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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 224**

Education (Student Support)  
Regulations (Northern Ireland) 2002

Part VIII

Support for Part-Time Courses

**Overpayments**

**39.**—(1) Any overpayment of a loan under this Part 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 under this Part, 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 which shall be repayable in accordance with the Order and regulations made under it.

(2) Where an overpayment of loan is treated as properly made under paragraph (1) the Department may subtract the overpayment from the amount of loan under this Part for which the student is eligible in respect of any other academic year.

(3) Where an overpayment of loan is recoverable in accordance with paragraph (1) it shall be recovered in such of the following ways as the Department considers appropriate in all the circumstances –

- (a) by subtracting the overpayment from the amount of loan under this Part for which the student is eligible in respect of any other academic year;
- (b) by taking such other action for the recovery of a payment made without statutory authority as is available to it.

(4) Any overpayment of grant paid under regulation 34 in respect of an academic year 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 grant for which the student is eligible under regulation 34 in respect of any other academic year;
- (b) by subtracting the overpayment from any grant other than a grant for dependants for which the student is eligible under Part IV;
- (c) by taking such other action for the recovery of a payment made without statutory authority as is available to it.