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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 195**

**The Education (Student Support)  
Regulations (Northern Ireland) 2007**

**PART 10**

**PAYMENTS**

**CHAPTER 3**

**PAYMENT OF LOANS**

**General**

**98.**—(1) Subject to paragraph (2) —

- (a) fee loans and fee contribution loans are payable in accordance with regulation 101;
- (b) college fee loans are payable in accordance with regulation 102;
- (c) loans for living costs are payable in accordance with regulation 103.

(2) Regulations 99 and 100 apply in respect of the payment of all loans.

**Provision of United Kingdom national insurance number**

**99.**—(1) The Department may make it a condition of entitlement to payment of any loan that the eligible or qualifying student must provide it with his United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), it must not make any payment of the loan to the eligible or qualifying student before it is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of loan to the eligible or qualifying student if it is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible or qualifying student having complied with the condition imposed under paragraph (1).

**Information requirements**

**100.**—(1) The Department may at any time request from an applicant, eligible student or qualifying student information that it considers is required to recover a loan.

(2) The Department may at any time require an applicant, eligible student or qualifying student to enter into an agreement to repay a loan by a particular method.

(3) The Department may at any time request from an applicant, eligible student or qualifying student sight of his valid national identity card, his valid passport issued by the state of which he is a national or his birth certificate.

(4) Where the Department has requested information under this regulation, it may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) Where the Department has requested an agreement as to the method of repayment under this regulation, it may withhold any payment of a loan until the person provides what has been requested.

#### **Payment of fee loans and fee contribution loans**

**101.**—(1) The Department must pay the fee loan or fee contribution loan for which an eligible student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the fee loan or fee contribution loan in instalments.

(3) The Department must not pay the fee loan or fee contribution loan before—

(a) it has received a request for payment from the academic authority; and

(b) a period of three months beginning with the first day of the academic year has expired.

(4) Where assessment of an old system student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies, the Department may make a provisional assessment and payment.

(5) No payment of fee loan or fee contribution loan can be made in respect of a designated course if—

(a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend or, in the case of a student treated as in attendance under regulation 17, undertake the course; and

(b) the academic authority has determined or agreed that the student will not commence attending in the United Kingdom or the Republic of Ireland or, as the case may be, undertaking in the United Kingdom the course again during the academic year in respect of which the fees are payable or at all.

#### **Payment of college fee loans**

**102.**—(1) The Department must pay the college fee loan for which a qualifying student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The Department must pay the college fee loan in a single instalment.

(3) The Department must not pay the college fee loan before—

(a) it has received a request for payment from the college or permanent private hall; and

(b) a period of three months beginning with the first day of the academic year has expired.

(4) A college or permanent private hall is required to send an attendance confirmation to the Department.

(5) The Department must not pay the college fee loan until it has received an attendance confirmation from the relevant college or permanent private hall unless it determines that owing to exceptional circumstances, it would be appropriate to make a payment without receiving that confirmation.

(6) The Department must not make a payment of college fee loan in respect of a qualifying course if—

(a) before the expiry of a period of three months beginning with the first day of the academic year the qualifying student ceases to attend or, in the case of a student who is treated as in attendance under regulation 83, undertake the course; and

- (b) the college or permanent private hall has determined or agreed that the student will not commence attending or, as the case may be, undertaking in the United Kingdom again during the academic year in respect of which the college fees are payable or at all.

### **Payment of loans for living costs**

**103.**—(1) The Department may pay support under Part 6 in instalments.

(2) Subject to paragraph (4), the Department may pay support under Part 6 at such times as it considers appropriate.

(3) An institution is required to send an attendance confirmation to the Department.

(4) The Department must not pay the first instalment, or where it has been determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before it has received an attendance confirmation from the relevant institution unless an exception applies.

(5) An exception applies if the Department has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the Department may make a provisional assessment and payment of support under Part 6.

(7) Payments of support under Part 6 are to 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 must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(8) Where the Department has made any payment of support under Part 5 or under Part 6 and a student who qualifies for a loan for living costs under Part 6 applies for such a loan or applies for an additional amount of loan for living costs in respect of an academic year, the Department may pay that loan or that additional amount of 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.

(9) No support under Part 6 in respect of the current course is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(10) No support under Part 6 is due in respect of a payment period during 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 for support to be paid in respect of the period of absence.

(11) In deciding whether it would be appropriate for support to be due under paragraph (10) the circumstances to which the Department must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

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

(13) Where, after the Department has made any payment of loan for living costs for which a student qualifies in respect of an academic year under Part 6, it makes a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- (a) it must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan for living costs which is greater than that for which he qualifies from any amount of loan for living costs which remains to be paid;

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- (b) if the amount to be subtracted is greater than the amount of loan for living costs remaining to be paid, the latter is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with Chapter 4 of this Part.