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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 195**

**The Education (Student Support)  
Regulations (Northern Ireland) 2007**

**PART 10**

**PAYMENTS**

**CHAPTER 1**

**PAYMENT OF GRANTS FOR FEES**

**Payment of grants for fees**

**96.**—(1) The Department must not pay the grant for fees for which a student qualifies until it has received a valid request for payment from the academic authority.

(2) Payment must 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 request for payment has been received, if that is later.

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

(4) No payment of the grant for fees can be made in respect of a designated course 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 or, in the case of a student who is treated as in attendance under regulation 17, undertake the course; and
- (b) the academic authority has determined or agreed that the student will not commence attending in the United Kingdom or the Republic of Ireland or, as the case may be, undertaking in the United Kingdom the course again during the academic year in respect of which the fees are payable or at all.

**CHAPTER 2**

**PAYMENT OF GRANTS FOR LIVING COSTS AND OTHER COSTS**

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

**97.**—(1) The Department may pay support under Part 5 in instalments.

(2) Subject to paragraph (3), the Department may pay support under Part 5 at such times as it considers appropriate.

(3) An institution is required to send an attendance confirmation to the Department.

(4) The Department must not pay the first instalment or, where it has been determined not to pay support under Part 5 by instalments, make any payment of support under that Part to the eligible student before it has received the confirmation unless an exception applies.

(5) An exception applies if—

- (a) a disabled students' allowance is payable in which case that particular grant may be paid before the Department has received an attendance confirmation; or
- (b) the Department has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Payments of support under Part 5 are to 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 must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(7) Where a final assessment cannot be made on the basis of the information provided by the student, the Department may make a provisional assessment and payment of support under Part 5.

(8) No support under Part 5 in respect of the current course is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(9) Where an eligible student's period of eligibility terminates on or after the relevant date, the Department must determine—

- (a) the amount of each grant for living and other costs for which the student qualifies that would be payable in respect of the relevant payment period if the eligible student's period of eligibility had not terminated (the "full amount"); and
- (b) how much of the full amount is due in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated (the "partial amount").

(10) In this regulation, the "relevant date" is the date on which the first term of the academic year in question actually begins.

(11) If the Department has made a payment of grant for living and other costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and that payment exceeds the partial amount of that grant—

- (a) it may treat the excess as an overpayment of that grant; or
- (b) if it considers that it is appropriate to do so it may extend the student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of that grant is due in respect of that payment period.

(12) Subject to paragraph (13), if a payment of a grant for living and other costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant due is the partial amount unless the Department considers it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is due in respect of that payment period.

(13) Paragraph (12) does not apply to a payment of the disabled students' allowance in respect of specialist equipment.

(14) No support under Part 5 is due in respect of a payment 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 for support to be paid in respect of the period of absence.

(15) In deciding whether it would be appropriate for support to be due under paragraph (14) the circumstances to which the Department must have regard include the reasons for the student's

absence, the length of the absence and the financial hardship which not paying the support would cause.

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

(17) Where, after the Department has made any payment of support under Part 5 or 6, it makes a determination of the amount of a bursary or grant for living and other costs for which the student qualifies 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 must 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 must 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 is reduced to nil and the balance subtracted from any other bursary or grant for living and other costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with Chapter 4 of this Part.

### CHAPTER 3

#### PAYMENT OF LOANS

##### **General**

**98.**—(1) Subject to paragraph (2) —

- (a) fee loans and fee contribution loans are payable in accordance with regulation 101;
- (b) college fee loans are payable in accordance with regulation 102;
- (c) loans for living costs are payable in accordance with regulation 103.

(2) Regulations 99 and 100 apply in respect of the payment of all loans.

##### **Provision of United Kingdom national insurance number**

**99.**—(1) The Department may make it a condition of entitlement to payment of any loan that the eligible or qualifying student must provide it with his United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), it must not make any payment of the loan to the eligible or qualifying student before it is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of loan to the eligible or qualifying student if it is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible or qualifying student having complied with the condition imposed under paragraph (1).

##### **Information requirements**

**100.**—(1) The Department may at any time request from an applicant, eligible student or qualifying student information that it considers is required to recover a loan.

(2) The Department may at any time require an applicant, eligible student or qualifying student to enter into an agreement to repay a loan by a particular method.

(3) The Department may at any time request from an applicant, eligible student or qualifying student sight of his valid national identity card, his valid passport issued by the state of which he is a national or his birth certificate.

(4) Where the Department has requested information under this regulation, it may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) Where the Department has requested an agreement as to the method of repayment under this regulation, it may withhold any payment of a loan until the person provides what has been requested.

### **Payment of fee loans and fee contribution loans**

**101.**—(1) The Department must pay the fee loan or fee contribution loan for which an eligible student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the fee loan or fee contribution loan in instalments.

(3) The Department must not pay the fee loan or fee contribution loan before—

- (a) it has received a request for payment from the academic authority; and
- (b) a period of three months beginning with the first day of the academic year has expired.

(4) Where assessment of an old system student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies, the Department may make a provisional assessment and payment.

(5) No payment of fee loan or fee contribution loan can be made in respect of a designated course 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 or, in the case of a student treated as in attendance under regulation 17, undertake the course; and
- (b) the academic authority has determined or agreed that the student will not commence attending in the United Kingdom or the Republic of Ireland or, as the case may be, undertaking in the United Kingdom the course again during the academic year in respect of which the fees are payable or at all.

### **Payment of college fee loans**

**102.**—(1) The Department must pay the college fee loan for which a qualifying student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The Department must pay the college fee loan in a single instalment.

(3) The Department must not pay the college fee loan before—

- (a) it has received a request for payment from the college or permanent private hall; and
- (b) a period of three months beginning with the first day of the academic year has expired.

(4) A college or permanent private hall is required to send an attendance confirmation to the Department.

(5) The Department must not pay the college fee loan until it has received an attendance confirmation from the relevant college or permanent private hall unless it determines that owing to exceptional circumstances, it would be appropriate to make a payment without receiving that confirmation.

(6) The Department must not make a payment of college fee loan in respect of a qualifying course if—

- (a) before the expiry of a period of three months beginning with the first day of the academic year the qualifying student ceases to attend or, in the case of a student who is treated as in attendance under regulation 83, undertake the course; and
- (b) the college or permanent private hall has determined or agreed that the student will not commence attending or, as the case may be, undertaking in the United Kingdom again during the academic year in respect of which the college fees are payable or at all.

### **Payment of loans for living costs**

- 103.**—(1) The Department may pay support under Part 6 in instalments.
- (2) Subject to paragraph (4), the Department may pay support under Part 6 at such times as it considers appropriate.
- (3) An institution is required to send an attendance confirmation to the Department.
- (4) The Department must not pay the first instalment, or where it has been determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before it has received an attendance confirmation from the relevant institution unless an exception applies.
- (5) An exception applies if the Department has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.
- (6) Where a final assessment cannot be made on the basis of the information provided by the student, the Department may make a provisional assessment and payment of support under Part 6.
- (7) Payments of support under Part 6 are to 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 must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.
- (8) Where the Department has made any payment of support under Part 5 or under Part 6 and a student who qualifies for a loan for living costs under Part 6 applies for such a loan or applies for an additional amount of loan for living costs in respect of an academic year, the Department may pay that loan or that 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.
- (9) No support under Part 6 in respect of the current course is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.
- (10) No support under Part 6 is due in respect of a payment period during 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 for support to be paid in respect of the period of absence.
- (11) In deciding whether it would be appropriate for support to be due under paragraph (10) the circumstances to which the Department must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.
- (12) An eligible student is not to be considered absent from his course if he is unable to attend due to illness and his absence has not exceeded 60 days.
- (13) Where, after the Department has made any payment of loan for living costs for which a student qualifies in respect of an academic year under Part 6, it makes a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- (a) it must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan for living costs which is greater than that for which he qualifies from any amount of loan for living costs which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan for living costs remaining to be paid, the latter is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with Chapter 4 of this Part.

## CHAPTER 4 OVERPAYMENTS

### **Overpayments of fee support**

**104.** Any overpayment of fee support is recoverable by the Department from the academic authority.

### **Overpayments of college fee loan**

**105.** Any overpayment of college fee loan is recoverable by the Department from the college or permanent private hall.

### **Overpayments of support payable under Part 5 or 6**

**106.—(1)** An eligible student must, 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.

(2) The Department must recover an overpayment of any bursary or grant for living and other costs unless it considers it is not appropriate to do so.

(3) The methods of recovery are—

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

(4) A payment of any bursary or grant for living and other costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Department decides otherwise.

(5) In this regulation, the “relevant date” is the date on which the first term of the academic year in question actually begins.

(6) In the circumstances in paragraph (7) or (8), there is an overpayment of the disabled students’ allowance unless the Department decides otherwise.

(7) The circumstances are—

- (a) the Department applies all or part of the disabled students’ allowance to the purchase of specialist equipment on behalf of the eligible student;
- (b) the student’s period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before his period of eligibility terminates.

(8) The circumstances are—

- (a) the eligible student’s period of eligibility terminates after the relevant date; and

- (b) a payment of the disabled students' allowance in respect of specialist equipment is made to the student after the student's period of eligibility terminated.
- (9) Where there is an overpayment of the disabled students' allowance, the Department may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if it considers it is appropriate to do so.
- (10) 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 for living costs or the amount of loan for living costs for which he qualifies;
  - (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.
- (11) Where an overpayment of a loan for living costs is recoverable under paragraph (10), 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 for living costs payable to the student from time to time;
  - (b) by taking such other action for the recovery of an overpayment as is available to it.
- (12) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (10), the Department may subtract the overpayment from the amount of any loan for living costs payable to the student from time to time.

## CHAPTER 5

### INTERPRETATION

#### **Interpretation**

##### **107. In this Part—**

- (a) “attendance confirmation” means—
  - (i) confirmation from the institution that the student has enrolled for the academic year where—
    - (aa) the student is applying for support in connection with a designated course for the first time;
    - (bb) the student has a disability; and
    - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to his disability);
  - (ii) confirmation from the institution that the student has presented himself at the institution and begun to attend the course where—
    - (aa) the student is applying for support in connection with a designated course for the first time;
    - (bb) the student has not had his status as an eligible student transferred to the course from another designated course at the same institution; and
    - (cc) sub-paragraph (i)(cc) does not apply;
  - (iii) confirmation from the institution that the student has enrolled for the academic year where—

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- (aa) the student is applying for support in connection with a designated course other than for the first time; or
  - (bb) the student is applying for support in connection with a designated course for the first time after having his status as an eligible student transferred to that course from another course at the same institution;
- (b) “payment period” means a period in respect of which the Department pays the relevant support under Part 5 or 6 or would have paid such support if the eligible student’s period of eligibility had not terminated.