ii) or (iii) is a plan 2 loan.”

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(11) If the Scottish Ministers so determine, the Authority must notify His Majesty’s Revenue and Customs and the borrower (see regulation 15(3)).



**Commencement Information**

**I2** Reg. 6 in force at 6.4.2023, see [reg. 2\(2\)](#)

**Amendments to regulation 4 (application: general)**

- 7.—(1) The existing text of regulation 4 is renumbered as paragraph (1).
- (2) In regulation 4(1), omit “and postgraduate degree loans made under the 1998 Act”.
- (3) After regulation 4(1) insert—
- “ (2) The repayment of a student loan is the payment of the following to the extent they have not been repaid or paid—
- (a) in relation to a plan 1, 2, 3 or 5 loan—
- (i) interest payable under Part 2,
- (ii) penalties, costs, expenses or charges payable under Part 2 or 5, and
- (iii) the principal;
- (b) in relation to a plan 4 loan—
- (i) interest payable under an enactment cited in regulation 3D,
- (ii) penalties, costs, expenses or charges payable under the 2000 (Scotland) Regulations, and
- (iii) the principal.
- (3) The principal of a student loan includes any interest, penalties, costs, expenses or charges added to the principal in accordance with any of the following—
- (a) in relation to a plan 1 loan—
- (i) an enactment cited in regulation 3A;
- (ii) the Education (Student Loans) (Repayment) Regulations 2000(12);
- (iii) these Regulations;
- (b) in relation to a plan 4 loan—
- (i) an enactment cited in regulation 3D;
- (ii) the 2000 (Scotland) Regulations;
- (c) in relation to any other student loan, these Regulations.
- (4) In relation to a transferred loan, paragraphs (2) and (3) are subject to any provision included in its transfer arrangements.”.

**Commencement Information**

**I3** Reg. 7 in force at 6.4.2023, see [reg. 2\(2\)](#)

**Amendments to regulation 5 (Wales)**

- 8.—(1) Omit regulation 5(1).
- (2) In regulation 5(2)—

(12) S.I. 2000/944, amended by S.I. 2001/971, 2002/2087, 2004/1175, 2752, 2005/2690, 2006/745, 2009, 2007/1983, 3509 (W. 308), 2008/1879, 2715, 2009/56; revoked on 6th April 2009 by S.I. 2009/470.

**Changes to legislation:** There are currently no known outstanding effects for the *The Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022*, Cross Heading: *Amendment of Part 1 (general)*. (See end of Document for details)

- (a) for “any student loan or postgraduate degree loan” substitute “a loan”;
- (b) after “apply” insert “in relation to the loan”.

**Commencement Information**

**I4** Reg. 8 in force at 6.4.2023, see reg. 2(2)

**Omission of regulation 6 (Scotland)**

- 9. Omit regulation 6.

**Commencement Information**

**I5** Reg. 9 in force at 6.4.2023, see reg. 2(2)

**Amendments to regulation 7 (application to transferred loans in England and Wales)**

- 10. In regulation 7(1), omit the definitions of—
  - (a) “postgraduate degree loan”;
  - (b) “student loan”.

**Commencement Information**

**I6** Reg. 10 in force at 6.4.2023, see reg. 2(2)

**Insertion of regulations 8A to 8C (preliminary provisions)**

- 11. After regulation 8 (service by post or electronic communication) insert—

**“How to calculate country-specific multiplier**

**8A.**—(1) The country-specific multiplier for a country is the multiplier specified in the table in relation to its band.

(2) The band for a country is the band specified in the table in relation to its price level index value.

<i>Price level index value (x)</i>	<i>Band</i>	<i>Multiplier</i>
$x < 0.3$	A	0.2
$0.3 \leq x < 0.5$	B	0.4
$0.5 \leq x < 0.7$	C	0.6
$0.7 \leq x < 0.9$	D	0.8
$0.9 \leq x < 1.1$	E	1.0
$1.1 \leq x < 1.3$	F	1.2
$x \geq 1.3$	G	1.4

- (3) The price level index value for a country is the quotient of—

- (a) the price level value for the country in the most recent year available, and
- (b) the price level value for the United Kingdom in the same year.

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**Example**

0.736687 is the country's price level value and  
1.058064 is the United Kingdom's price level value.

0.736687 divided by 1.058064 is 0.696259... (unrounded).

The price level index value for the country is 0.696259..., which is Band C.

The country-specific multiplier for a country in Band C is 0.6.

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(4) If the price level value for a country is not published, the Authority may determine the price level value for that country by reference to a comparable country.

(5) In this regulation, "price level value" means the value published by the World Bank in its "Price level ratio of PPP conversion factor (GDP) to market exchange rate" world development indicator(13).

**How to calculate repayment threshold variable**

**8B.** The repayment threshold variable is, in relation to a repayment threshold year, the sum of—

- (a) one, and
- (b) the percentage increase, expressed as a decimal, in the retail price index between the two Marches immediately before the commencement of the previous repayment threshold year(14).

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**Example**

2.4% is the percentage increase in the retail price index.

— 2.4% expressed as a decimal is 0.024.

— The sum of 1 and 0.024 is 1.024.

The repayment threshold variable is 1.024.

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**Status of examples**

**8C.**—(1) An example used in these Regulations—

- (a) is only illustrative of the provision to which it relates, and
- (b) does not limit the provision.

(2) If an example and the provision to which it relates are inconsistent, the provision prevails.”.

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**Commencement Information**

**I7** Reg. 11 in force at 6.4.2023, see reg. 2(2)

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(13) The world development indicator is published at <https://data.worldbank.org/indicator/PA.NUS.PPPC.RF>.

(14) The percentage increase is published at <https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/czbh/>.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022, Cross Heading: Amendment of Part 1 (general). (See end of Document for details)*

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**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022, Cross Heading: Amendment of Part 1 (general).