
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 340

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

PART 8

PAYMENTS

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support under Part 5 or Part 6 shall be payable in respect of a relevant period beginning after an eligible student has withdrawn from, abandoned or been expelled from his course; and the amount of support for the academic year shall be the aggregate of the support, if any, which is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in respect of which the Department pays an instalment or would have paid an instalment if the eligible student had not withdrawn from, abandoned, been expelled from or been absent from his course.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.