
STATUTORY INSTRUMENTS

2022 No. 57

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022

PART 3

Corresponding amendments to other Regulations

CHAPTER 1

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

SECTION 1

Introductory

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

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

Commencement Information

II Reg. 15 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Relocated Afghan citizens: fees and awards

16. In Schedule 1(2)—

(a) in paragraph 1(1)—

(i) after the definition of “person granted humanitarian protection”(3), insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(a) who has—

(1) [S.I. 2007/779](#).

(2) Each of the provisions amended by this regulation were inserted into [S.I. 2007/779](#) by [S.I. 2021/1348](#).

(3) The definition of “person granted humanitarian protection” was inserted by [S.I. 2011/87](#).

- (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or
 - (ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (ii) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—
- (aa) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;
 - (bb) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
 - (cc) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”;
- (b) in paragraph 5A and the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I2 Reg. 16 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 2

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

SECTION 1

Introductory

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

17. The Education (Student Support) (European University Institute) Regulations 2010(4) are amended as follows.

Commencement Information

I3 Reg. 17 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Eligibility of relocated Afghan citizens

18.—(1) In regulation 9(11C)(5), in the opening words of sub-paragraph (a), and in sub-paragraph (b), for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes, as that expression is defined in paragraph 1(1) of Schedule 1”.

(2) In Schedule 1—

(a) in paragraph 1(1)—

(i) after the definition of “Member State”, insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(a) who has—

(i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or

(ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(ii) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—

(aa) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;

(bb) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;

(cc) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”;

(b) in paragraph 5A and the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

14 Reg. 18 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 3

Amendment of the Further Education Loans Regulations 2012

SECTION 1

Introductory

Amendment of the Further Education Loans Regulations 2012

19. The Further Education Loans Regulations 2012(6) are amended as follows.

Commencement Information

I5 Reg. 19 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Eligibility of relocated Afghan citizens: further education loans

20.—(1) In regulation 2(1)(7)—

- (a) after the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(8), insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

- (a) who has—

- (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or
- (ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—

(i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;

(ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;

(iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.

(6) [S.I. 2012/1818](#).

(7) Each of the provisions amended by this regulation were inserted into [S.I. 2012/1818](#) by [S.I. 2021/1348](#).

(8) The definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” was inserted by [S.I. 2020/48](#).

(2) In regulation 3(8A)(a) and (b), for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

(3) In regulation 7(m) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

(4) In paragraph 5A of Schedule 1 and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I6 Reg. 20 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 3

Overpayments

Recovery of fee loans

21. In regulation 24, after paragraph (1) insert—

“(1A) A student must, if so required by the Secretary of State, repay any amount of a fee loan paid in respect of the student which for whatever reason exceeds the amount of a fee loan to which the student is entitled.

(1B) An institution must, if so required by the Secretary of State, repay any amount of a fee loan paid to the institution in respect of a student which for whatever reason exceeds the amount of a fee loan to which the student is entitled.”.

Commencement Information

I7 Reg. 21 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 4

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

SECTION 1

Introductory

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

22. The Education (Postgraduate Master’s Degree Loans) Regulations 2016(9) are amended as follows.

Commencement Information

I8 Reg. 22 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Eligibility of relocated Afghan citizens: Master’s degrees

23.—(1) In regulation 2(1)(10)—

(a) after the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(11), insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(a) who has—

(i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or

(ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—

(i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;

(ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;

(iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.

(2) In regulation 8(n) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

(3) In paragraph 5A of Schedule 1 and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

19 Reg. 23 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 3

Overpayments

Recovery of postgraduate master’s degree loans

24. In regulation 17, after paragraph (2), insert—

(10) Each of the provisions amended by this regulation were inserted into [S.I. 2016/606](#) by [S.I. 2021/1348](#).

(11) The definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” was inserted by [S.I. 2020/48](#).

“(2A) An institution or third party must, if so required by the Secretary of State, repay any amount of a postgraduate master’s degree loan paid to the institution or third party in respect of a student which for whatever reason exceeds the amount of loan to which the student is entitled.”.

Commencement Information

I10 Reg. 24 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 5

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

SECTION 1

Introductory

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

25. The Higher Education (Fee Limit Condition) (England) Regulations 2017(**12**) are amended as follows.

Commencement Information

I11 Reg. 25 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Relocated Afghan citizens: fee limit condition

26.—(1) In regulation 2(**13**)—

(a) after paragraph (bba), insert—

“(bbaa) “person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

(bbab) “person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(i) who has—

(aa) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or

(bb) indefinite leave to enter or remain in the United Kingdom, outside those rules. as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(12) [S.I. 2017/1189](#).

(13) Each of the provisions amended by this regulation were inserted into [S.I. 2017/1189](#) by [S.I. 2021/1348](#).

- (ii) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—
- (i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;
- (ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
- (iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.
- (2) In regulation 6(2)(m) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.
- (3) In paragraph 5F of the Schedule and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I12 Reg. 26 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 6

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

SECTION 1

Introductory

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

27. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No 2) etc.) Regulations 2018(**14**) are amended as follows.

Commencement Information

I13 Reg. 27 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Relocated Afghan citizens: Doctoral degrees

28.—(1) In regulation 2(1)(**15**)—

- (a) after the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(16), insert—

(14) [S.I. 2018/599](#).

(15) Each of the provisions amended by this regulation were inserted into [S.I. 2018/599](#) by [S.I. 2021/1348](#).

(16) The definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” was inserted by [S.I. 2020/48](#).

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

- (a) who has—
 - (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or
 - (ii) indefinite leave to enter or remain in the United Kingdom outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—

- (i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;
- (ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
- (iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.

(2) In regulation 8(n) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

(3) In paragraph 6A of Schedule 1 and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I14 Reg. 28 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 3

Overpayments

Recovery of postgraduate doctoral degree loans

29. In regulation 17, after paragraph (2), insert—

“(2A) An institution or third party must, if so required by the Secretary of State, repay any amount of a postgraduate doctoral degree loan paid to the institution or third party in respect of a student which for whatever reason exceeds the amount of loan to which the student is entitled.”.

Commencement Information

I15 Reg. 29 in force at 15.2.2022, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022, PART 3.