

Student Loans (Amendment) Bill

[AS INTRODUCED]

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Amend the law relating to student loans.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Student loans: effect of voluntary arrangement

1.—(1) In Article 3(3) of the Education (Student Support) (Northern Ireland) Order 1998 (NI 14) (new arrangements for giving financial support to students) after sub-paragraph (f) insert—

5 “(g) with respect to sums which a borrower receives, or is entitled to receive, under such a loan before or after a voluntary arrangement under Chapter 2 of Part 8 of the Insolvency (Northern Ireland) Order 1989 (individual voluntary arrangements) takes effect in respect of the borrower;

10 (h) excluding or modifying the application of Chapter 2 of Part 8 of that Order in relation to liability to make repayments in respect of such a loan (whether the repayments relate to sums which the borrower receives, or is entitled to receive, before or after a voluntary arrangement takes effect in respect of the borrower).”.

15 (2) Subsections (3) and (4) have effect in relation to the Education (Student Loans) (Northern Ireland) Order 1990 (NI 11) to the extent that that Order continues in operation by virtue of any savings made, in connection with its repeal by the Education (Student Support) (Northern Ireland) Order 1998 (NI 14), by an order under Article 1(3) of that Order.

20 (3) In Schedule 2 (loans for students), in paragraph 5(1) for “or 283” substitute “, 283 or 283A”.

(4) In Schedule 2, after paragraph 5 insert—

25 “6.—(1) This paragraph applies to a sum by way of public sector student loan or subsidised private sector student loan that a person (“the debtor”) receives or is entitled to receive before or after a voluntary

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arrangement under Chapter 2 of Part 8 of the Insolvency (Northern Ireland) Order 1989 takes effect in respect of the debtor.

(2) The sum is to be ignored for the purposes of the voluntary arrangement.

7.—(1) Chapter 2 of Part 8 of the Insolvency (Northern Ireland) Order 1989 (individual voluntary arrangements) has effect in relation to a student loan debt with the following modifications. 5

(2) A student loan debt is to be treated as not included among the debtor's debts.

(3) A person to whom a student loan debt is owed is to be treated as not being one of the debtor's creditors. 10

(4) A "student loan debt" is a debt or liability to which a debtor is or may become subject in respect of a public sector student loan or subsidised private sector student loan."

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2. This Act may be cited as the Student Loans (Amendment) Act (Northern Ireland) 2010.