
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 298

**Education (Student Support)
Regulations (Northern Ireland) 2003**

**PART VII
PAYMENTS**

Payment of grant for fees

25.—(1) The Department shall pay the grant for fees for which a student is eligible when a valid request for payment has been received from the academic authority, payment to be made to it –

- (a) not before the expiry of three months from the beginning of the academic year; and
- (b) not later than 10 weeks after the expiry of that period, or promptly after a valid request for payment has been received, if that is later.

(2) The Department may make a provisional payment where assessment of the student's contribution or other matters have delayed final calculation of the amount of grant for which the student is eligible.

(3) No payment of grant for fees shall be made if –

- (a) before the expiry of three months from the beginning of the academic year the eligible student ceases to attend the course; and
- (b) the academic authority has determined or agreed that he will not commence attending again during the academic year in respect of which the fees are payable, or at all.

Payment of grants and loans for living costs

26.—(1) Subject to the following paragraphs the Department shall pay bursary or grants for which a student is eligible under Part IV or loans for which a student has applied under Part V in such instalments (if any) and at such times as it considers appropriate; and in the exercise of its functions under this paragraph it may in particular make provisional payments pending the final calculation of the amount of grant or loan for which the student is eligible.

(2) Subject to the following paragraphs bursary and grants for which a student is eligible under regulations 13 and 16 and loans for which a student has applied under Part V other than a loan under regulation 22 shall be payable in such instalments (if any) and at such times as the Department considers appropriate.

(3) Payments shall 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 shall provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(4) Subject to regulation 7 no support referred to in paragraph (2) shall be payable in respect of a period beginning after an eligible student has withdrawn from, abandoned or been expelled from his

course; and the amount of such support for the academic year shall be the aggregate of the support, if any, which is payable in respect of each period.

(5) No support referred to in paragraph (2) shall be payable in respect of a 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 to pay all or part of the support; and the amount of such support for the academic year shall be the aggregate of the support, if any, which is payable in respect of each period.

(6) In paragraphs (4) and (5) “period” means a period in respect of which an instalment is payable or would have been payable if the eligible student had not withdrawn from, abandoned, been expelled from or been absent from his course.

(7) In deciding whether it would be appropriate to pay all or part of the support under paragraph (5) the circumstances to which the Department shall have regard shall 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.

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

(9) Where after the Department has made any payment of support referred to in paragraph (2), it makes a determination of the amount of bursary or grant for which the student is eligible in respect of an academic year under regulation 13 or 16 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 bursary or grant for which the student is eligible it shall 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 bursary or grant for which the student is eligible it shall subtract the amount of the decrease from the amount of bursary or grant which remains to be paid under regulation 13 or 16;
- (c) if the amount of the decrease is greater than the amount of bursary or grant remaining to be paid that amount shall be reduced to nil, and the balance subtracted from any other bursary or grant for which the student is eligible in respect of the academic year; and
- (d) any remaining overpayment shall be recovered in accordance with regulation 27.

(10) Where the Department has made any payment of support referred to in paragraph (2) and a student who is eligible for a loan under Part V, other than a loan under regulation 22 applies for such a loan or applies for an additional such loan in respect of an academic year, the Department shall pay the loan or the additional 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.

(11) Where after the Department has made any payment of loan for which a student is eligible in respect of an academic year under Part V it makes a determination that the amount of loan for which the student is eligible is less than the amount previously determined, either by way of revision of a provisional determination or otherwise, –

- (a) it shall subtract such amount as is necessary to ensure that the student does not borrow an amount of loan which is greater than that which he is eligible to borrow from any amount of loan which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid that amount shall be reduced to nil; and
- (c) any remaining overpayment shall be recovered in accordance with regulation 27.

(12) Notwithstanding the above paragraphs, where support referred to in paragraph (2) is payable in respect of a period of attendance at an overseas institution, the Department may pay the support in such instalments (if any), in such manner and at such times as it considers appropriate.

- (13) Notwithstanding the above paragraphs where by reason of the absence of the student –
- (a) support referred to in paragraph (2) is reduced in accordance with paragraph (5); and
 - (b) the Department considers that the payment of such support in accordance with the above paragraphs would be inappropriate,

it may pay such support in such instalments (if any) and at such times as it considers appropriate.

Overpayments

27.—(1) Any overpayment of grant for fees under Part III shall be recovered by the Department from the academic authority.

(2) Any overpayment of grant or bursary for living costs under Part IV shall be recovered in such one or more of the following ways as the Department considers appropriate in all the circumstances –

- (a) by subtracting the overpayment from any other grant or bursary for which the student is eligible in respect of the academic year in question, or from any other grant or bursary for which he is eligible in respect of any other academic year;
- (b) where the student commences any course subsequent to the course in respect of which the overpayment was made by subtracting the overpayment from any payment of grant or bursary for living costs for which he is eligible in respect of any academic year in connection with that subsequent course;
- (c) by taking such other action for the recovery of a payment made without statutory authority as is available to it.

(3) Any overpayment of a loan for living costs under Part V 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 his eligibility for a loan or the amount of loan for which he is eligible; or
- (b) any information which he has provided is inaccurate in a material particular,

but otherwise it shall be treated as a loan properly made under Part V which shall be repayable in accordance with the Order and Regulations made under it.

(4) Where an overpayment of loan is treated as properly made under paragraph (3) the Department may subtract the overpayment from the amount of loan for living costs under Part V for which the student is eligible in respect of any other academic year.

(5) Where an overpayment of loan for living costs is recoverable in accordance with paragraph (3) it shall be recovered in such one or more of the following ways as the Department considers 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 his course immediately commences another course disregarding any intervening vacation, by subtracting the overpayment from any payment of loan for which he 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 it.