
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 37

The Education (Student Support)
Regulations (Northern Ireland) 2009

PART 10
PAYMENTS
CHAPTER 5
OVERPAYMENTS

Overpayments of support payable under Part 5 or Part 6

107.—(1) An eligible student must, if so required by the Department, repay any amount paid to the student under Part 5 or 6 which for whatever reason exceeds the amount of support to which the student is entitled under Part 5 or 6.

(2) The Department must recover an overpayment of any bursary or grant for living and other costs unless the Department considers it is not appropriate to do so.

(3) The methods of recovery are—

- (a) subtracting the overpayment from any kind of bursary or grant payable to the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;
- (b) taking such other action for the recovery of an overpayment as is available to the Department.

(4) A payment of any bursary or grant for living and other costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Department decides otherwise.

(5) In this regulation, the “relevant date” is the date on which the first term of the academic year in question actually begins.

(6) In the circumstances in paragraph (7) or (8), there is an overpayment of the disabled students’ allowance unless the Department decides otherwise.

(7) The circumstances are—

- (a) the Department applies all or part of the disabled students’ allowance to the purchase of specialist equipment on behalf of the eligible student;
- (b) the student’s period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the student’s period of eligibility terminates.

(8) The circumstances are—

- (a) the eligible student’s period of eligibility terminates after the relevant date; and
- (b) a payment of the disabled students’ allowance in respect of specialist equipment is made to the student after the student’s period of eligibility terminated.

(9) Where there is an overpayment of the disabled students' allowance, the Department may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if the Department considers it is appropriate to do so.

(10) Any overpayment of a loan for living costs or a additional amount of loan for living costs 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 whether the student qualifies for the loan in question or the amount of the loan in question for which the student qualifies;
- (b) any information which the student has provided is inaccurate in a material particular; or
- (c) the student has failed to provide information which the Department considers to be material in the context of the recovery of the loan.

(11) Where an overpayment of a loan for living costs or a additional amount of loan for living costs is recoverable under paragraph (10), it may be recovered in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount of the loan in question payable to the student from time to time;
- (b) by taking such other action for the recovery of an overpayment as is available to the Department.

(12) Where there has been an overpayment of a loan for living costs or additional amount of loan for living costs which is not recoverable under paragraph (10), the Department may subtract the overpayment from any amount of the loan in question payable to the student from time to time.