
STATUTORY INSTRUMENTS

2006 No. 119

The Education (Student Support) Regulations 2006

PART 9

PAYMENTS

Payment of grants for fees

78.—(1) The Secretary of State must not pay the grant for fees for which a student qualifies until she 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 valid 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 Secretary of State 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 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 fee loans and fee contribution loans

79.—(1) The Secretary of State 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 Secretary of State may pay the fee loan or fee contribution loan in instalments.

(3) The Secretary of State must not pay the fee loan or fee contribution loan before—

- (a) she has received a valid 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 Secretary of State 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 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 loans – information requirements

80.—(1) The Secretary of State may at any time request from an applicant or eligible student information which she considers is required to recover a loan.

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

(3) The Secretary of State may at any time request from an applicant or eligible 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) The Secretary of State may at any time verify with the Department for Work and Pensions the United Kingdom national insurance number that an applicant or eligible student has provided or may check with the Department for Work and Pensions whether he has such a number with a view to obtaining it if he does.

(5) Where the Secretary of State has requested information or documents under this regulation, she 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.

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

Payment of grants for living and other costs and loans for living costs – timing of payments

81.—(1) The Secretary of State may pay support under Part 5 or Part 6 in instalments.

(2) Subject to paragraph (3), the Secretary of State may pay support under Part 5 or Part 6 at such times as she considers appropriate.

(3) Where an institution is required to send an attendance confirmation to the Secretary of State, the Secretary of State must not pay the first instalment or, where it has been determined not to pay support under Part 5 or Part 6 by instalments, make any payment of support under Part 5 or Part 6 to the eligible student before she has received that confirmation unless an exception applies.

(4) An exception applies if—

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

(5) An institution is required to send an attendance confirmation to the Secretary of State in respect of an academic year of the current course where the year begins on or after 1st September 2006.

(6) In this regulation, “attendance confirmation” means—

- (a) confirmation from the institution that the student has enrolled for the academic year where—
 - (i) the student is applying for support in connection with a designated course for the first time;
 - (ii) the student has a disability; and
 - (iii) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to his disability);

- (b) confirmation from the institution that the student has presented himself at the institution and begun to attend the course where—
 - (i) the student is applying for support in connection with a designated course for the first time;
 - (ii) the student has not had his status as an eligible student transferred to the course from another designated course at the same institution; and
 - (iii) sub-paragraph (a)(iii) does not apply;
- (c) confirmation from the institution that the student has enrolled for the academic year where—
 - (i) the student is applying for support in connection with a designated course other than for the first time; or
 - (ii) 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.

Payment of grants for living and other costs and loans for living costs - general provisions

82.—(1) Where a final assessment cannot be made on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of the support under Part 5 or Part 6.

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

(3) Subject to regulation 7, no support under Part 5 or Part 6 is due in respect of a payment period beginning after an eligible student has withdrawn from, abandoned or been expelled from his course.

(4) In this regulation, “payment period” means a period in respect of which the Secretary of State pays the relevant support under Part 5 or Part 6 or would have paid such support if the eligible student had not withdrawn from, abandoned, been expelled from or been absent from his course.

(5) Where an eligible student withdraws from, abandons or is expelled from his course on or after the relevant date, the Secretary of State 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 student had not withdrawn from, abandoned or been expelled from the course (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 student withdraws, abandons or is expelled from the course (the “partial amount”).

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

(7) If the Secretary of State has made a payment of a grant for living and other costs in respect of the relevant payment period before the point in that period at which the student withdraws from, abandons or is expelled from the course and that payment exceeds the partial amount of that grant—

- (a) she may treat the excess as an overpayment of that grant; or
- (b) if she considers that it is appropriate to do so she 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.

(8) 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 student withdraws from, abandons or is expelled from the course, the amount of that grant due is the partial amount unless the Secretary of State considers that it is 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.

(9) No support under Part 5 or Part 6 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 Secretary of State it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(10) In deciding whether it would be appropriate for support to be due under paragraph (9) the circumstances to which the Secretary of State must have regard 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.

(11) 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.

(12) Where, after the Secretary of State has made any payment of support under Part 5 or Part 6, she makes a determination of the amount of a grant for living and other costs 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 she must pay the additional amount in such instalments (if any) and at such times as she considers appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies she 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 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 regulation 83.

(13) Where the Secretary of State has made any payment of support under Part 5 or 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 Secretary of State may pay that loan or that additional amount of loan in such instalments (if any) and at such times as she considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(14) Where, after the Secretary of State has made any payment of loan for living costs for which a student qualifies in respect of an academic year under Part 6, she 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 revision of a provisional determination or otherwise—

- (a) she 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 amount is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with regulation 83.

Overpayments

83.—(1) Any overpayment of fee support is recoverable by the Secretary of State from the academic authority.

(2) An eligible student must, if so required by the Secretary of State, 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) The Secretary of State must recover an overpayment of any grant for living and other costs unless she considers it is not appropriate to do so.

(4) The methods of recovery are—

- (a) subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;
- (b) taking such other action for the recovery of an overpayment as is available to the Secretary of State.

(5) A payment of any 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 Secretary of State decides otherwise.

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

(7) In the circumstances in paragraph (8) or (9), there is an overpayment of the disabled students' allowance unless the Secretary of State decides otherwise.

(8) The circumstances are—

- (a) the Secretary of State applies all or part of the disabled students' allowance to the purchase of specialist equipment on behalf of the eligible student;
- (b) the student withdraws from, abandons or is expelled from the course after the relevant date; and
- (c) the equipment has not been delivered to the student before he withdraws from, abandons or is expelled from the course.

(9) The circumstances are—

- (a) the eligible student withdraws from, abandons or is expelled from the course after the relevant date; and
- (b) a payment of the disabled students' allowance in respect of specialist equipment is made to the student after he withdraws from, abandons or is expelled from the course.

(10) Where there is an overpayment of the disabled students' allowance, the Secretary of State may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if she considers it is appropriate to do so.

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

- (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 Secretary of State considers to be material in the context of the recovery of the loan.

(12) Where an overpayment of a loan for living costs is recoverable under paragraph (11), it may be recovered in whichever one or more of the following ways the Secretary of State 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 her.

(13) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (11), the Secretary of State may subtract the overpayment from the amount of any loan for living costs payable to the student from time to time.