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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 157**

**The Student Support (Scotland) Regulations 2022**

**PART 4**

**Student loans**

**Overpayments**

**23.**—(1) This regulation applies to a loan issued under regulation 11 (students eligible for student loans).

(2) Any overpayment of a loan in respect of any academic year may be recovered by the Scottish Ministers if, in their opinion—

- (a) the overpayment is a result of a failure of the student to provide promptly information which might affect their eligibility for a loan or the amount of loan for which that student is eligible, or
- (b) any information which that student has provided is inaccurate,

but otherwise it is treated as a loan properly made under this Part which is repayable in accordance with the Act and any regulations made under it.

(3) Where an overpayment of loan is treated, by virtue of paragraph (2), as a loan properly made, the Scottish Ministers may subtract the overpayment from the amount of loan for which the student is eligible in respect of any other academic year.

(4) Where an overpayment of loan is recoverable in accordance with paragraph (2) it is to be recovered in one or more of the following ways as the Scottish Ministers consider appropriate in all the circumstances—

- (a) by subtracting the overpayment from the amount of loan for which the student is eligible in respect of any other academic year,
- (b) where a student upon completion of their course immediately commences another course (disregarding any intervening vacation) by subtracting the overpayment from the amount of any loan for which that person is eligible in respect of any academic year in connection with the second course,
- (c) by taking such other action for the recovery of a payment made without statutory authority as is available to them.

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**Commencement Information**

**II** [Reg. 23](#) in force at 1.8.2022, see [reg. 1](#)

**Changes to legislation:**

The Student Support (Scotland) Regulations 2022, Section 23 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 13B inserted by [S.S.I. 2024/140 reg. 3\(13\)](#)
- Sch. 1 para. 17A inserted by [S.S.I. 2024/140 reg. 3\(18\)](#)
- Sch. 4 para. 7A-7C inserted by [S.S.I. 2024/140 reg. 3\(22\)](#)
- reg. 11(2)(d)(vi) and word inserted by [S.S.I. 2024/140 reg. 3\(3\)\(b\)](#)