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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 37**

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

**PART 10**

**PAYMENTS**

**CHAPTER 3**

**PAYMENT OF GRANTS FOR LIVING AND OTHER COSTS**

**Payment of grants for living and other costs**

**98.**—(1) The Department may pay support under Part 5 in instalments.

(2) Subject to paragraph (3), the Department may pay support under Part 5 at such times as the Department considers appropriate.

(3) An academic authority 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 5 by instalments, make any payment of support under that Part to the eligible student before the Department has received the attendance confirmation unless an exception applies.

(5) An exception applies if—

(a) a disabled students' allowance is payable in which case that particular grant may be paid before the Department has received an attendance confirmation; or

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

(6) Payments of support under Part 5 are to be made in such manner as the Department considers appropriate and the Department may make it a condition of entitlement to payment that the eligible student must provide the Department with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(7) 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 5.

(8) Subject to paragraph (9), no support under Part 5 is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Department it would be appropriate in all the circumstances for support to be paid in respect of that day.

(9) Paragraph (8) does not apply in respect of disabled student's allowance.

(10) In deciding whether it would be appropriate for support to be due under paragraph (8) the circumstances to which the Department must have regard include the financial hardship not paying the support would cause and whether not paying the support would affect the student's ability to continue the course.

(11) No support under Part 5 in respect of the current course is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(12) Where an eligible student's period of eligibility terminates on or after the relevant date, the Department must determine—

- (a) the amount of each grant for living and other costs for which the student qualifies that would be payable in respect of the relevant payment period if the eligible student's period of eligibility had not terminated (the "full amount"); and
- (b) how much of the full amount is due in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated (the "partial amount").

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

(14) If the Department has made a payment of grant for living and other costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and that payment exceeds the partial amount of that grant—

- (a) the Department may treat the excess as an overpayment of that grant; or
- (b) if the Department considers that it is appropriate to do so the Department may extend the student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of that grant is due in respect of that payment period.

(15) Subject to paragraph (16), if a payment of a grant for living and other costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant due is the partial amount unless the Department considers it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is due in respect of that payment period.

(16) Paragraph (15) does not apply to a payment of the disabled students' allowance in respect of specialist equipment.

(17) No support under Part 5 is due in respect of a payment period during any part of which an eligible student is absent from the 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.

(18) In deciding whether it would be appropriate for support to be due under paragraph (17) 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.

(19) An eligible student is not to be considered absent from the course if the student is unable to attend due to illness and the student's absence has not exceeded 60 days.

(20) Where, after the Department has made any payment of support under Part 5 or Part 6, the Department makes a determination of the amount of a grant for living and other costs for which the student qualifies 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 that grant for which the student qualifies the Department must pay the additional amount in such instalments (if any) and at such times as the Department considers appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies the Department must subtract the amount of the decrease from the amount of that grant which remains to be paid;

- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other bursary or grant for living and other costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with Chapter 5 of this Part.