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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 340**

**The Education (Student Support)  
Regulations (Northern Ireland) 2005**

**PART 8**

**PAYMENTS**

**Payment of grants for fees**

**31.**—(1) The Department shall pay the grant for fees for which a student qualifies after a valid request for payment has been received from the academic authority.

(2) Payment shall be made to the academic authority—

- (a) not before the expiry of a period of three months beginning with the first day of the academic year; and
- (b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a valid request for payment has been received, if that is later.

(3) Where assessment of the student's contribution or other matters has delayed the final calculation of the amount of grant for which the student qualifies, the Department may make a provisional assessment.

(4) No payment of grant for fees shall be made if—

- (a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend the course, and
- (b) the academic authority has determined or agreed that the student will not commence attending again during the academic year in respect of which the fees are payable or at all.

**Payment of grants and loans for living costs**

**32.**—(1) Subject to the following paragraphs, the Department shall pay support under Part 5 or Part 6 in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may, where a final assessment cannot be made on the basis of the information provided by the student, make a provisional assessment of the support payable.

(2) Payments of support under Part 5 or Part 6 shall be made in such manner as the Department considers appropriate and it may make it a condition of entitlement to payment that the eligible student shall provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(3) Where an eligible student has applied for a loan under Part 6, the Department may make it a condition of entitlement to payment of any instalment that the eligible student shall provide it with the student's United Kingdom national insurance number.

(4) Subject to regulation 7, no support under Part 5 or Part 6 shall be payable in respect of a relevant period beginning after an eligible student has withdrawn from, abandoned or been expelled

from his course; and the amount of support for the academic year shall be the aggregate of the support, if any, which is payable in respect of each relevant period.

(5) No support under Part 5 or Part 6 shall be payable in respect of a relevant period during any part of which an eligible student is absent from his course, unless in the opinion of the Department it would be appropriate in all the circumstances to pay all or part of the support; and the amount of support for the academic year shall be the aggregate of the support, if any, which is payable in respect of each relevant period.

(6) In paragraphs (4) and (5) “relevant period” means a period in respect of which the Department pays an instalment or would have paid an instalment if the eligible student had not withdrawn from, abandoned, been expelled from or been absent from his course.

(7) In deciding whether it would be appropriate to pay all or part of the support under paragraph (5) the circumstances to which the Department shall have regard shall include the reasons for the student’s absence, the length of the absence and the financial hardship which not paying all or part of the support would cause.

(8) An eligible student shall not be considered to be absent from his course if he is unable to attend due to illness and his absence has not exceeded 60 days.

(9) Where, after the Department has made any payment of support under Part 5 or Part 6, it makes a determination of the amount of a grant for living costs under Part 5 for which the student qualifies in respect of an academic year either for the first time or by way of revision of a provisional or other determination of that amount—

- (a) if the determination increases the amount of that grant for which the student qualifies it shall pay the additional amount in such instalments (if any) and at such times as it considers appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies it shall subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount shall be reduced to nil and the balance subtracted from any other grant for living costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment shall be recovered in accordance with regulation 33.

(10) Where the Department has made any payment of support under Part 5 or Part 6 and a student who qualifies for a loan under Part 6 applies for such a loan or applies for an additional amount of loan in respect of an academic year, the Department shall pay the loan or the additional amount of loan in such instalments (if any) and at such times as it considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(11) Where, after the Department has made any payment of loan for which a student qualifies in respect of an academic year under Part 6, it makes a determination that the amount of loan for which the student qualifies is less than the amount previously determined either by way of revision of a provisional determination or otherwise—

- (a) it shall subtract such amount as is necessary to ensure that the student does not borrow an amount of loan which is greater than that for which he qualifies from any amount of loan which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid, the latter amount shall be reduced to nil;
- (c) any remaining overpayment shall be recovered in accordance with regulation 33.

## **Overpayments**

**33.**—(1) Any overpayment of a grant for fees may be recovered by the Department from the academic authority.

(2) An eligible student shall, if so required by the Department, repay any amount paid to him under Part 5 or 6 which for whatever reason exceeds the amount of support to which he is entitled under Part 5 or 6.

(3) Any overpayment of any grant or bursary under Part 5 may be recovered in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time in accordance with regulations made under Article 3 of the Order;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(4) Any overpayment of a loan for living costs in respect of any academic year may be recovered if in the opinion of the Department—

- (a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he qualifies for a loan or the amount of loan for which he qualifies; or
- (b) any information which the student has provided is inaccurate in a material particular; or
- (c) the student has failed to provide information which the Department considers to be material in the context of the recovery of the loan.

(5) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (4), it may be recovered in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from the amount of any loan payable to the student from time to time in accordance with regulations made under Article 3 of the Order;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(6) Where there has been an overpayment of a loan which is not recoverable under paragraph (4), the Department may subtract the overpayment from the amount of any loan payable to the student from time to time in accordance with regulations made under Article 3 of the Order.