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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

**The Education (Student Support) (Wales) Regulations 2018**

**PART 13**

**PAYMENTS, OVERPAYMENTS AND RECOVERY**

**CHAPTER 4**

**OVERPAYMENTS AND RECOVERY**

**Overpayments – general**

**89.**—(1) Any overpayment of a tuition fee loan is recoverable by the Welsh Ministers from the academic authority.

(2) Where an eligible student has been paid an amount of any grant or maintenance loan which exceeds the amount to which the student is entitled under these Regulations, the student must repay the excess amount if required to do so by the Welsh Ministers.

(3) In this Chapter, references to an eligible student are to be treated as including a person who has received support but is not, or is no longer, an eligible student.

**Recovery of overpayments of grants**

**90.**—(1) The Welsh Ministers must recover any overpayment of a grant unless they think it is not appropriate to do so.

(2) A payment of a grant made before the day on which the course begins in respect of the academic year in question is an overpayment if the eligible student withdraws from the course before that day.

(3) A payment of disabled student's grant is an overpayment if either of the following cases apply — *Case 1* An amount of the grant has been paid for the purpose of assisting with expenditure on major items of specialist equipment but the equipment has not been delivered to the eligible student before the student's period of eligibility ends or is terminated. *Case 2* Payment of an amount of the grant for the purpose of assisting with expenditure on major items of specialist equipment is made after the eligible student's period of eligibility ends or is terminated.

(4) Overpayment of a grant may be recovered by subtracting the overpayment from any grant payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.

(5) Where—

- (a) there is an overpayment of a disabled student's grant, and
- (b) any amount of the grant was paid for the purpose of assisting with expenditure on major items of specialist equipment,

the Welsh Ministers may accept the return of specialist equipment by way of recovery of all or part of the overpayment.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, CHAPTER 4. (See end of Document for details)*

(6) Paragraphs (4) and (5) do not prevent the Welsh Ministers from recovering an overpayment by any other method available to them.

### **Recovery of overpayments of maintenance loans**

[<sup>F1</sup>91. Where a maintenance loan has been overpaid the Welsh Ministers may recover the overpayment—

- (a) by subtracting it from any maintenance loan payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act;
- (b) by requiring the eligible student to repay the overpayment in accordance with regulations made under section 22 of the 1998 Act;
- (c) by any other method available to them.]

#### **Textual Amendments**

- F1** [Reg. 91](#) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Support\) \(Miscellaneous Amendments\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/708\)](#), regs. 1(2), **10**

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, CHAPTER 4.