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STATUTORY INSTRUMENTS

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**2001 No. 951**

**The Education (Student Support) Regulations 2001**

**PART VII  
PAYMENTS**

**Payment of grant for fees**

**25.**—(1) The Secretary of State 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;
- (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 Secretary of State 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 and to regulation 17(4) the Secretary of State shall pay 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 he considers appropriate; and in the exercise of his functions under this paragraph he may in particular make provisional payments pending the final calculation of the amount of grant or loan for which the student is eligible.

(2) Grants for which a student is eligible under regulation 15 and loans for which a student has applied under Part V other than a loan under regulation 22 shall be payable in respect of three quarters of the academic year, and shall not be payable in respect of the quarter during which in the opinion of the Secretary of State the longest of any vacations is taken.

(3) The Secretary of State shall pay support referred to in paragraph (2) in the following instalments:

- (a) if the first instalment is paid during the first quarter of the academic year in respect of which the support is payable it shall be paid in three equal instalments during the quarters in respect of which it is payable;
- (b) if the first instalment is paid during the second quarter of the academic year in respect of which support is payable it shall be paid in two instalments during the quarters in respect

of which it is payable, the first amounting to two thirds of the amount to be paid, and the second one third of that amount; and

- (c) if the first instalment is paid during the third quarter of the academic year in respect of which the support is payable it shall be paid in one instalment.

(4) Payments shall be made in such manner as the Secretary of State considers appropriate, and he may make it a condition of entitlement to payment that the eligible student shall provide him with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(5) Subject to regulation 7 no support referred to in paragraph (2) shall be payable in respect of a quarter 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 quarter.

(6) No support referred to in paragraph (2) shall be payable in respect of a quarter 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 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 quarter.

(7) In deciding whether it would be appropriate to pay all or part of the support under paragraph (6) the circumstances which the Secretary of State shall have regard to 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 Secretary of State has made any payment of support referred to in paragraph (2) he makes a determination of the amount of grant for which the student is eligible in respect of an academic year under regulation 15 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 grant for which the student is eligible he shall pay the additional amount in instalments in accordance with paragraph (3), paying the first instalment as soon as is reasonably practicable after the determination and any subsequent instalment with instalments already payable;
- (b) if the determination decreases the amount of grant for which the student is eligible he shall subtract the amount of the decrease from any instalments of grant which remain to be paid under regulation 15, so that the instalments continue to bear the proportion to each other referred to in paragraph (3);
- (c) if the amount of the decrease is greater than the amount of grant remaining to be paid that amount shall be reduced to nil, and the balance subtracted from any other grant for which the student is eligible in respect of the academic year;
- (d) any remaining overpayment shall be recovered in accordance with regulation 27.

(10) Where the Secretary of State 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 Secretary of State shall pay the loan or the additional loan in instalments in accordance with paragraph (3), paying the first instalment as soon as is reasonably practicable after a satisfactory application has been received and any subsequent instalment with instalments already payable.

(11) Where the Secretary of State has paid an instalment of loan for which a student is eligible in respect of an academic year under Part V and he 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) he shall subtract such amount as is necessary to ensure that the student does not borrow an amount greater than the amount which he is eligible to borrow from any instalments of loan which remain to be paid, so that the instalments continue to bear the proportion to each other referred to in paragraph (3);
  - (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;
  - (c) any remaining overpayment shall be recovered in accordance with regulation 27.
- (12) Notwithstanding the above paragraphs where—
- (a) support referred to in paragraph (2) is payable in respect of a period of attendance at an overseas institution, and
  - (b) the Secretary of State considers that payment of the support in instalments in accordance with the above paragraphs may prejudice his admission to the overseas country or institution,

he may pay the support in such instalments, if any, as he considers appropriate.

(13) Notwithstanding the above paragraphs where the periods of attendance for a course are such that the payment of instalments during the quarters in respect of which the support is payable may cause the eligible student hardship the Secretary of State may pay the instalments at such other times as he considers appropriate.

- (14) 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 (6), and
  - (b) the Secretary of State considers that the payment of such support in accordance with the above paragraphs would be inappropriate

he may pay such support in such number of instalments and in instalments of such amounts as he considers appropriate.

## **Overpayments**

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

(2) Any overpayment of grant for living costs under Part IV other than a grant for dependants **under regulations 15 and 16** shall be recovered in such one or more of the following ways as the Secretary of State considers appropriate in all the circumstances:

- (a) by subtracting the overpayment from any other grant other than a grant for dependants **under regulations 15 and 16** for which the student is eligible in respect of the academic year in question, or from any other grant other than a grant for dependants **under regulations 15 and 16** for which he is eligible in respect of any other academic year;
- (b) where the student upon completion of his course immediately commences another course disregarding any intervening vacation by subtracting the overpayment from any payment of grant for living costs (other than a grant for dependants **under regulations 15 and 16**) 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 without statutory authority as is available to him.

(3) Any overpayment of grant for dependants under Part IV shall be recovered in such one or more of the following ways as the Secretary of State considers appropriate in all the circumstances:

- (a) by subtracting the overpayment from any grant for dependants **under regulations 15 and 16** for which the student is eligible in respect of the academic year in question or for which he 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 such grant for which he is eligible in respect of any academic year in connection with the second course; and
  - (c) by taking such other action for the recovery of a payment without statutory authority as is available to him.
- (4) 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 Secretary of State—
- (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 Act and regulations made under it.
- (5) Where any overpayment of loan is treated as properly made under paragraph (4) the Secretary of State 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.
- (6) Where any overpayment of loan for living costs is recoverable in accordance with paragraph (4) it shall be recovered in such one or more of the following ways as the Secretary of State 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 him.