

STATUTORY INSTRUMENTS

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 4 (deduction of repayments by employers)

Amendments to regulation 41 (interpretation)

- 36.**—(1) In the heading to regulation 41, after “Interpretation” insert “of Part 4”.
- (2) In regulation 41—
- (a) in the definition of “combined amount”, omit “or postgraduate degree loan”;
 - (b) omit the definition of “Form P46”;
 - (c) in the definition of “non-Real Time Information employer”, for “one within regulation 41A” substitute “a Real Time Information employer”;
 - (d) in the definition of “Real Time Information employer”, for “regulation 41A” substitute “regulation 2A of the PAYE Regulations”.

Commencement Information

11 [Reg. 36](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Omission of regulation 41A (real time information employers)

- 37.** Omit regulation 41A.

Commencement Information

12 [Reg. 37](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendment to regulation 42 (repayment of student loans or postgraduate degree loans by employees)

- 38.** In the heading to regulation 42, omit “or postgraduate degree loans”.

Commencement Information

13 [Reg. 38](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

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 4 (deduction of repayments by employers). (See end of Document for details)

Substitution of regulation 43 (new employee to declare repayments liability)

39. For regulation 43 (commencement of employment with a non-Real Time Information employer) substitute—

“New employee to inform employer of repayments liability

43. A person who commences employment with an employer must inform the employer—

- (a) whether the person has any liability to repay a student loan, and
- (b) if so, which of the following the liability relates to—
 - (i) a plan 1 loan;
 - (ii) a plan 2 loan;
 - (iii) a plan 3 loan;
 - (iv) a plan 4 loan;
 - (v) a plan 5 loan.”.

Commencement Information

I4 [Reg. 39](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Omission of regulation 43A (commencement of employment with a Real Time Information employer)

40. Omit regulation 43A.

Commencement Information

I5 [Reg. 40](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to regulation 44 (amount of repayments)

41.—(1) In regulation 44(1)—

- (a) in sub-paragraph (a), for “student loan” substitute “plan 1, 2, 4, or 5 loan”;
- (b) in sub-paragraph (b), for “postgraduate degree loan” substitute “plan 3 loan”.

(2) In regulation 44(2A)—

- (a) for “(1)” substitute “(1)(b)”;
- (b) for “due—” to the end substitute “under paragraph (1)(a)”.

(3) For regulation 44(6) substitute—

“(6) The default threshold applies—

- (a) if, in relation to a plan 1, 2, 4 or 5 loan, the borrower fails to comply with regulation 43 (which relates to repayments liability), and
- (b) until the date specified by HMRC in a notice given to the borrower’s employer under regulation 49(1).”.

(4) For regulation 44(7) substitute—

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 4 (deduction of repayments by employers). (See end of Document for details)

“(7) The default threshold is whichever repayment threshold for a plan 1, 2, 4 or 5 loan is the lowest repayment threshold.”

Commencement Information

I6 Reg. 41 in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to regulation 50 (deductions of repayments)

- 42.**—(1) In regulation 50(1)—
- (a) in the words before sub-paragraph (a), after “received” insert “any of the following”;
 - (b) omit sub-paragraph (c) (including the “or” that follows it);
 - (c) in sub-paragraph (d)—
 - (i) for “regulation 43A” substitute “regulation 43”;
 - (ii) omit “or postgraduate degree loan”.
- (2) In regulation 50(2)—
- (a) omit sub-paragraph (c) (including the “or” that follows it);
 - (b) in sub-paragraph (d)—
 - (i) for “regulation 43A” substitute “regulation 43”;
 - (ii) omit “or postgraduate degree loan”.
- (3) In regulation 50(8), omit “or postgraduate degree loan”.
- (4) Omit regulation 50(9).

Commencement Information

I7 Reg. 42 in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to regulation 55 (notice and certificate when repayments deducted not paid)

- 43.** In regulation 55(1), (2), (4), (5) and (6), omit “student loan or postgraduate degree loan”.

Commencement Information

I8 Reg. 43 in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to regulation 56 (notice of specified amount and certificate when repayments not deducted)

- 44.**—(1) In regulation 56(1), omit “student loan or postgraduate degree loan”.
- (2) In regulation 56(2), for “student loan repayments, postgraduate degree loan repayments” substitute “repayments”.
- (3) In regulation 56(4) and (5) omit “student loan or postgraduate degree loan”.
- (4) In regulation 56(6)(a) and (11), for “student loan repayments or postgraduate degree loan repayments” substitute “repayments”.

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 4 (deduction of repayments by employers). (See end of Document for details)

Commencement Information

I9 [Reg. 44](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendment to regulation 57 (recovery of payments deducted through the income tax system)

45. In regulation 57(2), for “student loan repayments, postgraduate degree loan repayments” substitute “repayments”.

Commencement Information

I10 [Reg. 45](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to regulation 59 (returns by employers)

46.—(1) In regulation 59(7), for “section 566(1) of the 1988 Act” substitute “section 70(1)(a) or 71 of the Finance Act 2004(1)”.

(2) In regulation 59(9), omit “student loan or postgraduate degree loan”.

Commencement Information

I11 [Reg. 46](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to regulation 59B (real time returns of information about payments of earnings)

47.—(1) In regulation 59B(1), omit “but this is subject to paragraph (1A)”.

(2) Omit regulation 59B(1A) to (1E).

Commencement Information

I12 [Reg. 47](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to regulation 59E (exceptions to regulation 59B)

48.—(1) Omit regulation 59E(2A).

(2) In regulation 59E(3), for “On and after 6 April 2014, the” substitute “The”.

Commencement Information

I13 [Reg. 48](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendment to regulation 59G (failure to make a return under regulation 59B or 59E)

49. Omit regulation 59G(5).

(1) [2004 c. 12](#). Section 71 was amended by Part 1 of Schedule 3 to the Corporation Tax Act 2009 (c. 4).

Commencement Information

I14 [Reg. 49](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendment to regulation 60 (inspection of employers' records)

50. In regulation 60(4)(a), omit “student loan or postgraduate degree loan”.

Commencement Information

I15 [Reg. 50](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendment to regulation 61 (powers to obtain information)

51. In regulation 61(2)(b), omit “student loan or postgraduate degree loan”.

Commencement Information

I16 [Reg. 51](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendments to section 67 (cessation of employment)

52. In regulation 67—

(a) omit paragraph (b);

(b) in paragraph (ba)—

(i) for “regulation 43A” substitute “regulation 43”;

(ii) omit “or any postgraduate degree loan”;

(c) in paragraph (c), for “(where any of paragraph (a), (b), or (ba) apply)” substitute “if paragraph (a) or (ba) apply.”.

Commencement Information

I17 [Reg. 52](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

Amendment to regulation 68 (penalties)

53. In regulation 68(3), omit “student loan or postgraduate degree loan”.

Commencement Information

I18 [Reg. 53](#) in force at 6.4.2023, see [reg. 2\(2\)](#)

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 4 (deduction of repayments by employers).