
STATUTORY INSTRUMENTS

2019 No. 142

The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019

PART 3

AMENDMENT OF OTHER INSTRUMENTS

Amendment of the Education (Fees and Awards) (England) Regulations 2007

37.—(1) The Education (Fees and Awards) (England) Regulations 2007(1) are amended as follows.

(2) In Schedule 1(2), after paragraph 4A (persons granted stateless leave and their family members), insert—

“Persons granted section 67 leave

4B. A person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules;
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”

Amendment of the Education (Student Support) (European University Institute) Regulations 2010

38.—(1) The Education (Student Support) (European University Institute) Regulations 2010(3) are amended as follows.

(2) In regulation 3 (interpretation), after the definition of “person granted humanitarian protection”, insert—

““person granted section 67 leave” means a person who—

(1) S.I. 2007/779, amended by S.I. 2007/2263, 2010/1172, 2010/1941, 2011/87, 2011/1043, 2011/1987, 2012/765, 2012/956, 2012/1653, 2015/971, 2016/584, 2017/114 and 2018/137.
(2) Schedule 1 was amended by S.I. 2007/2263, 2011/87, 2011/1043, 2011/1987, 2016/584, 2017/114 and 2018/127.
(3) S.I. 2010/447, amended by S.I. 2011/83, 2011/2430, 2012/3059, 2013/630, 2013/1728, 2016/211, 2017/114, 2017/204 and 2018/137.

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (3) In regulation 9(4) (eligible students), after paragraph (10A), insert—
- “(10B) Where—
- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible person in connection with—
 - (i) an application for support for an earlier year of the current course, or
 - (ii) an application for support for a designated course at the Institute from which A’s status as an eligible student has been transferred to the current course, and
 - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,
- A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (4) In Part 2 (categories) of Schedule 1(5) (eligible students), after paragraph 4A, insert—

“Persons granted section 67 leave

- 4B.** A person granted section 67 leave who—
- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

Amendment of the Further Education Loans Regulations 2012

- 39.**—(1) The Further Education Loans Regulations 2012(6) are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, insert—
- ““person granted section 67 leave” means a person who—
- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(4) Regulation 9 was amended by S.I. 2011/83, 2012/3059 and 2018/137.

(5) Schedule 1 was amended by S.I. 2013/1728 and 2018/137.

(6) S.I. 2012/1818 was amended by S.I. 2014/290, 2014/1766, 2015/181, 2016/238, 2017/336 and 2018/182.

- (3) In regulation 3(7) (eligible students), after paragraph (7A), insert—
- “(7B) Where—
- (a) the Secretary of State has determined that, by virtue of being a person granted section 67 leave, a person (“A”) is an eligible student in connection with an application for a fee loan for a designated further education course, and
 - (b) as at the day before that course begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom and Islands has expired and no further leave to remain has been granted,
- A’s status as an eligible student terminates immediately before the first day of the course.”.
- (4) In regulation 7(8) (events)—
- (a) in paragraph (g), omit “or”;
 - (b) in paragraph (h), at the end, for “.”, substitute “; or”;
 - (c) after paragraph (h), insert—
- “(i) the student becomes a person granted section 67 leave.”.
- (5) In Part 2 (categories) of Schedule 1(9) (eligible students), after paragraph 4A, insert—

“Persons granted section 67 leave

- 4B.** A person granted section 67 leave who—
- (a) is ordinarily resident in the United Kingdom on the first day of the designated further education course; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the designated further education course.”.

Amendment of the Education (Postgraduate Master’s Degree Loans) Regulations 2016

40. The Education (Postgraduate Master’s Degree Loans) Regulations 2016(10) are amended as follows.

Amendment of regulation 2

- 41.** In regulation 2(1) (interpretation)—
- (a) after the definition of “the 1998 Act”, insert ““the 2017 Act” means the Higher Education and Research Act 2017;”;
 - (b) in the definition of “authority-funded”, omit sub-paragraph (a);
 - (c) after the definition of “eligible student”, insert ““English higher education provider” has the meaning given by section 83(1) of the 2017 Act;”;
 - (d) in the definition of “fees”, for “section 41(1) of the Higher Education Act 2004”, substitute “section 85(2) of the 2017 Act”;
 - (e) after the definition of “information”, insert—
- ““institution” in relation to England includes an English higher education provider;”;
- (f) after the definition of “Islands”, insert—

(7) Regulation 3 was amended by S.I. 2014/1766, 2016/238 and 2018/182.

(8) Regulation 7 was amended by S.I. 2016/238 and 2018/182.

(9) Schedule 1 was amended by S.I. 2014/1766 and 2018/182.

(10) S.I. 2016/606 was amended by S.I. 2017/594, 2018/137 and 2018/599.

““OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;”;

(g) after the definition of “person granted humanitarian protection”, insert—

““person granted section 67 leave” means a person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course;”;

(h) after the definition of “refugee”, insert—

““register” means the register established and maintained by the OfS under section 3 of the 2017 Act;”;

(i) before the definition of “right of permanent residence”, insert—

““registered provider” in relation to an institution means an English higher education provider which is registered in the register and “unregistered provider” is to be construed accordingly;”.

Amendment of regulation 4

42.—(1) Regulation 4(**11**) (designated courses) is amended as follows.

(2) For paragraph (1)(b), substitute—

“(b) one of the following—

- (i) wholly provided by a registered provider, or provided by a registered or unregistered provider on behalf of a registered provider in England;
- (ii) wholly provided by an authority-funded institution in Scotland, Northern Ireland or Wales;
- (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
- (iv) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
- (v) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom; or
- (vi) provided by an authority-funded institution in Scotland, Northern Ireland or Wales in conjunction with an institution which is situated outside the United Kingdom;”.

(3) In paragraph (1)(d), after “section 214(2)”(**12**), insert “(za), (zb), ”.

(4) In paragraph (3)(e), after “a private institution”, insert “in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England”.

(5) After paragraph (4), insert—

(11) Regulation 4 was amended by [S.I. 2018/599](#).

(12) See regulation 4.

“(4A) A course is not a designated course if its designation has been revoked or is suspended under paragraph (7).”.

(6) In paragraph (7), for “paragraph (6)”, substitute “this regulation”.

Amendment of regulation 8

43.—(1) Regulation 8(13) (events) is amended as follows.

(2) In paragraph (a), after “designated course”, insert “under regulation 4(6) or by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider”.

(a) (3) (a) in paragraph (h), omit “or”;

(b) in paragraph (i), at the end, for “.”, substitute “; or”;

(c) after paragraph (i), insert—

“(j) the student becomes a person granted section 67 leave.”.

Amendment of regulation 12

44. In regulation 12(1) and (2) (amount of the postgraduate master’s degree loan), for “£10,609”, substitute “£10,906”.

Amendment of Schedule 1

45. In Schedule 1(14) (eligible students), Part 2 (categories), after paragraph 4A, insert—

“Persons granted section 67 leave

4B. A person granted section 67 leave who—

(a) is ordinarily resident in England on the first day of the first academic year of the course; and

(b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

Amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017

46.—(1) The Higher Education (Fee Limit Condition) (England) Regulations 2017(15) are amended as follows.

(2) In regulation 5(3) (qualifying person: exceptions)—

(a) in sub-paragraph (b)(i), for “engineering, technology or computer science”, substitute “engineering and technology or computing”;

(b) for sub-paragraph (c)(i), substitute—

“(i) which is a course in agriculture, food and related studies, biological and sport studies, general and others in sciences, geographical and environmental studies, mathematical sciences, medicine and dentistry, physical sciences, psychology, subjects allied to medicine or veterinary sciences (or a combination of those subjects);”.

(3) In regulation 6(2) (qualifying person: effect of event during academic year)—

(13) Regulation 8 was amended by [S.I. 2018/137](#).

(14) Schedule 1 was amended by [S.I. 2017/594](#) and [2018/137](#).

(15) [S.I. 2017/1189](#) was amended by [S.I. 2018/903](#).

- (a) in paragraph (g), omit “or”;
 - (b) in paragraph (h), at the end, for “.”, substitute “; or”;
 - (c) after paragraph (h), insert—
 - “(i) the student becomes a person granted section 67 leave.”.
- (4) In the Schedule(16), after paragraph 5A (persons granted stateless leave and their family members), insert—

“Persons granted section 67 leave

5B. A person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules;
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course;
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

Amendment of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

47. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018(17) are amended as follows.

Amendment of regulation 2

48. In regulation 2(1) (interpretation)—

- (a) after the definition of “the 1998 Act”, insert ““the 2017 Act” means the Higher Education and Research Act 2017;”;
- (b) in the definition of “authority-funded”, omit sub-paragraph (a);
- (c) after the definition of “eligible student”, insert ““English higher education provider” has the meaning given by section 83(1) of the 2017 Act;”;
- (d) in the definition of “fees”, for “section 41(1) of the Higher Education Act 2004”, substitute “section 85(2) of the 2017 Act”;
- (e) after the definition of “information”, insert—
 - ““institution” in relation to England includes an English higher education provider as defined by section 83(1) of the 2017 Act;”;
- (f) after the definition of “Islands”, insert—
 - ““OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;”;
- (g) after the definition of “person granted humanitarian protection”, insert—

(16) The Schedule was amended by S.I. 2018/903.

(17) S.I. 2018/599.

““person granted section 67 leave” means a person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course;”;

(h) after the definition of “refugee”, insert—

““register” means the register established and maintained by the OfS under section 3 of the 2017 Act;”;

(i) before the definition of “right of permanent residence”, insert—

““registered provider” in relation to an institution means an English higher education provider which is registered in the register and “unregistered provider” is to be construed accordingly;”.

Amendment of regulation 4

49.—(1) Regulation 4 (designated courses) is amended as follows.

(2) For paragraph (1)(b), substitute—

“(b) is one of the following—

- (i) wholly provided by a registered provider, or provided by a registered provider or unregistered provider on behalf of a registered provider in England;
- (ii) wholly provided by an authority-funded institution in Scotland, Northern Ireland or Wales;
- (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
- (iv) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
- (v) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom;
- (vi) provided by an authority-funded institution in Scotland, Northern Ireland or Wales in conjunction with an institution which is situated outside the United Kingdom;”.

(3) In paragraph (1)(d), after “section 214(2)”**(18)**, insert “(za), (zb), ”.

(4) In paragraph (2)(e), after “a private institution”, insert “in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England”.

(5) After paragraph (3), insert—

“(3A) A course is not a designated course if its designation has been revoked or is suspended under paragraph (6).”.

(6) In paragraph (6), for “paragraph 5”, substitute “this regulation”.

(18) See regulation 4.

Amendment of regulation 8

50. In regulation 8 (events)—

- (a) in paragraph (a), after “designated course”, insert “under regulation 4(5), or because the course is provided by or on behalf of an English higher education provider which becomes a registered provider”;
- (b) in paragraph (h), omit “or”;
- (c) in paragraph (i), at the end, for “.”, substitute “; or”;
- (d) after paragraph (i), insert—
 - “(j) the student becomes a person granted section 67 leave.”.

Amendment of regulation 12

51. In regulation 12(1) (amount of the postgraduate doctoral degree loan), for “£25,000”, substitute “£25,700”.

Amendment of regulation 13

52. In regulation 13(4) (payment of postgraduate doctoral degree loans), for “£10,609”, substitute “£10,906”.

Amendment of Schedule 1

53. In Part 2 (categories) of Schedule 1 (eligible students), after paragraph 5, insert—

“Persons granted section 67 leave

5A. A person granted section 67 leave who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.