
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 58

**The Education (Student Loans)
Regulations (Northern Ireland) 1998**

Part V

Higher Education Institutions: Duties

Duties of governing bodies in relation to loans

8.—(1) This regulation prescribes the steps to be taken by the governing body of each institution at which eligible students are attending courses for the purposes of, or in connection with, applications for loans.

(2) Where an eligible student attends a course at more than one institution the governing bodies of the institutions may agree in writing that one governing body shall take the steps prescribed by this regulation, in which case that governing body, and not the other governing bodies, shall be required to take those steps.

(3) An agreement under paragraph (2) may be made in respect of a particular student or in respect of any class or description of students.

(4) The governing body shall as soon as practicable after the commencement of each academic year—

- (a) issue to any student who requests it to certify his eligibility for a loan an eligibility questionnaire provided by the lender;
- (b) in respect of each eligibility questionnaire completed by a student and returned to it, take such steps as are reasonably practicable to verify the particulars inserted in the questionnaire by the student relating to his eligibility for a loan;
- (c) if the student's eligibility cannot be determined solely by verifying the particulars on the questionnaire, take such other steps as are reasonably practicable for that purpose;
- (d) issue to each student in relation to whom it has taken the steps required by sub-paragraphs (a) to (c) and whom it considers to be eligible an eligibility form provided by the lender for completion by the student and return to it;
- (e) certify to the best of its knowledge and belief the accuracy of the particulars in each completed eligibility form and the amount of loan to which it considers the student to be entitled;
- (f) issue to each student in relation to whom it has taken all other steps required by sub-paragraphs (a) to (e) a loan application form provided by the lender; and
- (g) send each certified eligibility form to the lender.

(5) The lender on receiving an eligibility form completed and certified in accordance with paragraph (4) shall pay £4 to the governing body which sent it.

(6) Where a student is a borrower who has obtained an eligibility form from the lender and completed it the governing body shall as soon as practicable after the commencement of each academic year—

- (a) accept the completed eligibility form from any such student who requests it to certify his eligibility;
- (b) if the lender has requested that any of the particulars inserted in the form should be verified take such steps as are reasonably practicable to verify those particulars;
- (c) certify to the best of its knowledge and belief the accuracy of the particulars which the lender has requested it to verify and the amount of loan to which it considers that student to be entitled; and
- (d) send each certified eligibility form to the lender.

(7) The lender on receiving an eligibility form completed and certified in accordance with paragraph (6) shall pay £2 to the governing body which sent it.

(8) The governing body shall—

- (a) promptly notify the lender in writing if a person in respect of whom it has certified eligibility (whether under these Regulations or otherwise) ceases to be an eligible student during the academic year in which it certified eligibility or subsequently—
 - (i) because he has completed the course on a date earlier than that specified in the certified eligibility form referred to in paragraph (4)(g) or (6)(d) or notified by it to the lender as the expected date on which he will complete the course; or
 - (ii) otherwise than because he has completed the course;
- (b) keep records and copies of all documents except loan application forms which it is required by this regulation to issue or certify and a record of any steps taken by it to establish a student's eligibility;
- (c) permit the lender or the Department to inspect the records and copies at any reasonable time and provide either of them with reasonable facilities for that purpose;
- (d) acknowledge receipt of all eligibility forms and loan application forms received by it from the lender and provide to that lender on request brief particulars of such forms issued under paragraph (4)(d) or (f); and
- (e) as soon as practicable notify the lender in writing if it believes that a person has fraudulently obtained or attempted to obtain a loan and provide the lender with the name of the person (if known) and particulars of the circumstances of that person's obtaining or attempting to obtain the loan.

(9) Without prejudice to the generality of sub-paragraphs (b) and (c) of paragraph (4), the steps to be taken under those sub-paragraphs shall include verifying particulars given in the eligibility questionnaire by reference to—

- (a) in the case of a person in respect of whom an entry was made in a register of births kept in pursuance of the Births and Deaths Registration Act 1953⁽¹⁾ and the Registration Service Act 1953⁽²⁾ a certified copy of that entry;
- (b) in the case of a person in respect of whom an entry was made in the Adopted Children Register kept in pursuance of section 50 of the Adoption Act 1976⁽³⁾ which contains a record of the date of birth of the person, a certified copy of that entry;

(1) 1953 c. 20
(2) 1953 c. 37
(3) 1976 c. 36

- (c) in the case of a person in respect of whom an entry was made in a register of births kept in pursuance of the Registration of Births, Deaths and Marriages (Scotland) Act 1965⁽⁴⁾, an extract of, or an abbreviated certificate of birth relating to, that entry;
 - (d) in the case of a person in respect of whom an entry was made in the Adopted Children Register kept in pursuance of section 45 of the Adoption (Scotland) Act 1978⁽⁵⁾ which contains a record of the date of birth of the person, an extract of that entry;
 - (e) in the case of a person in respect of whom an entry was made in a register of births kept in pursuance of the Births and Deaths Registration (Northern Ireland) Order 1976⁽⁶⁾, a certified copy of that entry;
 - (f) in the case of a person in respect of whom an entry was made in the Adopted Children Register kept in pursuance of Article 50 of the Adoption (Northern Ireland) Order 1987⁽⁷⁾ which contains a record of the date of birth of the person, a certified copy of that entry; or
 - (g) in the case of any other person except a refugee, his passport (if he holds one), and a letter or other document issued by a responsible person which contains particulars of his date, place and country of birth and his names at birth.
- (10) Nothing in this regulation shall require the governing body to take any steps to establish whether a student falls within sub-paragraph (1)(c), or (2)(e) or (f) of regulation 4 and in considering whether a student is eligible the governing body shall disregard those sub-paragraphs.
- (11) In this regulation—
- “eligibility form” means a form requesting particulars from a student relevant to his eligibility for a loan and of his bank or building society account; and
- “responsible person” means a consular officer, minister of religion, medical or legal practitioner, established civil servant, teacher or police officer.

(4) 1965 c. 49
(5) 1978 c. 28
(6) S.I.1976/1041 (N.I. 14)
(7) S.I. 1987/2203 (N.I. 22)