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STATUTORY INSTRUMENTS

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**2008 No. 529**

**The Education (Student Support) Regulations 2008**

**PART 11**

**SUPPORT FOR FULL-TIME DISTANCE LEARNING COURSES**

**Overpayments**

**131.**—(1) Any overpayment of a grant in respect of fees is recoverable by the Secretary of State from the academic authority.

(2) An eligible distance learning student must, if so required by the Secretary of State, repay any amount paid to him under this Part which for whatever reason exceeds the amount of grant to which he is entitled under this Part.

(3) The Secretary of State must recover an overpayment of grant for books, travel and other expenditure and disabled distance learning students' allowance unless he considers that 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 the disabled distance learning students' allowance 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 set out in paragraph (8) or (9), there is an overpayment of the disabled distance learning 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 distance learning students' allowance to the purchase of specialist equipment on behalf of the eligible distance learning 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 the period of eligibility terminated.

(9) The circumstances are—

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

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(b) a payment of the disabled distance learning students' allowance in respect of specialist equipment is made to the student after the period of eligibility terminated.

(10) Where there is an overpayment of the disabled distance learning 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 he considers it is appropriate to do so.