

SL(5)770 – The Education (Student Loans) (Repayment) (Amendment) Regulations 2021

Background and Purpose

These Regulations amend the Education (Student Loans) (Repayment) Regulations 2009 (“the 2009 Regulations”), which govern the repayment of income-contingent student loans in England and Wales. The changes are consequential to the change to the threshold at which Scottish student loans are to begin to be repaid.

The purpose of the Regulations is to make changes to the 2009 Regulations to facilitate:

- The introduction of a new and distinct earnings-based repayment threshold for loans made under the Education (Scotland) Act 1980, defined as “Scottish Student Loans”;
- The provision of electronic format information notices to borrowers;
- An amendment to Regulation 17(ca)(ii) to clarify that it does not confer a discretionary function on Her Majesty’s Revenue and Customs (HMRC).

Where individuals are repaying another student loan and a Scottish student loan, the Regulations will provide for how an apportionment of repayment is to be calculated between the repayment plans.

The 2009 Regulations, which were made as composite regulations by the Welsh Ministers (in relation to Wales) and the Secretary of State, contain provisions (not devolved to the Welsh Ministers) which are made by the Secretary of State in relation to England and Wales which concern the tax system operated by HMRC. Some other provisions are made by the Welsh Ministers in relation to Wales and the Secretary of State in relation to England.

Procedure

Composite negative.

The Regulations were made by both the Welsh Ministers and the Secretary of State, before being laid before both the Senedd and the United Kingdom Parliament. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd. The United Kingdom Parliament can also annul the Regulations, in accordance with the rules for annulment that apply to the United Kingdom Parliament.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.



1. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh

These Regulations have been made as a composite instrument, meaning the Regulations have been: (a) made by both the Welsh Ministers and the Secretary of State, and (b) laid before both the Senedd and the UK Parliament.

As a result, the Regulations have been made in English only.

The Explanatory Memorandum explains that:

“Given the composite nature of the regulations and that no routine Parliamentary processes exist by which to lay bilingual regulations before Parliament, these Regulations will exceptionally be made in English only.”

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

5 March 2021

