
STATUTORY INSTRUMENTS

2009 No. 1555

The Education (Student Support) Regulations 2009

PART 9

PAYMENTS

CHAPTER 4

PAYMENT OF LOANS

General

107.—(1) Subject to paragraph (2) —

- (a) fee loans and fee contribution loans are payable in accordance with regulation 110;
 - (b) college fee loans are payable in accordance with regulation 111;
 - (c) loans for living costs and long courses loans are payable in accordance with regulation 112;
- (2) Regulations 108 and 109 apply in respect of the payment of all loans.

Provision of United Kingdom national insurance number

108.—(1) The Secretary of State may make it a condition of entitlement to payment of any loan that the eligible or qualifying student must provide the Secretary of State with the student's United Kingdom national insurance number.

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

(3) Despite paragraph (2), the Secretary of State may make a payment of loan to an eligible or qualifying student if the Secretary of State 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

109.—(1) The Secretary of State may at any time request from an applicant, eligible student or qualifying student information that the Secretary of State considers is required to recover a loan.

(2) The Secretary of State 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 Secretary of State may at any time request from an applicant, eligible student or qualifying student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(4) Where the Secretary of State has requested information under this regulation, the Secretary of State 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 Secretary of State has required an agreement as to the method of repayment under this regulation, the Secretary of State may withhold any payment of a loan until the person provides what has been required.

Payment of fee loans and fee contribution loans

110.—(1) The Secretary of State 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 Secretary of State may pay the fee loan or fee contribution loan in instalments.

(3) The Secretary of State must not pay the fee loan or fee contribution loan before—

- (a) the Secretary of State 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 Secretary of State 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 19, undertake the course; and
- (b) the academic authority has determined or agreed that the student will not begin attending 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

111.—(1) The Secretary of State 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 Secretary of State must pay the college fee loan in a single instalment.

(3) The Secretary of State must not pay the college fee loan before—

- (a) the Secretary of State 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 Secretary of State.

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

(6) The Secretary of State 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 91, undertake the course; and
- (b) the college or permanent private hall has determined or agreed that the student will not begin attending or, as the case may be, undertaking the course 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 and long courses loans

112.—(1) The Secretary of State may pay support under Part 6 in instalments.

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

(3) An academic authority is required to send an attendance confirmation to the Secretary of State.

(4) The Secretary of State 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 the Secretary of State has received an attendance confirmation from the relevant academic authority unless an exception applies.

(5) An exception applies if the Secretary of State 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 Secretary of State 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 Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment that the eligible student must provide the Secretary of State 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 Secretary of State has made any payment of support under Part 5 or under Part 6 and a student who qualifies for a loan for living costs or a long courses loan under Part 6 applies for either loan or applies for an additional amount of either loan in respect of an academic year, the Secretary of State may pay that loan (or loans, as the case may be) or that additional amount of loan (or loans, as the case may be) in such instalments (if any) and at such times as the Secretary of State considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no support under Part 6 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 Secretary of State it would be appropriate in all the circumstances for support to be paid in respect of that day.

(10) In deciding whether it would be appropriate for support to be due under paragraph (9) the circumstances to which the Secretary of State must have regard include the financial hardship which 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 6 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) No support under Part 6 is due in respect of a payment period during part of which an eligible student is absent from the course, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(13) In deciding whether it would be appropriate for support to be due under paragraph (12) the circumstances to which the Secretary of State 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.

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

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the Secretary of State must subtract from any amount of the loan in question which remains to be paid such amount as is necessary to ensure that the student does not borrow an amount of the loan in question which is greater than that for which the student qualifies;
- (b) if the amount to be subtracted is greater than the amount of the loan in question remaining to be paid, the amount of that loan remaining to be paid is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with Chapter 5 of this Part.