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STATUTORY INSTRUMENTS

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**2023 No. 74**

**The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023**

**PART 1**

Introductory

**Citation and commencement**

1. These Regulations may be cited as the Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 and come into force on 16th February 2023.

**Extent and application**

2.—(1) These Regulations extend to England and Wales.

(2) Regulations 97 to 109 (amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017) apply in relation to English higher education providers<sup>(1)</sup>.

(3) Otherwise these Regulations apply in relation to England only.

(4) The provisions of these Regulations specified in paragraph (5) apply only in relation to the provision of support, and to fees and awards applicable, in relation to a new academic year, whether or not anything done under these Regulations is done before, on or after 1st August 2023.

(5) The provisions mentioned in paragraph (4) are—

(a) regulations 11 to 32, 60 to 62, 76 to 78, 90 to 92, 104, 105, 116 to 118, 127 and 128 (amendments relating to ordinary residence requirements for existing protected categories or to in-year events);

(b) regulations 33(3)(b), 34(b), 35(b), 36(b), 37(3), 63(b), 64(4), 70(b), 71(3)(b), 80(b), 81(b), 82(b), 94(b), 95(b), 107(b), 108(b), 120(b), 121(b), 129(b), 130(b), 131(b) and 132(3)(b) (amendments relating to family members of persons granted leave under one of the Ukraine Schemes);

(c) regulation 53 and the Schedule (new payment rates: student support).

(6) The provisions of these Regulations specified in paragraph (7) apply only in relation to the provision of support, and to fees and awards applicable, in relation to—

(a) a new course, or

(b) a new academic year of an existing course,

whether or not anything done under these Regulation is done before, on or after 1st August 2023.

(7) The provisions mentioned in paragraph (6) are regulations 33(2), 33(3)(a), 34(a), 35(a), 36(a), 37(2), 63(a), 64(2) and (3), 70(a), 71(2) and (3)(a), 79, 80(a), 81(a), 82(a), 93, 94(a), 95(a), 106, 107(a), 108(a), 119, 120(a), 121(a), 129(a), 130(a), 131(a), 132(2) and (3)(a)

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(1) See the definition of “English higher education provider” in section 83(1) of the Higher Education and Research Act 2017.

(amendments relating to family members of persons granted leave under one of the Afghan Schemes).

(8) The following provisions of these Regulations apply in relation to the provision of support to a student, and to fees and awards applicable, in relation to a new course, whether or not anything done under these Regulations is done before, on or after 1st August 2023—

- (a) regulations 38 to 47 and 109 (amendments relating to courses for higher technical qualifications or courses for the initial training of teachers in further education);
- (b) regulation 96 (new payment rates: Master’s Degrees);
- (c) regulations 122 and 123 (new payment rates: Doctoral Degrees);
- (d) regulations 134 to 136 (amendments relating to students who cease to be eligible students).

(9) In this regulation—

“existing course” means a course which begins—

- (a) on or after 1st August 2022, and
- (b) on or before 31st July 2023;

“new course” means a course which begins on or after 1st August 2023.

(10) This regulation is subject to Part 5 (savings).

### **Interpretation: general**

3.—(1) In these Regulations “new academic year” means an academic year which begins on or after 1st August 2023.

(2) For the purposes of these Regulations, an “academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April,
- (b) on or after 1st April and before 1st July,
- (c) on or after 1st July and before 1st August, or
- (d) on or after 1st August and on or before 31st December.

## **PART 2**

### **Amendment of the Education (Student Support) Regulations 2011**

#### **CHAPTER 1**

##### **Introductory**

### **Amendment of the Education (Student Support) Regulations 2011**

4. The Education (Student Support) Regulations 2011(2) are amended in accordance with this Part.

## CHAPTER 2

### Definitions

#### Insertion of definition of “the course start date”

5. In regulation 2(1) (interpretation), after the definition of “course for the initial training of teachers” insert—

““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.

6. In Part 2 of Schedule 1 (eligible students: categories)(3)—

- (a) paragraph 2A(1)(a) (persons who are settled in the United Kingdom), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
- (b) in paragraph 8(1)(c) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
- (c) in paragraph 8A(1)(d) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

#### Insertion of definition of “immigration rules”

7. In regulation 2(1) (interpretation)(4)—

(a) after the definition of “household income”, insert—

““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971(5);”;

- (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (c) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (e) in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (f) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (g) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
  - (i) for “Immigration Rules”, in the first place it appears, substitute “immigration rules”;
  - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (h) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—

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(3) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#). There are amendments to paragraph 8, but none is relevant. Paragraph 8A was inserted by [S.I. 2021/127](#).

(4) Relevant amending instruments are [S.I. 2018/137](#), [2019/142](#), [2020/48](#), [2020/1203](#), [2021/1348](#), [2022/57](#) and [2022/534](#).

(5) [1971 c. 77](#).

- (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (i) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a), omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (j) in the definition of “person granted leave under the Ukraine Family Scheme”—
    - (i) in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
    - (ii) in paragraph (a)(ii) omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (k) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.
- 8.** In Part 2 of Schedule 1 (eligible students: categories)(6)—
- (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
  - (b) in paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

**Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

- 9.** In Part 1 of Schedule 1 (eligible students: interpretation)(7), in paragraph 1(1)—
- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
  - (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

**Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

- 10.** In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 7 of these Regulations)—
- (a) in paragraph (a), after sub-paragraph (i) insert—
    - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
  - (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

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(6) Paragraph 3(2) was inserted by S.I. 2021/127. Paragraph 4A was inserted by S.I. 2018/137 and amended by S.I. 2020/1203.  
 (7) Definitions inserted by S.I. 2021/1348.

## CHAPTER 3

Eligible students, eligible part-time students and eligible postgraduate students

### **Amendments relating to the ordinary residence requirements for students in existing protected categories**

- 11.**—(1) Part 2 of Schedule 1 (eligible students: categories)(**8**) is amended as follows.
- (2) In paragraph 4 (refugees and their family members)—
- (a) in sub-paragraph (1)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (3) In paragraph 4A (persons granted stateless leave and their family members)—
- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(d), for “the first day of the first academic year of the course” substitute “the course start date”.
- (4) In paragraph 4B (persons granted section 67 leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (5) In paragraph 4C (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), for “the first day of the first academic year of the course” substitute “the course start date”.
- (6) In paragraph 4D (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (7) In paragraph 4E (persons granted indefinite leave to remain as a bereaved partner), for “the first day of the first academic year of the course” substitute “the course start date”.
- (8) In paragraph 5 (persons granted humanitarian protection and their family members)—
- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (9) In paragraph 14 (persons granted leave under one of the Afghan Schemes), for “the first day of the first academic year of the course” substitute “the course start date”.
- (10) In paragraph 15 (evacuated or assisted British Nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

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(8) Paragraph 4A was inserted by [S.I. 2018/137](#) and amended by [S.I. 2020/1203](#). Paragraph 4B was substituted by [S.I. 2020/1203](#). Paragraph 4C was inserted by [S.I. 2020/48](#). Paragraph 4D was substituted by [S.I. 2020/1203](#). Paragraph 4E was inserted by [S.I. 2020/1203](#). Paragraph 5 was amended by [S.I. 2020/1203](#). Paragraph 14 was inserted by [S.I. 2021/1483](#) and amended by [S.I. 2022/57](#). Paragraph 15 was inserted by [S.I. 2022/534](#).

## Amendments relating to students becoming eligible for student support in the course of an academic year

### 12. In regulation 2 (interpretation)(9)—

- (a) in the heading, after interpretation insert “: general”;
- (b) in paragraph (1)—
  - (i) after the definition of “contribution” insert—
    - ““course designation event” has the meaning given in regulation 2A(5);”;
  - (ii) after the definition of “intensive course” insert—
    - ““in-year qualifying event” has the meaning given in regulation 2A(2);”;
  - (iii) after the definition of “ordinary duration” insert—
    - ““part-time course designation event” has the meaning given in regulation 2A(6);”;
  - (iv) after the definition of “person with protected rights” insert—
    - ““postgraduate course designation event” has the meaning given in regulation 2A(7);”;
  - (v) after the definition of “private institution” insert—
    - ““protected category event” has the meaning given in regulation 2A(3);”;
  - (vi) after the definition of “Scottish healthcare allowance” insert—
    - ““settled status event” has the meaning given in regulation 2A(4);”.

### 13. After regulation 2 insert—

#### **“Meaning of “in-year qualifying event”, “protected category event”, “settled status event”, “course designation event” etc. and related matters**

**2A.—**(1) This regulation defines “in-year qualifying event”, “protected category event” “settled status event”, “course designation event”, “part-time course designation event” and “postgraduate course designation event” and makes related provision for the purposes of these Regulations.

- (2) “In-year qualifying event”, in relation to a student, means—
  - (a) a protected category event which occurs after the course start date;
  - (b) a settled status event;
  - (c) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;
  - (d) where regulation 4(2A), 137(2A) or 159(3A) applies, the student becomes a person described in paragraph 12(a) of Schedule 1;
  - (e) the student becomes a person described in paragraph 6A(1)(a) of Schedule 1, or where regulation 4(2A), 137(2A) or 159(3A) applies, in paragraph 6(1)(a) of Schedule 1;
  - (f) the student becomes a person described in paragraph 11A(a) of Schedule 1 or, where regulation 4(2A), 137(2A) or 159(3A) applies, in paragraph 11(1)(a) of Schedule 1; or
  - (g) the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 1.
- (3) “Protected category event”, in relation to a student, means—

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(9) Relevant amending instrument is [S.I. 2021/127](#).

- (a) the student or the student's spouse, civil partner or parent is recognised as a refugee;
  - (b) the student or the student's spouse, civil partner or parent becomes a person granted stateless leave;
  - (c) the student or the student's spouse, civil partner or parent becomes a person granted humanitarian protection;
  - (d) the student becomes a person granted section 67 leave;
  - (e) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
  - (f) the student becomes a person granted Calais leave;
  - (g) the student becomes a person granted indefinite leave to remain as a bereaved partner;
  - (h) the student becomes a person granted leave under one of the Afghan Schemes; or
  - (i) the student becomes a person granted leave under one of the Ukraine Schemes.
- (4) "Settled status event", in relation to a student, means the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1.
- (5) "Course designation event", in relation to a course, means—
- (a) the course is designated under regulation 5(10);
  - (b) the English higher education provider which is providing the course, or on whose behalf the course is being provided, becomes a registered provider;
  - (c) the course becomes a Northern Irish designated full-time course, a Scottish designated full-time course or a Welsh designated full-time course.
- (6) "Part-time course designation event", in relation to a course, means—
- (a) the course is designated under regulation 139(7);
  - (b) the English higher education provider which is providing the course, or on whose behalf the course is being provided, becomes a registered provider;
  - (c) the course becomes a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course.
- (7) "Postgraduate course designation event", in relation to a course, means—
- (a) the course is designated under regulation 139(7);
  - (b) the English higher education provider which is providing the course, or on whose behalf the course is being provided, becomes a registered provider; or
  - (c) the course becomes a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course.
- (8) Where a protected category event occurs in relation to a student after the course start date, paragraph (9) applies for the purposes of determining whether that event results in the student becoming an eligible student, eligible part-time student or eligible postgraduate student.
- (9) The student is to be treated, for the purposes of determining whether the student satisfies any requirement in Schedule 1 to be ordinarily resident in England on the course start date, as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date."

**14.** In regulation 9(2)(a) (time limits), for "one of the events listed in regulation 17" substitute "an in-year qualifying event".

**15.**—(1) For regulation 16 (other than the heading) (students becoming eligible during the course of an academic year) substitute—

“**16.**—(1) Where—

- (a) a course designation event which results in a student’s course becoming a designated course occurs in the course of an academic year;
- (b) a protected category event which results in a student becoming an eligible student occurs—
  - (i) in the course of the first academic year of a course; and
  - (ii) on or before the course start date; or
- (c) an in-year qualifying event which results in a student becoming an eligible student occurs within the first three months of an academic year,

the student may qualify for a fee loan in accordance with this Part in respect of that academic year.

(2) But a fee loan is not available in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**16.** Omit regulation 17 (events).

**17.** In regulation 38 (general qualifying conditions for grants for living and other costs)(**10**), for paragraph (8) substitute—

“(8) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for a particular grant in accordance with this Part in respect of that academic year.

(8A) Subject to paragraph (8B), where—

- (a) a course designation event which results in a student’s course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for a particular grant in accordance with this Part in respect of part of that academic year.

(8B) A student does not qualify for such a grant in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**18.** In regulation 41 (amount of disabled students’ allowance)(**11**), for paragraph (8) substitute—

“(8) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

(10) Regulation 38 was amended by S.I. 2013/235, 2013/1728, 2014/2756, 2015/1951, 2021/127, 2021/1348 and 2022/634. There are other amending instruments but none is relevant.

(11) Regulation 41 was amended by S.I. 2012/1653, 2014/2765, 2017/114, 2020/1203 and 2021/1348. There are other amending instruments but none is relevant.



the student may qualify for the disabled students' allowance in respect of the four quarters of that academic year.

(8A) Where—

- (a) a course designation event which results in a student's course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for the disabled students' allowance in respect of the qualifying quarters.

(8B) For the purposes of paragraph (8A) "the qualifying quarters" means—

- (a) the quarter in which the relevant event occurs; and
- (b) if relevant, such other quarters as begin after the relevant event occurs."

**19.** In regulation 45 (childcare grant)(**12**), for paragraph (11) substitute—

"(11) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for a childcare grant in respect of the four quarters of that academic year.

(11A) Where—

- (a) a course designation event which results in student's course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for a childcare grant in respect of such quarters of the academic year as begin after the event in question occurs."

**20.** In regulation 47(8)(d) (calculations)(**13**) for "an event referred to in regulation 17" substitute—

"—

- (i) a course designation event, or
- (ii) an in-year qualifying event (other than a settled status event)".

**21.** For regulation 49A (quarters in respect of which grant for travel is payable)(**14**) substitute—

"**49A.**—(1) Subject to paragraphs (2) and (3), a grant for travel is payable in respect of the four quarters of the academic year.

(2) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

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(12) Regulation 45 was amended by S.I. 2012/1653, 2013/630, 2014/2103, 2014/2765, 2015/1951, 2017/114, 2019/142 and 2021/1348. There are other amending instruments but not is relevant.

(13) Regulation 47(8) was amended by S.I. 2019/142.

(14) Regulation 49A was inserted by S.I. 2012/1653.

the student may qualify for a grant for travel in respect of the four quarters of the first academic year of the course.

(3) Where—

- (a) a course designation event which results in a student's course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for a grant for travel in respect of such quarters of the academic year as begin after the event in question occurs.”.

**22.** In regulation 56 (qualifying conditions for maintenance grants)(**15**), for paragraph (6) substitute—

“(6) Where any of the following events occur in the course of an academic year, a student may qualify for a maintenance grant in respect of such quarters of the academic year as begin after the relevant event occurs—

- (a) a course designation event which results in the student's course becoming a designated course; or
- (b) an event falling within regulation 2A(2)(c), (d), (e) or (f), or 2A(3)(a), (b) or (c), which results in the student becoming an eligible student.”.

**23.** In regulation 61 (qualifying conditions for special support grant)(**16**), for paragraph (6) substitute—

“(6) Where any of the following events occur in the course of an academic year, a student may qualify for a special support grant in respect of such quarters of the academic year as begin after the relevant event occurs—

- (a) a course designation event which results in the student's course becoming a designated course; or
- (b) an event falling within regulation 2A(2)(c), (d), (e) or (f), or 2A(3)(a), (b) or (c), which results in the student becoming an eligible student.”.

**24.—(1)** In regulation 85 (students becoming eligible in the course of an academic year: loans for living costs)(**17**) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Where any of the following events occur in the course of an academic year, a student may qualify for a loan for living costs in respect of which such a loan is payable as begin after the event in question occurs—

- (a) a course designation event which results in the student's course becoming a designated course; or
- (b) an in-year qualifying event (other than a settled status event) which results in the student becoming an eligible student.

(1A) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on before the course start date,

(15) Relevant amending instruments are S.I. 2012/1653, 2013/1728 and 2015/1951.

(16) Regulation 61 was amended by S.I. 2012/1653, 2013/630, 2013/1728, 2015/1951, 2021/127 and 2021/1348.

(17) Regulation 85 was amended by S.I. 2018/137, 2019/142, 2020/48, 2020/1181, 2020/1203, 2021/127, 2021/348, 2022/57 and 2022/534.

the student may qualify for a loan for living costs in respect of all quarters of that academic year in respect of which a loan for living costs is payable.”.

(3) Omit paragraph (2).

**25.** For regulation 138 (other than the heading) (students becoming eligible for support under Part 11A during the course of the academic year) substitute—

“**138.**—(1) Where—

- (a) a part-time course designation event which results in a student’s course becoming a designated part-time course occurs in the course of an academic year;
- (b) a protected category event which results in a student becoming an eligible part-time student occurs—
  - (i) in the course of the first academic year or a course; and
  - (ii) on or before the course start date; or
- (c) an in-year qualifying event occurs within the first three months of an academic year which results in a student becoming an eligible part-time student,

the student may qualify for a fee loan in accordance with this Part in respect of that academic year.

(2) But a fee loan is not available in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**26.** For regulation 138A (other than the heading) (students becoming eligible for support under Part 11B during the course of an academic year)(**18**) substitute—

“**138A.**—(1) Where—

- (a) a part-time course designation event which results in a student’s course becoming a designated part-time course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other a settled status event) which results in a student becoming an eligible student occurs within the first three months of an academic year,

the student may qualify for a loan for living costs in respect of such quarters in respect of which a loan for living costs is payable as begin after the event in question occurs.

(2) Where a protected category event which results in a student becoming an eligible part-time student occurs—

- (a) in the course of the first academic year of the course; and
- (b) on or before the course start date,

the student may qualify for a loan for living costs in respect of all quarters of that academic year in respect of which a loan for living costs is payable.”.

**27.** In regulation 147 (disabled part-time students’ allowance)(**19**), for paragraph (8) substitute—

“(8) Where—

- (a) a part-time course designation event which results in a student’s course becoming a designated part-time course occurs in the course of an academic year; or

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(18) Regulation 138A was inserted by [S.I. 2018/472](#).

(19) Regulation 147 was amended by [S.I. 2012/1653](#), [2014/2765](#), [2017/114](#), [2020/1203](#), [2021/127](#) and [2021/1348](#). There are other amending instruments but none is relevant.

- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible part-time student occurs in the course of an academic year,

the student may qualify for the grant under this regulation in respect of the qualifying quarters.

(8A) For the purposes of paragraph (8), “the qualifying quarters” means—

- (a) the quarter in which the relevant event occurs; and
- (b) if relevant, such other quarters as begin after the relevant event occurs.

(8B) Where a protected category event which results in a student becoming an eligible part-time student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for the grant under this regulation in respect of the four quarters of that academic year.”.

**28.** In regulation 148(6)(a) (applications for support)(**20**), for “one of the events listed in paragraph (4) of regulation 138” substitute “an event falling within regulation 138(1)”.

**29.** In regulation 157C(6)(a) (applications for a loan for living costs)(**21**) for “one of the events listed in paragraph (4) of regulation 138” substitute “an event falling within regulation 138(1)”.

**30.** For regulation 160 (other than the heading) (postgraduate students becoming eligible for support in the course of an academic year) substitute—

“**160.**—(1) Where—

- (a) a postgraduate course designation event which results in a student’s course becoming a designated postgraduate course occurs in the course of an academic year;
- (b) a protected category event which results in a student becoming an eligible postgraduate student occurs—
  - (i) in the course of the first academic year of a course; and
  - (ii) on or before the course start date; or
- (c) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible postgraduate student occurs in the course of an academic year,

the student may qualify for the grant under this Part in respect of that academic year in accordance with this Part.

(1B) But a grant of a kind available under this Part is not available in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**31.**—(1) Regulation 166 (amount of grant)(**22**) is amended as follows.

(2) In paragraph (5) for “one of the events listed in regulation 160(2)” substitute “an event falling within regulation 160(1)(a) or (c)”.

(3) After paragraph (5) insert—

(20) Regulation 148(6)(a) was amended by [S.I. 2020/1203](#).

(21) Regulation 157C was inserted by [S.I. 2018/472](#).

(22) Regulation 166 was amended by [S.I. 2012/1653](#), [2014/2765](#), [2020/1203](#) and [2021/1348](#).

“(6) Where an event falling within regulation 160(1)(b) occurs, a student may qualify for a grant under this Part in respect of the four quarters of the first academic year.”

**32.** In Part 1 of Schedule 1 (eligible students: interpretation)(**23**), in paragraph 1(2A), after “place”, in the second place it occurs, insert “(but see also regulation 2A(8) and (9))”.

### **Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**33.**—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme” (as amended by regulation 7 of these Regulations), in paragraph (a)—
  - (i) at the end of sub-paragraph (i), for “or” substitute “and”;
  - (ii) omit sub-paragraph (ii) (other than “and” at the end of that sub-paragraph);
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 10 of these Regulations), in paragraph (a)—
  - (i) at the end of sub-paragraph (ii) insert “or”;
  - (ii) at the end of sub-paragraph (iii), for “or” substitute “and”;
  - (iii) omit sub-paragraph (iv).

(3) In regulation 2A(3) (as inserted by regulation 13 of these Regulations)—

- (a) in sub-paragraph (h), after “student” insert “or the student’s spouse, civil partner or parent”;
- (b) in sub-paragraph (i), after “student” insert “or the student’s spouse, civil partner or parent”.

**34.** In regulation 4 (eligible students)(**24**)—

- (a) in paragraph (13C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
- (b) in paragraph (13D)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of such a person”.

**35.** In regulation 137 (eligible part-time students)(**25**)—

- (a) in paragraph (11C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
- (b) in paragraph (11D)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of such a person”.

**36.** In regulation 159 (eligible postgraduate students)(**26**)—

- (a) in paragraph (16C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
- (b) in paragraph (16D)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of such a person”.

**37.**—(1) Part 2 of Schedule 1 (eligible students: categories) is amended as follows.

(23) Paragraph 1(2A) was inserted by [S.I. 2012/1653](#). Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#). There are no relevant amendments to paragraph 8. Paragraph 8A was inserted by [S.I. 2021/127](#).

(24) Paragraph (13C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (13D) was inserted by [S.I. 2022/534](#).

(25) Paragraph (11C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (11D) was inserted by [S.I. 2022/534](#).

(26) Paragraph (16C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (16D) was inserted by [S.I. 2022/534](#).

- (2) In paragraph 14 (as amended by regulation 11(9) of these Regulations)—  
 (a) for the heading substitute—

*“Persons granted leave under one of the Afghan Schemes and their family members”;*

- (b) the existing text becomes sub-paragraph (1);  
 (c) after that sub-paragraph insert—

“(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;  
 (b) on the leave application date, was the spouse or civil partner of that person;  
 (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom;  
 and  
 (d) is ordinarily resident in England on the course start date.

(3) A person who—

- (a) is—  
 (i) the child of a person granted leave under one of the Afghan Schemes; or  
 (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;  
 (b) on the leave application date, was—  
 (i) the child of the person granted leave under one of the Afghan Schemes; or  
 (ii) the child of a person who was the spouse or civil partner of the person granted leave under one of the Afghan Schemes on that date;  
 (c) was under 18 on the leave application date;  
 (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom;  
 and  
 (e) is ordinarily resident in England on the day on the course start date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”.

- (3) For paragraph 16 (including the heading)(27) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**16.—(1)** A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the course start date.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;  
 (b) on the leave application date, was the spouse or civil partner of that person;  
 (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and

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(27) Paragraph 16 was inserted by [S.I. 2022/534](#).

- (d) is ordinarily resident in England on the course start date.
- (3) A person who—
  - (a) is—
    - (i) the child of a person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was—
    - (i) the child of the person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of a person who was the spouse or civil partner of the person granted leave under one of the Ukraine Schemes on that date;
  - (c) was under 18 on the leave application date;
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (e) is ordinarily resident in England on the course start date.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

## CHAPTER 4

### Designated courses and designated part-time courses

#### Designation of courses for higher technical qualifications

- 38. In regulation 2(1) (interpretation)(28)—
  - (a) after the definition of “allied health profession subject” insert—
    - ““approved HTQ” means an approved technical education qualification (within the meaning of Chapter A1 of Part 1 of the Apprenticeships, Skills, Learning and Children Act 2009(29) (see section A12(1) of that Act)) which is—
      - (a) included in the list of qualifications maintained by the Institute for Apprenticeships and Technical Education(30) in accordance with section A2HA of the Apprenticeships, Skills, Learning and Children Act 2009 (list of technical education qualifications); and
      - (b) at level 4 or 5—
        - (i) on the Framework for Higher Education Qualifications of UK-Degree Awarding Bodies(31), as amended from time to time; or

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(28) Definition inserted by [S.I. 2017/114](#).

(29) [2009 c. 22](#). Chapter A1 of Part 1 was inserted by paragraph 1 of Schedule 1 to the Deregulation Act [2015 \(c. 20\)](#). It was amended by paragraphs 4 to 6 of Schedule 4 to the Enterprise Act [2016 \(c. 12\)](#) (“the 2016 Act”), by section 1(2) of, and paragraphs 1 to 24 of Schedule 1 to, the Technical and Further Education Act [2017 \(c. 19\)](#) (“the 2017 Act”) and by sections 7, 8, 9, 12 and 13 of the Skills and Post-16 Education Act [2022 \(c. 21\)](#). There are other amendments to Chapter A1 of Part 1 not relevant to these Regulations.

(30) The Institute for Apprenticeships and Technical Education is established by section ZA1 of the Apprenticeships, Skills, Learning and Children Act 2009. Section ZA1 was inserted by paragraph 2 of Schedule 4 to the 2016 Act and amended by section 1(2)(d) of the 2017 Act.

(31) Copies of the Framework are available here: <https://www.qaa.ac.uk/the-quality-code/qualifications-frameworks> or from the Quality Assurance Agency for Higher Education, Southgate House, Southgate Street, Gloucester GL1 1UB.

- (ii) as described in the Ofqual Handbook: General Conditions of Recognition(32), as amended from time to time;”;
- (b) for the definition of “preliminary course” substitute—
- ““preliminary course” means—
- (a) a course mentioned in paragraph 2 to 4 of Schedule 2, or overseas equivalent, that is taken before a full-time degree course (other than a first degree course for the initial training of teachers);
  - (b) a course mentioned in paragraph 12 of Schedule 2 that is taken before a full-time degree course; or
  - (c) a foundation degree course, or overseas equivalent, taken before a full-time honours degree course;”.

**39.**—(1) In regulation 22 (standard entitlement of current system students on certain degree courses etc)(33)—

- (a) in paragraph (2)(a), for the words from “mentioned in paragraph” to “intensive course” substitute “specified in paragraph (2A)”;
- (b) after paragraph (2) insert—
 

“(2A) The courses mentioned in paragraph (2)(a) are—

  - (a) an intensive course;
  - (b) a course mentioned in paragraph 2, 3 or 4 of Schedule 2 or overseas equivalent;
  - (c) a course mentioned in paragraph 12 of Schedule 2;
  - (d) a foundation degree course or overseas equivalent.

(2B) For the purposes of paragraph (2)(a) it does not matter whether a course specified in paragraph (2A)(b), (c) or (d) was completed on a full-time, part-time or full-time distance learning basis.”.

**40.** In regulation 139(2A) (designated part-time courses)(34), after sub-paragraph (c) insert—

“(ca) a course which leads to an approved HTQ;”.

**41.** In Schedule 2 (designated courses), after paragraph 11 insert—

“**12.** A course for an approved HTQ.”.

### **Amendments relating to courses for initial further education teacher training**

**42.**—(1) Regulation 2 (interpretation)(35) is amended as follows.

(2) In paragraph (1)—

- (a) for the definition of “course for the initial training of teachers” substitute—
 

““course for the initial training of teachers” has the meaning given in paragraph (1ZA);”;
- (b) after the definition of “quarter” insert—

(32) Copies of the Handbook is available here: <https://www.gov.uk/guidance/ofqual-handbook> or from Ofqual, Earlsdon Park, 53 to 55 Butts Road, Coventry CV1 3BH.

(33) Regulation 22 was amended by S.I. 2012/1653, 2013/1728, 2013/3106, 2015/1951 and 2019/142.

(34) Paragraph (2A) was inserted by S.I. 2018/472; there are amendments to that paragraph but none is relevant to these Regulations.

(35) Paragraph (1A) was inserted by S.I. 2021/127. There are other amending instruments but none is relevant.



““recognised initial further education teacher training course” means a course included in the list maintained by the Secretary of State in accordance with regulation 2B;”;

(3) After paragraph (1) insert—

“(1ZA) “Course for the initial training of teachers” means any of the following courses other than an employment-based teaching training scheme—

- (a) a course of initial teacher training undertaken in England and leading to the recommendation of qualified teacher status in England;
- (b) a course of initial teacher training undertaken in Wales and accredited as initial teacher training by the Education Workforce Council<sup>(36)</sup>;
- (c) a course of initial teacher training undertaken in Scotland and accredited as initial teacher training by the General Teaching Council for Scotland<sup>(37)</sup>;
- (d) a course of initial teacher training undertaken in Northern Ireland and accredited as initial teacher training by the General Teaching Council for Northern Ireland<sup>(38)</sup>;
- (e) a course for the initial training of teachers in further education undertaken in England leading to a Diploma in Education and Training awarded by a recognised body, or with content equivalent to a Diploma in Education and Training and leading to a qualification awarded by a relevant provider, which—
  - (i) is not a recognised initial further education teacher training course; and
  - (ii) begins before 1st September 2024;
- (f) a recognised initial further education teacher training course undertaken in England;
- (g) a course for the initial training of teachers in further education which is undertaken in Wales and leads to a qualification the standard of which is at least equivalent to a Diploma in Higher Education;
- (h) a course for the Teaching Qualification in Further Education which is undertaken in Scotland;
- (i) a course for the initial training of teachers in further education undertaken in Northern Ireland which leads to a qualification which is approved by the Department for the Economy as a qualification which entitles a person to work as a full-time, associate or essential skills lecturer in a further education college in Northern Ireland.

(1ZB) For the purposes of paragraph (1ZA)—

- (a) a course mentioned in sub-paragraph (a), (b), (c), (d), (g), (h) or (i) of that paragraph includes a course leading to a first degree;
- (b) “recognised body” means an awarding body (within the meaning of section 132 of the Apprenticeships, Skills, Children and Learning Act 2009) which is recognised by the Office of Qualifications and Examinations Regulation<sup>(39)</sup> in accordance with that section;

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<sup>(36)</sup> See section 2 of the Education (Wales) Act 2014 (anaw 5).

<sup>(37)</sup> See article 4 of the Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215).

<sup>(38)</sup> Established by article 34 of S.I. 1998/1759.

<sup>(39)</sup> The Office of Qualifications and Examinations Regulation was established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009.

- (c) “relevant provider” means an English higher education provider which has been granted degree awarding powers by a Royal Charter or by or under an Act of Parliament.”.

**43.** In regulation 2A (as inserted by regulation 13 of these Regulations)—

- (a) in paragraph (5) (definition of “course designation event”), at the end of sub-paragraph (c) insert—

“; or

- (d) the course becomes a recognised initial further education teacher training course.”;

- (b) in paragraph (6) (definition of “part-time course designation event”), at the end of sub-paragraph (c) insert—

“; or

- (d) the course becomes a recognised initial further education teacher training course.”.

**44.** After regulation 2A insert—

**“Recognition of initial further education teacher training courses**

**2B.—**(1) The Secretary of State must—

- (a) publish in such manner as the Secretary of State considers appropriate; and  
(b) maintain,

a list of courses which are, in the opinion of the Secretary of State, initial further education teacher training courses.

(2) For the purposes of this regulation, a course is an initial further education teacher training course if successful completion of the course means that a person meets the occupational standard for a learning and skills teacher as determined by the Institute for Apprenticeships and Technical Education from time to time<sup>(40)</sup>.”.

**45.** In regulation 12(4ZA) (previous course)<sup>(41)</sup>, for sub-paragraph (a) (other than “and” at the end of that sub-paragraph) substitute—

- “(a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i);”.

**46.** In regulation 13(2ZA) (miscellaneous)<sup>(42)</sup>, for sub-paragraph (a) (other than “and” at the end of that sub-paragraph) substitute—

- “(a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i);”.

**47.** In regulation 144(6A) (fee loans for designated part-time courses beginning on or after 1st September 2012)<sup>(43)</sup>, for sub-paragraph (a) (other than “and” at the end of that sub-paragraph) substitute—

- “(a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i);”.

<sup>(40)</sup> Copies of the current version of the occupational standard for a “learning and skills teacher” are available at <https://www.instituteforapprenticeships.org/apprenticeship-standards/learning-and-skills-teacher-v1-1>.

<sup>(41)</sup> Paragraph (4ZA) was inserted by S.I. 2021/1348.

<sup>(42)</sup> Paragraph (2ZA) was inserted by S.I. 2021/1348.

<sup>(43)</sup> Paragraph (6A) was inserted by S.I. 2021/1348.

## CHAPTER 5

### Other minor amendments

#### **Omission of references to “qualifying courses” and “qualifying students”**

- 48.** In regulation 2(1) (interpretation) omit the definition of “qualifying course”.
- 49.**—(1) Regulation 4 (eligible students)(**44**) (as amended by regulation 34 of these Regulations) is amended as follows.
- (2) In paragraph (12)—
- (a) at the end of sub-paragraph (a)(i), for “or” substitute “and”;
  - (b) omit sub-paragraph (a)(ii) (including “and” at the end);
  - (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.
- (3) In paragraph (13)—
- (a) at the end of sub-paragraph (a)(i), for “or” substitute “and”;
  - (b) omit sub-paragraph (a)(ii) (including “and” at the end);
  - (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.
- (4) In paragraph (13C)—
- (a) at the end of sub-paragraph (a)(i)(cc), for “or” substitute “and”;
  - (b) omit sub-paragraph (a)(ii) (including “and” at the end);
  - (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.
- (5) In paragraph (13D)—
- (a) at the end of sub-paragraph (a)(i)(cc), for “or” substitute “and”;
  - (b) omit sub-paragraph (a)(ii) (including “and” at the end);
  - (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.
- 50.** In regulation 56(5) (qualifying conditions for the maintenance grant) for “qualifying student” substitute “current system student”.
- 51.** In regulation 111 (provision of national insurance number)—
- (a) in paragraph (1), for “eligible or qualifying student” substitute “eligible student”;
  - (b) in paragraph (2), for “eligible or qualifying student” substitute “eligible student”;
  - (c) in paragraph (3), for “eligible or qualifying student”, in both places it occurs, substitute “eligible student”.
- 52.** In regulation 112 (information requirements)—
- (a) in paragraph (1), for “, eligible student or qualifying student” substitute “or eligible student”;
  - (b) in paragraph (2), for “, eligible student or qualifying student” substitute “or eligible student”;

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(44) Paragraphs (12) and (13) were amended by [S.I. 2018/137](#). Paragraph (13C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (13D) was inserted by [S.I. 2022/534](#).

- (c) in paragraph (3), for “, eligible student or qualifying student” substitute “or eligible student”.

## CHAPTER 6

### New payment rates

#### **Amendments relating to new payment rates for student support**

- 53.** The Schedule contains amendments relating to payment rates for student support.

## PART 3

### Corresponding amendments to other subordinate legislation

#### CHAPTER 1

#### The Education (Fees and Awards) (England) Regulations 2007

##### *SECTION 1*

##### *Introductory*

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

- 54.** The Education (Fees and Awards) (England) Regulations 2007<sup>(45)</sup> are amended in accordance with this Chapter.

##### *SECTION 2*

##### *Definitions*

#### **Insertion of definition of “the course start date”**

- 55.** In regulation 2 (interpretation), after the definition of “award” insert—  
““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.
- 56.**—(1) Schedule 1 (eligible students)<sup>(46)</sup> is amended as follows.—  
(2) In paragraph 2A(1) (persons who are settled in the United Kingdom)—  
(a) in sub-paragraph (a), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”;  
(b) in sub-paragraph (b), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”.
- (3) In paragraph 8(1)(c) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”.

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<sup>(45)</sup> *S.I. 2007/779.*

<sup>(46)</sup> Paragraph 2A was inserted by *S.I. 2021/127* and amended by *S.I. 2021/929*. There are amendments to paragraph 8 but none is relevant. Paragraph 8A was inserted by *S.I. 2021/127*.

(4) In paragraph 8A(1)(d) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”.

### **Insertion of definition of “immigration rules”**

57.—(1) Schedule 1 (eligible students) is amended as follows.

(2) In paragraph 1(1) (interpretation)(47)—

(a) after the definition of “family member” insert—

““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;

(b) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;

(c) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;

(d) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—

(i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;

(ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

(e) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—

(i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

(ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

(f) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

(g) in the definition of “person granted leave under the Ukraine Family Scheme”—

(i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

(ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

(h) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

(3) In paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”.

(4) In paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

(5) In paragraph 4C omit “, as defined in section 33(1) of the Immigration Act 1971”.

(6) In paragraph 4D omit “, as defined in section 33(1) of the Immigration Act 1971”.

(7) In paragraph 4E(a) omit “, as defined in section 33(1) of the Immigration Act 1971”.

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(47) Relevant amending instruments are [S.I. 2020/48](#), [2020/1203](#), [2021/1348](#), [2022/57](#) and [2022/534](#).

**Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

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

- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
- (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

**Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

**59.** In Schedule 1 (eligible students)(**49**), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

- (a) in paragraph (a), after sub-paragraph (i) insert—
  - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
- (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

*SECTION 3**Qualifying persons***Amendments relating to the ordinary residence requirements for persons in existing protected categories**

**60.**—(1) Schedule 1 (eligible students)(**50**) is amended as follows.

(2) In paragraph 4 (refugees and their family members)—

- (a) in sub-paragraph (1)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
- (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
- (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.

(3) In paragraph 4A (persons granted stateless leave and their family members)—

- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
- (b) in sub-paragraph (2)(c), for “the first day of the first academic year of the course” substitute “the course start date”;

(48) The definition of “overseas territories” was amended by [S.I. 2012/1653](#) and [2020/1181](#). The definition of “specified British overseas territories” was inserted by [S.I. 2021/127](#).

(49) Definition inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#).

(50) Paragraph 4A was inserted by [S.I. 2018/137](#) and amended by [S.I. 2020/1203](#). Paragraph 4B was substituted by [S.I. 2020/1203](#). Paragraph 4C was inserted by [S.I. 2020/48](#). Paragraph 4D was substituted by [S.I. 2020/1203](#) and amended by [S.I. 2021/1348](#). Paragraph 4E was inserted by [S.I. 2020/1203](#). Paragraph 5 was substituted by [S.I. 2011/87](#) and amended by [S.I. 2020/1203](#). Paragraph 5B was inserted by [S.I. 2022/534](#).

- (c) in sub-paragraph (3)(d), for “the first day of the first academic year of the course” substitute “the course start date”.
- (4) In paragraph 4B(c) (persons granted section 67 leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (5) In paragraph 4C(c) (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), for “the first day of the first academic year of the course” substitute “the course start date”.
- (6) In paragraph 4D(c) (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (7) In paragraph 4E(c) (persons granted indefinite leave to remain as a bereaved partner), for “the first day of the first academic year of the course” substitute “the course start date”.
- (8) In paragraph 5 (persons granted humanitarian protection and their family members)—
  - (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (9) In paragraph 5A (persons granted leave under one of the Afghan Schemes), for “the first day of the first academic year of the course” substitute “the course start date”.
- (10) In paragraph 5B (evacuated or assisted British nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

**Amendments relating to students who fall within in a paragraph of Schedule 1 after the start of a course**

- 61.** In regulation 2(3A) (interpretation)(**51**), after “place”, in the second place it occurs, insert “(but see also regulation 4(2A) and (2B))”.
- 62.** In regulation 4 (fee charging)(**52**), for paragraph (2) substitute—
  - “(2) For the purposes of this regulation, a person falls within a paragraph of Schedule 1 if—
    - (a) in the case of paragraph 2A, 4, 4A, 4B, 4C, 4D, 4E, 5, 5A, 5B, 5C, 8 or 8A of that Schedule—
      - (i) in relation to the first academic year of the course, they fall within that paragraph on the course start date; or
      - (ii) in relation to any other academic year of the course, they fall within that paragraph on the first day of that academic year;
    - (b) in the case of any other paragraph of that Schedule, they fall within the relevant paragraph on the first day of an academic year of the course.
  - (2A) Where a protected category event occurs in relation to a person after the course start date, paragraph (2B) applies for the purposes of determining whether the person falls within a paragraph of Schedule 1 in relation to an academic year (other than the first academic year).

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(51) Paragraph (3A) was inserted by [S.I. 2012/1653](#).

(52) Regulation 4 was amended by [S.I. 2012/765](#), [2019/1027](#), [2021/127](#), [2021/929](#) and [2021/1348](#).

(2B) The person is to be treated, for the purposes of determining whether they satisfy any requirement in Schedule 1 to be ordinarily resident in the United Kingdom on the course start date, as if they were, on the course start date, lawfully residing in the place where they were residing on that date.

(2C) In this regulation “protected category event”, in relation to a person, means—

- (a) the person or the person’s spouse, civil partner or parent is recognised as a refugee or becomes a person granted stateless leave or a person granted humanitarian protection;
- (b) the person becomes a person granted section 67 leave;
- (c) the person becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (d) the person becomes a person granted Calais leave;
- (e) the person becomes a person granted indefinite leave to remain as a bereaved partner;
- (f) the person becomes a person granted leave under one of the Afghan Schemes.
- (g) the person becomes a person granted leave under one of the Ukraine Schemes;

(2D) For the purposes of paragraph (2C), the following terms have the meanings given for the purposes of Schedule 1—

- (a) refugee;
- (b) person granted stateless leave;
- (c) person granted humanitarian protection;
- (d) person granted section 67 leave;
- (e) person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (f) person granted Calais leave;
- (g) person granted indefinite leave to remain as a bereaved partner;
- (h) person granted leave under one of the Afghan Schemes;
- (i) person granted leave under one of the Ukraine Schemes.”.

### **Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**63.** In regulation 4(2C) (as inserted by regulation 62 of these Regulations)—

- (a) in sub-paragraph (f), after “the person” insert “or the person’s spouse, civil partner or parent”;
- (b) in sub-paragraph (g), after “the person” insert “or the person’s spouse, civil partner or parent”.

**64.—**(1) Schedule 1 (eligible students) (as amended by regulations 59 and 60(9) of these Regulations) is amended as follows.

(2) In paragraph 1(1)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, for paragraph (a) (other than “and” at the end) substitute—

“(a) who has indefinite leave to enter or remain in the United Kingdom, outside the immigration rules, on the basis of the Afghan Citizens Resettlement Scheme;”;



- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—
  - (i) insert “or” at the end of paragraph (a)(ii);
  - (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;
  - (iii) omit paragraph (a)(iv).
- (3) In paragraph 5A—
  - (a) for the heading substitute—

*“Persons granted leave under one of the Afghan Schemes and their family members”;*

- (b) the existing text becomes sub-paragraph (1);
- (c) after that sub-paragraph insert—
  - “(2) A person who—
    - (a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
    - (b) on the leave application date, was the spouse or civil partner of that person;
    - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
    - (d) is ordinarily resident in the United Kingdom on the course start date.
  - (3) A person who—
    - (a) is—
      - (i) the child of a person granted leave under one of the Afghan Schemes; or
      - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
    - (b) on the leave application date was—
      - (i) the child of the person granted leave under one of the Afghan Schemes; or
      - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
    - (c) was under 18 on the leave application date;
    - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
    - (e) is ordinarily resident in the United Kingdom on the course start date.
  - (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”.
- (4) For paragraph 5C (including the heading)(53) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**5C.—**(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in the United Kingdom on the course start date.

- (2) A person who—
- (a) is the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was the spouse or civil partner of that person;
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
  - (d) is ordinarily resident in the United Kingdom on the course start date.
- (3) A person who—
- (a) is—
    - (i) the child of a person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was—
    - (i) the child of the person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
  - (c) was under 18 on the leave application date;
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (e) is ordinarily resident in the United Kingdom on the course start date.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

## CHAPTER 2

### The Education (Student Support) (European University Institute) Regulations 2010

#### *SECTION 1*

##### *Introductory*

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

**65.** The Education (Student Support) (European University Institute) Regulations 2010<sup>(54)</sup> are amended in accordance with this Chapter.

#### *SECTION 2*

##### *Definitions*

### **Insertion of definition of “immigration rules”**

**66.** In regulation 3(1) (interpretation)<sup>(55)</sup>—

- (a) after the definition of “grants for living and other costs”, insert—

<sup>(54)</sup> S.I. 2010/447.

<sup>(55)</sup> Relevant amending instruments are S.I. 2011/83, 2018/137, 2020/48, 2020/1203, 2021/1348 and 2022/534.

- “immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;
- (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
  - (c) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
  - (e) in the definition of “person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
  - (f) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
    - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
    - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (g) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (h) in the definition of “person granted leave under the Ukraine Family Scheme”—
    - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
    - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (i) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.
- 67.—**(1) Schedule 1 (eligible students)(56) is amended as follows.
- (2) In Part 1 (interpretation), in paragraph 1(1)—
    - (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
    - (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
      - (i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;
      - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”.
  - (3) In Part 2 (categories)—
    - (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
    - (b) in paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

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(56) Relevant amending instruments are [S.I. 2021/1348](#) and [2022/57](#). Paragraph 4A was inserted by [S.I. 2018/137](#) and amended by [S.I. 2020/1203](#).

**Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

- 68.** In Part 1 of Schedule 1 (eligible students: interpretation)(**57**), in paragraph 1(1)—
- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
  - (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

**Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

**69.** In Part 1 of Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation **67** of these Regulations)—

- (a) in paragraph (a), after sub-paragraph (i) insert—
  - “(ia) indefinite leave to enter the United Kingdom under ARAP paragraph 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
- (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

*SECTION 3**Eligible students***Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

- 70.** In regulation 9 (eligible students)(**58**)—
- (a) in paragraph (11C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
  - (b) in paragraph (11D)(a), after “Ukraine Schemes” insert “or the spouse civil partner, child or step-child of such a person”.

**71.**—(1) Schedule 1 (eligible students)(**59**) is amended as follows.

(2) In Part 1 (interpretation), in paragraph 1(1) (as amended by regulations **67** and **69** of these Regulations)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”—
  - (i) at the end of paragraph (a)(i), for “or” substitute “and”;
  - (ii) omit paragraph (a)(ii) (including “and” at the end);
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

(57) Definitions inserted by [S.I. 2021/1348](#).

(58) Paragraph (11C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (11D) was inserted by [S.I. 2022/534](#).

(59) Paragraph 5A inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 5C was inserted by [S.I. 2022/534](#).

- (i) at the end of paragraph (a)(ii) insert “or”;
  - (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;
  - (iii) omit paragraph (a)(iv).
- (3) In Part 2 (categories)—
- (a) for paragraph 5A (including the heading) substitute—

**“Persons granted leave under one of the Afghan Schemes and their family members**

**5A.**—(1) A person granted leave under one of the Afghan Schemes, who is ordinarily resident in England on the relevant date.

- (2) A person who—
  - (a) is the spouse or the civil partner of a person granted leave under one of the Afghan Schemes;
  - (b) on the leave application date, was the spouse or civil partner of that person;
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
  - (d) is ordinarily resident in England on the relevant date.
- (3) A person who—
  - (a) is—
    - (i) the child of a person granted leave under one of the Afghan Schemes; or
    - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
  - (b) on the leave application date, was—
    - (i) the child of the person granted leave under one of the Afghan Schemes; or
    - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
  - (c) was under 18 on the leave application date;
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (e) is ordinarily resident in England on the relevant date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”.

- (b) for paragraph 5C (including the heading) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**5C.**—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the relevant date.

- (2) A person who—

- (a) is the spouse or the civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was the spouse or civil partner of that person;
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
  - (d) is ordinarily resident in England on the relevant date.
- (3) A person who—
- (a) is—
    - (i) the child of a person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was—
    - (i) the child of the person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
  - (c) was under 18 on the leave application date;
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (e) is ordinarily resident in England on the relevant date.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

### CHAPTER 3

#### The Further Education Loans Regulations 2012

##### *SECTION 1*

##### *Introductory*

#### **Amendment of the Further Education Loans Regulations 2012**

72. The Further Education Loans Regulations 2012<sup>(60)</sup> are amended in accordance with this Chapter.

##### *SECTION 2*

##### *Definitions*

#### **Insertion of definition of “immigration rules”**

73. In regulation 2(1) (interpretation)<sup>(61)</sup>—

<sup>(60)</sup> S.I. 2012/1818.

<sup>(61)</sup> Relevant amending instruments are S.I. 2014/1766, 2019/142, 2020/48, 2020/1203, 2021/127, 2021/1348, 2022/57 and 2022/534.

- (a) after the definition of “further education course”, insert—
    - ““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971.”;
  - (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
  - (c) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
  - (e) in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
  - (f) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (g) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
    - (i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;
    - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (h) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
    - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
    - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (i) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (j) in the definition of “person granted leave under the Ukraine Family Scheme”—
    - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
    - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (k) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.
- (2) In Part 2 of Schedule 1 (eligible students: categories)(62)—
- (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
  - (b) in paragraph 4A(4) omit “(within in the meaning given in section 33(1) of the Immigration Act 1971)”.

**Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

74. In Part 1 of Schedule 1 (eligible students: interpretation)(63), in paragraph 1(1)—
- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
  - (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

**Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

75. In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 73 of these Regulations)—
- (a) in paragraph (a), after sub-paragraph (i) insert—
    - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
  - (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

*SECTION 3**Eligible students***Amendments relating to students becoming eligible for loans after their course has started**

76. For regulation 6 (including the heading) substitute—

**“Students becoming eligible after a designated further education course has begun**

6.—(1) Where any of the following events occur after a designated further education has begun, a student may qualify for a fee loan in accordance with this Part in respect of that course—

- (a) the student’s course becomes a designated further education course; or
  - (b) an event specified in paragraph (2) which results in the student becoming an eligible student.
- (2) The events mentioned in paragraph (1)(b) are—
- (a) the student or the student’s spouse, civil partner, parent or step-parent is recognised as a refugee or becomes a person granted stateless leave or a person granted humanitarian protection;
  - (b) the student becomes a family member described in paragraph 9A(1)(a), 9B(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1;
  - (c) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;
  - (d) the student becomes a person described in paragraph 6A(1)(a) of Schedule 1;
  - (e) the student becomes a person described in paragraph 11A(a) of Schedule 1;

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(63) Definitions inserted by [S.I. 2021/1348](#).



- (f) the student becomes a person granted section 67 leave;
- (g) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (h) the student becomes a person granted Calais leave;
- (i) the student becomes a person granted indefinite leave to remain as a bereaved partner;
- (j) the student becomes a person granted leave under one of the Afghan Schemes;
- (k) the student becomes a person granted leave under one of the Ukraine Schemes.

(3) Where the event that occurs in relation to a student is an event specified in paragraph (2)(a), (f), (g), (h), (i), (j) or (k), paragraph (4) applies for the purposes of determining whether the event results in the student becoming an eligible student.

(4) The student is to be treated, for the purposes of determining whether the student satisfies any requirement in Schedule 1 that the student is ordinarily resident in the United Kingdom on the first day of the relevant course (“the course start date”), as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”.

**77.** Omit regulation 7 (events).

**78.** In Part 1 of Schedule 1 (eligible students: interpretation), in paragraph 1(3) after “place”, in the second place it occurs, insert “(but see regulation 6(3) and (4))”.

#### **Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**79.** In regulation 2(1) (interpretation) (as amended by regulations 73 and 79 of these Regulations)

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”—
  - (i) at the end of paragraph (a)(i), for “or” substitute “and”;
  - (ii) omit paragraph (a)(ii) (including “and” at the end);
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—
  - (i) at the end of paragraph (a)(ii), insert “or”;
  - (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;
  - (iii) omit paragraph (a)(iv).

**80.** In regulation 3 (eligible students)(**64**)—

- (a) in paragraph (8A)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Afghan Schemes”;
- (b) in paragraph (8B)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Ukraine Schemes”.

**81.** In regulation 6 (as substituted by regulation 76 of these Regulations)—

- (a) in paragraph (j), after “the student” insert “or the student’s spouse, civil partner or parent”;
- (b) in paragraph (k), after “the student” insert “or the student’s spouse, civil partner or parent”;

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(64) Paragraph (8A) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 8B was inserted by [S.I. 2022/534](#).

82. In Part 2 of Schedule 1 (eligible students: categories)(65)—

(a) for paragraph 5A (including the heading) substitute—

**“Persons granted leave under one of the Afghan Schemes and their family members**

5A.—(1) A person granted leave under one of the Afghan Schemes, who is ordinarily resident in the United Kingdom on the first day of the designated further education course.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in the United Kingdom on the first day of the designated further education course.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Afghan Schemes; or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Afghan Schemes; or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in the United Kingdom on the first day of the designated further education course.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”.

(b) for paragraph 5C (including the heading) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

5C.—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in the United Kingdom on the first day of the designated further education course.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;

(65) Paragraph 5A was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 5C was inserted by [S.I. 2022/534](#).

- (b) on the leave application date, was the spouse or civil partner of that person;
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom;  
and
  - (d) is ordinarily resident in the United Kingdom on the first day of the designated further education course.
- (3) A person who—
- (a) is—
    - (i) the child of a person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was—
    - (i) the child of the person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (c) was under 18 on the leave application date;
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom;  
and
  - (e) is ordinarily resident in the United Kingdom on the first day of the designated further education course.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

## CHAPTER 4

### The Education (Postgraduate Master’s Degree Loans) Regulations 2016

#### *SECTION 1*

##### *Introductory*

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

**83.** The Education (Postgraduate Master’s Degree Loans) Regulations 2016<sup>(66)</sup> are amended in accordance with this Chapter.

#### *SECTION 2*

##### *Definitions*

### **Insertion of definition of “the course start date”**

**84.** In regulation 2(1) (interpretation), after the definition of “the course” insert—

““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.

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<sup>(66)</sup> S.I. 2016/606.

**85. In Part 2 of Schedule 1 (eligible students: categories)(67)—**

- (a) in paragraph 2A(1)(a) (persons who are settled in the United Kingdom), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
- (b) in paragraph 8(1)(c) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
- (c) in paragraph 8A(1)(d) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

**Insertion of definition of “immigration rules”****86. In regulation 2(1) (interpretation)(68)—**

- (a) after the definition of “healthcare bursary” insert—
  - ““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;
- (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (c) the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (e) in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (f) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (g) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
  - (i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;
  - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (h) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
  - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (i) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (j) in the definition of “person granted leave under the Ukraine Family Scheme”—

(67) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#). There are amendments to paragraph 8, but none is relevant to these Regulations. Paragraph 8A was inserted by [S.I. 2021/127](#).

(68) Relevant amending instruments are [S.I. 2018/137](#), [2019/142](#), [2021/1348](#), [2020/1203](#), [2022/57](#) and [2022/534](#).

- (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (k) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

**87.** In Part 2 of Schedule 1 (eligible students: categories)(**69**)—

- (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
- (b) in paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

#### **Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

**88.** In Part 1 of Schedule 1 (eligible students: interpretation)(**70**), in paragraph 1(1)—

- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
- (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

#### **Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

**89.** In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 86 of these Regulations)—

- (a) in paragraph (a), after sub-paragraph (i) insert—
  - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
- (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

### *SECTION 3*

#### *Eligible students*

#### **Amendments relating to the ordinary residence requirements relating to students in existing protected categories**

**90.**—(1) Part 2 of Schedule 1 (eligible students: categories)(**71**) is amended as follows.

(2) In paragraph 4 (refugees and their family members)—

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(69) Paragraph 3(2) was inserted by [S.I. 2021/127](#). Paragraph 4A was substituted by [S.I. 2020/1203](#).

(70) Definitions inserted by [S.I. 2021/1348](#).

(71) Paragraphs 4A, 4B and 4D were substituted by [S.I. 2020/1203](#). Paragraph 4C was inserted by [S.I. 2020/48](#). Paragraph 4E was inserted by [S.I. 2020/1203](#). Paragraph 5 was amended by [S.I. 2020/1203](#). Paragraph 5A was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 5B was inserted by [S.I. 2022/534](#).

- (a) in sub-paragraph (1)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (3) In paragraph 4A (persons granted stateless leave and their family members)—
- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(d), for “the first day of the first academic year of the course” substitute “the course start date”.
- (4) In paragraph 4B (persons granted section 67 leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (5) In paragraph 4C(c) (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), for “the first day of the first academic year of the course” substitute “the course start date”.
- (6) In paragraph 4D (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (7) In paragraph 4E (persons granted indefinite leave to remain as a bereaved partner), for “the first day of the first academic year of the course” substitute “the course start date”.
- (8) In paragraph 5 (persons granted humanitarian protection and their family members)—
- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (9) In paragraph 5A (persons granted leave under one of the Afghan Schemes), for “the first day of the first academic year of the course” substitute “the course start date”.
- (10) In paragraph 5B (evacuated or assisted British nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

#### **Amendments relating to students who become eligible for a loan during their course**

**91.** For regulation 7 (other than the heading) (students becoming eligible in the course of an academic year) substitute—

“7.—(1) Where—

- (a) during the currency of a course, the course becomes a designated course—
  - (i) under regulation 4(6);
  - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or

(iii) by virtue of the course becoming a Northern Irish designated master's degree course, a Scottish designated master's degree course or a Welsh designated master's degree course;

(b) the student commences a designated course after the start date of the designated course as the relevant academic authority has permitted the student to commence the course at this later start date; or

(c) an event specified in paragraph (2) occurs during the currency of a student's course which results in the student becoming an eligible student,

the student may qualify for a postgraduate master's degree loan, provided that the student complies with the application provisions set out in Chapter 3 of Part 1.

(2) The events mentioned in paragraph (1)(c) are—

- (a) the student or the student's spouse, civil partner or parent is recognised as a refugee, or becomes a person granted stateless leave or a person granted humanitarian protection;
- (b) the student becomes a family member as described in paragraph 9A(1)(a), 9B(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1;
- (c) the student becomes a person described in paragraph 3(a) of Schedule 1;
- (d) the student becomes a person described in paragraph 6A(1)(a) of Schedule 1;
- (e) the student becomes a person described in paragraph 11A(1)(a) of Schedule 1;
- (f) the student becomes a person granted section 67 leave;
- (g) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (h) the student becomes a person granted Calais leave;
- (i) the student becomes a person granted indefinite leave to remain as a bereaved partner;
- (j) the student becomes a person granted leave under one of the Afghan Schemes;
- (k) the student becomes a person granted leave under one of the Ukraine Schemes.

(3) Where an event specified in paragraph (2)(a), (f), (g), (h), (i), (j) or (k) occurs in relation to a student after course start date, paragraph (4) applies for the purposes of determining whether the event results in the student becoming an eligible student.

(4) The student is to be treated, for the purposes of determining whether the student satisfies any requirement in Schedule 1 to be ordinarily resident in England on the course start date, as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”.

**92.** Omit regulation 8 (events).

**Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**93.** In regulation 2(1) (interpretation) (as amended by regulations 86 and 89 of these Regulations)

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”—
- (i) at the end paragraph (a)(i), for “or” substitute “and”;
  - (ii) omit paragraph (a)(ii) (including “and” at the end);

- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—
- (i) at the end of paragraph (a)(ii), insert “or”;
  - (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;
  - (iii) omit paragraph (a)(iv).
- 94.** In regulation 7 (as substituted by regulation 91 of these Regulations)—
- (a) in paragraph (2)(j), after “the student” insert “or the student’s spouse, civil partner or parent”;
  - (b) in paragraph (2)(k), after “the student” insert “or the student’s spouse, civil partner or parent”.
- 95.** In Part 2 of Schedule 1 (eligible students: categories)—
- (a) in paragraph 5A (as amended by regulation 90(9) of these Regulations)—
    - (i) for the heading substitute—
 

*“Persons granted leave under one of the  
Afghan Schemes and their family members”;*
    - (ii) the existing text becomes sub-paragraph (1);
    - (iii) after that sub-paragraph insert—
 

“(2) A person who—

      - (a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
      - (b) on the leave application date, was the spouse or civil partner of that person;
      - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
      - (d) is ordinarily resident in England on the course start date.
  - (3) A person who—
    - (a) is—
      - (i) the child of a person granted leave under one of the Afghan Schemes;  
or
      - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
    - (b) on the leave application date, was—
      - (i) the child of the person granted leave under one of the Afghan Schemes; or
      - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
    - (c) was under 18 on the leave application date;
    - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
    - (e) is ordinarily resident in England on the course start date.



(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”;

(b) for paragraph 5C (including the heading)(72) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**5C.—**(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the course start date.

(2) A person who—

- (a) is the spouse or the civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in England on the course start date.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the course start date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

*SECTION 4*

*Payment rates*

**Amendments relating to payment rates**

**96.** In regulation 12(1) and (2) for “£11,836” substitute “£12,167”.

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(72) Paragraph 5C was inserted by [S.I. 2022/534](#).

## CHAPTER 5

## The Higher Education (Fee Limit Condition) (England) Regulations 2017

## SECTION 1

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

97. The Higher Education (Fee Limit Condition) (England) Regulations 2017<sup>(73)</sup> are amended in accordance with this Chapter.

## SECTION 2

*Definitions***Insertion of definition of “the course start date”**

98. In regulation 2 (interpretation)<sup>(74)</sup>, after paragraph (ba) insert—

“(bza) “the course start date” means the day on which the first term of the first academic year of a course actually begins;”.

99.—(1) Part 2 of the Schedule (qualifying persons: categories)<sup>(75)</sup> is amended as follows.

(2) In paragraph 3A(1) (persons who are settled in the United Kingdom)—

(a) in sub-paragraph (a), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;

(b) in sub-paragraph (b), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

(3) In paragraph 9(1)(c) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

(4) In paragraph 9A(1)(d) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

**Insertion of definition of “immigration rules”**

100. In regulation 2 (interpretation)<sup>(76)</sup>—

(a) after paragraph (bb) (definition of “dental profession subject”) insert—

“(bbzza) “immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;

(b) in paragraph (bbza) (definition of “person granted indefinite leave to remain as a bereaved partner”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;

<sup>(73)</sup> S.I. 2017/1189.

<sup>(74)</sup> Paragraph (ba) was inserted by S.I. 2018/903.

<sup>(75)</sup> Relevant amending instruments are S.I. 2021/127 and 2012/929.

<sup>(76)</sup> Relevant amending instruments are S.I. 2020/48, 2020/1203, 2021/1348, 2022/57 and 2022/534.

- (c) in paragraph (bba) (definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (d) in paragraph (bbab) (definition of “person granted leave under the Afghan Citizens Resettlement Scheme”), in paragraph (i)(aa) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (e) in paragraph (bbac) (definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”), in paragraph (a)(i)—
  - (i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;
  - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (f) in paragraph (bbb) (definition of “person granted Calais Leave”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (g) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
  - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (h) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (i) in the definition of “person granted leave under the Ukraine Family Scheme”—
  - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”.

**101.**—(1) The Schedule (qualifying persons)(77) is amended as follows.

(2) In Part 1 (interpretation), in paragraph 1(1), in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

(3) In Part 2 (categories)—

- (a) in paragraph 4(2) (persons who are settled in the United Kingdom) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
- (b) in paragraph 5A(4) (persons granted stateless leave and their family members) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”;
- (c) in paragraph 6(4)(a) (persons granted humanitarian protection and their family members) omit “as defined in section 33(1) of the Immigration Act 1971”.

### **Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

**102.** In Part 1 of the Schedule (qualifying persons: interpretation)(78), in paragraph 1(1)—

(77) Relevant amending instruments are [S.I. 2020/1203](#), [2021/127](#) and [2021/929](#).

(78) The definition of “overseas territories” was amended by [S.I. 2020/1181](#). The definition of “specified British overseas territories” was inserted by [S.I. 2021/127](#).

- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
- (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

### **Amendments to definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

**103.** In regulation 2 (interpretation), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 100 of these Regulations)—

- (a) after paragraph (a)(i) insert—
  - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
- (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

### *SECTION 3*

#### *Qualifying persons*

### **Amendments relating to the ordinary residence requirements for existing protected categories**

- 104.**—(1) Part 2 of the Schedule (qualifying persons: categories)(79) is amended as follows.
- (2) In paragraph 5 (refugees and their family members)—
    - (a) in sub-paragraph (1)(c), for “the first day of the academic year of the course” substitute “the course start date”;
    - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
    - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
  - (3) In paragraph 5A (persons granted stateless leave and their family members)—
    - (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
    - (b) in sub-paragraph (2)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
    - (c) in sub-paragraph (3)(d), for “the first day of the first academic year of the course” substitute “the course start date”.
  - (4) In paragraph 5B(b) (persons granted section 67 leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(79) Paragraph 5A was substituted by [S.I. 2020/1203](#). Paragraph 5B was inserted by [S.I. 2019/142](#) and amended by [S.I. 2020/1203](#). Paragraph 5C was inserted by [S.I. 2020/48](#). Paragraph 5D was substituted by [S.I. 2020/1203](#). Paragraph 5E was inserted by [S.I. 2020/1203](#). Paragraph 5G was inserted by [S.I. 2022/534](#). Paragraph 6 was amended by [S.I. 2020/1203](#).

(5) In paragraph 5C (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), for “the first day of the first academic year of the course” substitute “the course start date”.

(6) In paragraph 5D (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(7) In paragraph 5E (persons granted indefinite leave to remain as a bereaved partner), for “the first day of the first academic year of the course” substitute “the course start date”.

(8) In paragraph 5F (persons granted leave under one of the Afghan Schemes), for “the first day of the first academic year of the course” substitute “the course start date”.

(9) In paragraph 5G (evacuated or assisted British Nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

(10) In paragraph 6 (persons granted humanitarian protection and their family members)—

(a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;

(b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;

(c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.

#### **Amendments relating to events occurring after the start of an academic year**

**105.** Regulation 4 (qualifying person)(80) is amended as follows.

(1) In paragraph (1) for the words from “falls within” to the end substitute—  
“—

(a) falls within a settled category or a protected category—

(i) on the course start date, where the relevant academic year is the first academic year of the person’s course, or

(ii) otherwise, on the first day of a relevant academic year;

(b) falls within a prescribed category on the first day of a relevant academic year.”

(2) In paragraph (2)—

(a) for “the date in that paragraph” substitute “1st September 2023”;

(b) for “a prescribed category” substitute “a settled category, a protected category or a prescribed category”.

(3) In paragraph (4)(a), omit—

(a) “3A,”;

(b) “5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 6,”;

(c) “9A,”.

(4) After paragraph (6) insert—

“(7) Where a protected category event occurs in relation to a person after the course start date, paragraph (8) applies for the purposes of determining whether the person falls within a prescribed category on the first day of the relevant academic year.

(8) The person is, for the purposes of determining whether they satisfy any requirement in Part 2 of the Schedule that they are ordinarily resident in the United Kingdom on the

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(80) Regulation 4 was amended by [S.I. 2021/127](#), [2021/929](#), [2021/1348](#) and [2022/534](#).

course start date, to be treated as if the person was, on the course start date, lawfully residing in the place where the person was residing on that date.

(9) For the purposes of this regulation—

“protected category” means any category of persons described in paragraph 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H or 6 of Part 2 of the Schedule;

“protected category event” means an event specified in regulation 6(2)(b), (i), (j), (k), (l), (m) or (n);

“relevant academic year” means an academic year beginning on or after 1st September 2023;

“settled category” means any category of persons described in paragraph 3A or 9A of Part 2 of the Schedule.”.

### **Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**106.** In regulation 2 (interpretation) (as amended by regulations 100 and 103 of these Regulations)—

(a) in paragraph (bbab) (definition of “person granted leave under the Afghan Citizens Resettlement Scheme”)—

(i) at the end of paragraph (i)(aa), for “or” substitute “and”;

(ii) omit paragraph (i)(bb) (including “and” at the end);

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

(i) at the end of paragraph (a)(ii), insert “or”;

(ii) at the end of paragraph (a)(iii), for “or” substitute “and”;

(iii) omit paragraph (a)(iv).

**107.** In regulation 6(2) (qualifying person: effect of event during academic year)(**81**)—

(a) in sub-paragraph (m), after “the student” insert “or the student’s spouse, civil partner or parent”;

(b) in sub-paragraph (n), after “the student” insert “or the student’s spouse, civil partner or parent”.

**108.** In Part 2 of the Schedule (qualifying persons: categories)—

(a) in paragraph 5F (as amended by regulation 104(8) of these Regulations)—

(i) for the heading substitute—

*“Persons granted leave under one of the  
Afghan Schemes and their family members”;*

(ii) the existing text becomes sub-paragraph (1);

(iii) after that sub-paragraph insert—

“(2) A person who—

(a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;

(81) Sub-paragraph (m) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Sub-paragraph (n) was inserted by [S.I. 2022/534](#).

- (b) on the leave application date, was the spouse or civil partner of that person;
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
  - (d) is ordinarily resident in the United Kingdom on the course start date.
- (3) A person who—
- (a) is—
    - (i) the child of a person granted leave under one of the Afghan Schemes; or
    - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
  - (b) on the leave application date, was—
    - (i) the child of the person granted leave under one of the Afghan Schemes; or
    - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
  - (c) was under 18 on the leave application date;
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (e) is ordinarily resident in the United Kingdom on the course start date.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”;
- (b) for paragraph 5H (including the heading)(82) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

- 5H.**—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in the United Kingdom on the course start date.
- (2) A person who—
- (a) is the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was the spouse or civil partner of that person;
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
  - (d) is ordinarily resident in the United Kingdom on the course start date.
- (3) A person who—
- (a) is—
    - (i) the child of a person granted leave under one of the Ukraine Schemes; or

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(82) Paragraph 5H was inserted by [S.I. 2022/534](#).

- (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
  - (b) on the leave application date, was—
    - (i) the child of the person granted leave under one of the Ukraine Schemes; or
    - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
  - (c) was under 18 on the leave application date;
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (e) is ordinarily resident in the United Kingdom on the course start date.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

#### *SECTION 4*

##### *Courses*

#### **Exceptions: training courses for further education teachers**

**109.** In regulation 5(2A)(a) (qualifying persons: exceptions)(**83**), for the words from “a course” to “Postgraduate Certificate in Education” substitute “a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of the Education (Student Support) Regulations 2011”.

#### CHAPTER 6

#### 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**

**110.** The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018(**84**) are amended in accordance with this Chapter.

#### *SECTION 2*

##### *Definitions*

#### **Insertion of definition of “the course start date”**

**111.** In regulation 2(1) (interpretation), after the definition of “course” insert—

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(83) Paragraph (2A) was inserted by [S.I. 2021/1348](#).

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



“the course start date” means the day on which the first term of the first academic year of a course actually begins.”.

**112.** In Part 2 of Schedule 1 (eligible students: categories)(**85**)—

- (a) in paragraph 2A(1)(a) (persons who are settled in the United Kingdom), for “the day on which the first term of the first academic year begins” substitute “the course start date”;
- (b) in paragraph 9(1)(c) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year begins” substitute “the course start date”;
- (c) in paragraph 9A(1)(d) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year begins” substitute “the course start date”;

**Insertion of definition of “immigration rules”**

**113.** In regulation 2(1) (interpretation)(**86**)—

- (a) after the definition of “healthcare bursary” insert—
  - ““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;
- (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (c) the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (e) in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (f) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (g) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
  - (i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;
  - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (h) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
  - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (i) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

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(85) Relevant amending instruments are [S.I. 2021/127](#) and [2021/929](#).

(86) Relevant amending instruments are [S.I. 2019/142](#), [2020/48](#), [2020/1203](#), [2022/57](#), [2022/534](#),

- (j) in the definition of “person granted leave under the Ukraine Family Scheme”—
  - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (k) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.
- (2) In Part 2 of Schedule 1 (eligible students: categories)(87)—
  - (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
  - (b) in paragraph 5(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

#### **Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

- 114. In Part 1 of Schedule 1 (eligible students: interpretation)(88), in paragraph 1(1)—
  - (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
  - (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

#### **Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

- 115. In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 113 of these Regulations)—
  - (a) in paragraph (a), after sub-paragraph (i) insert—
    - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
  - (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

### *SECTION 3*

#### *Eligible students*

#### **Amendments relating to the ordinary residence requirements for existing protected categories**

- 116.—(1) Part 2 of Schedule 1 (eligible students: categories)(89) is amended as follows.
- (2) In paragraph 4 (refugees and their family members)—

(87) Relevant amending instruments are S.I. 2020/1203 and 2021/127.

(88) Definitions inserted by S.I. 2021/1348.

(89) Paragraph 5 was amended by S.I. 2020/1203. Paragraph 5A was substituted by S.I. 2020/1203. Paragraph 5B was inserted by S.I. 2020/48. Paragraph 5C was substituted by S.I. 2020/1203. Paragraph 5D was inserted by S.I. 2020/1203. Paragraph 6 was amended by S.I. 2020/1203. Paragraph 6A was inserted by S.I. 2021/1348 and amended by S.I. 2022/57. Paragraph 6B was inserted by S.I. 2022/534.

- (a) in sub-paragraph (1)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (3) In paragraph 5 (persons granted stateless leave and their family members)—
- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(d), for “the first day of the first academic year of the course” substitute “the course start date”.
- (4) In paragraph 5A (persons granted section 67 leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (5) In paragraph 5B (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), for “the first day of the first academic year of the course” substitute “the course start date”.
- (6) In paragraph 5C (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (7) In paragraph 5D (persons granted indefinite leave to remain as a bereaved partner), for “the first day of the first academic year of the course” substitute “the course start date”.
- (8) In paragraph 6 (persons granted humanitarian protection and their family members)—
- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (9) In paragraph 6A (persons granted leave under one of the Afghan Schemes), for “the first day of the first academic year of the course” substitute “the course start date”.
- (10) In paragraph 6B (evacuated or assisted British Nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

#### **Amendments relating to students becoming eligible in the course of an academic year**

**117.** For regulation 7 (other than the heading) (students becoming eligible in the course of an academic year) substitute—

“7.—(1) Where—

- (a) during the currency of a course, a course becomes a designated course—
  - (i) under regulation 4(5);
  - (ii) because the course is provided by or on behalf of an English higher education provider which becomes a registered provider; or
  - (iii) by virtue of the course becoming a Welsh designated doctoral degree course;

- (b) the student commences a designated course after the start date of the designated course as the relevant academic authority has permitted the student to commence the course at this later start date; or
- (c) an event specified in paragraph (2) occurs during the currency of a student's course which results in the student becoming an eligible student,

the student may qualify for a postgraduate doctoral degree loan, provided that the student complies with the application provisions set out in Chapter 3 of Part 1.

- (2) The events mentioned in paragraph (1)(c) are—
- (a) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person granted stateless leave or a person granted humanitarian protection;
  - (b) the student becomes a family member described in paragraph 10A(1)(a), 10B(1)(a), 10C(1)(a) or 10D(1)(a) or (2)(a) of Schedule 1;
  - (c) the student becomes a person described in paragraph 3(a) of Schedule 1;
  - (d) the student becomes a person described in paragraph 7A(1)(a) of Schedule 1;
  - (e) the student becomes a person described in paragraph 12A(a) of Schedule 1;
  - (f) the student becomes a person granted section 67 leave;
  - (g) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
  - (h) the student becomes a person granted Calais leave;
  - (i) the student becomes a person granted leave to remain as a bereaved partner;
  - (j) the student becomes a person granted leave under one of the Afghan Schemes;
  - (k) the student becomes a person granted leave under one of the Ukraine Schemes.

(3) Where an event specified in paragraph (2)(a), (f), (g), (h), (i), (j) or (k) occurs in after the course start date in relation to a student, paragraph (4) applies for the purposes of determining whether the event results in the student becoming an eligible student.

(4) The student is, for the purposes of determining whether the student satisfies any requirement in Schedule 1 to be ordinarily resident in England on the course start date, to be treated as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”

**118.** Omit regulation 8 (events).

### **Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**119.** In regulation 2(1) (interpretation) (as amended by regulations 113 and 115 of these Regulations)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”—
  - (i) at the end of paragraph (a)(i), for “or” substitute “and”;
  - (ii) omit paragraph (a)(ii) (including “and” at the end);
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—
  - (i) at the end of paragraph (a)(ii), insert “or”;
  - (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;

(iii) omit paragraph (a)(iv).

**120.** In regulation 7(2) (as substituted by regulation 117 of these Regulations) (students becoming eligible in the course of an academic year: events)—

- (a) in sub-paragraph (j), after “the student” insert “or the student’s spouse, civil partner or parent”;
- (b) in sub-paragraph (k), after “the student” insert “or the student’s spouse, civil partner or parent”.

**121.** In Part 2 of Schedule 1 (eligible students: categories)—

- (a) in paragraph 6A (as amended by regulation 116(9) of these Regulations)—
  - (i) for the heading substitute—

*“Persons granted leave under one of the  
Afghan Schemes and their family members”;*

- (ii) the existing text becomes sub-paragraph (1);
- (iii) after that sub-paragraph insert—

“(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in England on the course start date.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Afghan Schemes;  
or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Afghan Schemes; or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the course start date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”;

(b) for paragraph 6C (including the heading)(90) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**6C.—**(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the course start date.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in England on the course start date.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the course start date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

*SECTION 4*

*Payment rates*

**Amendments relating to payment rates**

**122.** In regulation 12(1)(a), for “£27,892” substitute “£28,673”.

**123.** In regulation 13(4) for “£11,836” substitute “£12,167”.

## CHAPTER 7

### The Higher Education Short Course (Loans) Regulations 2022

#### SECTION 1

##### *Introductory*

#### **Amendment of the Higher Education Short Course (Loans) Regulations 2022**

124. The Higher Education Short Course (Loans) Regulations 2022<sup>(91)</sup> are amended in accordance with this Chapter.

#### SECTION 2

##### *Definitions*

#### **Amendments to the definitions of “overseas territories” and “specified British overseas territories”**

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

- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
- (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

#### **Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

126. In Part 1 of Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

- (a) in paragraph (a), after sub-paragraph (i) insert—
  - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
- (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

#### SECTION 3

##### *Eligible students*

#### **Amendments relating to students who become eligible after the start of an HE short course**

127. In regulation 2(4) (interpretation) after “place”, in the second place it occurs, insert “(but see regulation 7(3) and (4))”.

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(91) S.I. 2022/349.

**128.**—(1) Regulation 7 (students who become eligible students after the start of an HE short course) is amended as follows.

(2) In paragraph (1) for “course, a student” substitute “course which results in a student becoming an eligible student, the student”.

(3) After paragraph (2) insert—

“(3) Where an event specified in paragraph (2)(a), (b), (c), (d), (e), (f), (g) or (l) occurs in relation to a student, paragraph (4) applies for the purposes of determining whether that event results in the student becoming an eligible student.

(4) The student is, for the purposes of determining whether the student satisfies any requirement in Schedule 1 to be ordinarily resident in England on the first day of the HE short course, to be treated as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”.

### **Amendment relating to the family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**129.** In regulation 3(5) (eligible students)(92)—

(a) for sub-paragraph (h) substitute—

“(h) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of being—

(i) a person granted leave under one of the Afghan Schemes, or

(ii) the spouse, civil partner, child or step-child of a person (“A”) granted leave under one of the Afghan Schemes,

the period for which P, or, as the case may be, A, is allowed to stay in the United Kingdom has expired;”;

(b) for sub-paragraph (i) substitute—

“(i) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of being—

(i) a person granted leave under one of the Ukraine Schemes, or

(ii) the spouse, civil partner, child or step-child of a person (“U”) granted leave under one of the Ukraine Schemes,

the period for which P, or, as the case may be, U, is allowed to stay in the United Kingdom has expired.”.

**130.** In regulation 6 (students who cease to be eligible students before the start of an HE short course)(93)—

(a) in paragraph (9)(a), after “Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Afghan Schemes”;

(b) in paragraph (9A)(a), after “Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Ukraine Schemes”.

**131.** In regulation 7 (students who become eligible after the start of an HE short course) (as amended by regulation 128 of these Regulations), in paragraph (2)—

(a) in sub-paragraph (g), after “the student” insert “, or the student’s spouse, civil partner, parent or step-parent,”;

(92) Sub-paragraph (i) was inserted by [S.I. 2022/534](#).

(93) Paragraph (9A) was inserted by [S.I. 2022/534](#).



- (b) in sub-paragraph (l), after “the student” insert “, or the student’s spouse, civil partner, parent or step-parent,”.

**132.**—(1) Schedule 1 (eligible students) is amended as follows.

(2) In Part 1 (interpretation), in paragraph 1(1) (as amended by regulation 126 of these Regulations)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”—
  - (i) at the end of paragraph (a)(i), for “or” substitute “and”;
  - (ii) omit paragraph (a)(ii) (including “and” at the end);
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—
  - (i) at the end of paragraph (a)(ii), insert “or”;
  - (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;
  - (iii) omit paragraph (a)(iv) (including “and” at the end).

(3) In Part 2 (categories)—

- (a) for paragraph 26 (including the heading) substitute—

**“Persons granted leave under one of the Afghan Schemes and their family members**

**26.**—(1) A person granted leave under one of the Afghan Schemes who is ordinarily resident in England on the first day of the HE short course.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes,
- (b) on the leave application date, was the spouse or civil partner of that person,
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom, and
- (d) is ordinarily resident in England on the first day of the HE short course.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Afghan Schemes, or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes,
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Afghan Schemes, or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date,
- (c) was under 18 on the leave application date,
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom, and
- (e) is ordinarily resident in England on the first day of the HE short course.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”;

(b) for paragraph 28 (including the heading)(94) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**28.—**(1) A person granted leave under one of the Ukraine Schemes who is ordinarily resident in England on the first day of the HE short course.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Ukraine Schemes,
- (b) on the leave application date, was the spouse or civil partner of that person,
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom, and
- (d) is ordinarily resident in England on the first day of the HE short course.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Ukraine Schemes, or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes,
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Ukraine Schemes, or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date,
- (c) was under 18 on the leave application date,
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom, and
- (e) is ordinarily resident in England on the first day of the HE short course.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

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(94) Paragraph 28 was inserted by [S.I. 2022/534](#).

## PART 4

### Other amendments

#### **Amendment of regulation 9 of the Education (Student Support) (European University Institute) Regulations 2010**

**133.** In regulation 9 (eligible students) of the Education (Student Support) (European University Institute) Regulations 2010 (as amended by regulation 70 of these Regulations)—

- (a) in paragraph (11C)(a), for “eligible person” substitute “eligible student”;
- (b) in paragraph (11D)(a), for “eligible person” substitute “eligible student”.

#### **Amendments relating to termination of status as eligible student: Education (Postgraduate Master’s Degree Loans) Regulations 2016**

**134.**—(1) Regulation 3 (eligible students) of the Education (Postgraduate Master’s Degree Loans) Regulations 2016<sup>(95)</sup> is amended as follows.

(2) After paragraph (8) insert—

“(8A) Where—

- (a) the Secretary of State determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the refugee status of A or of A’s spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”)<sup>(96)</sup>),

A’s status as an eligible student terminates immediately before the relevant day.

(8B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which the person granted stateless 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 relevant day.

(8C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A 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 relevant day.

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<sup>(95)</sup> Paragraph (9) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2021/1348](#).

<sup>(96)</sup> [2002 c. 41](#).

(8D) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A 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 relevant day.

(8E) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of a person granted humanitarian protection, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the 2002 Act),

A’s status as an eligible student terminates immediately before the relevant day.

(8F) Where—

- (a) the Secretary of State determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A’s status as an eligible student terminates immediately before the relevant day.

(8G) Where—

- (a) the Secretary of State determined that, by virtue of being—
  - (i) a person granted leave under one of the Afghan Schemes; or
  - (ii) the spouse, civil partner, child or step-child of a person (“S”) granted leave under one of the Afghan Schemes,a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A or, as the case may be, S is allowed to stay in the United Kingdom has expired,

A’s status as an eligible student terminates immediately before the relevant day.

(8H) Where—

- (a) the Secretary of State determined that, by virtue of being—
  - (i) a person granted leave under one of the Ukraine Schemes; or
  - (ii) the spouse, civil partner, child or step-child of a person (“U”) granted leave under one of the Ukraine Schemes,a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and

- (b) as at the day before the relevant day, the period for which A or, as the case may be, U is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

A's status as an eligible student terminates immediately before the relevant day.”.

(3) In paragraph (9)—

- (a) in sub-paragraph (b), for “the first day of the first academic year of that designated course” substitute “the relevant day”;
- (b) in the words after sub-paragraph (b), for “the first day of the first academic year of that designated course” substitute “the relevant day”.

(4) After paragraph (9) insert—

“(10) In this regulation “the relevant day” means—

- (a) for the purposes of paragraphs (8A) to (8E), (8G) and (8H)—
  - (i) the course start date; or
  - (ii) if the relevant status or period for which a person is allowed to stay in the United Kingdom expires on or after the course start date, the first day of the academic year which begins immediately after the academic year during which the status or period expires;
- (b) for the purposes of paragraphs (8F) and (9)—
  - (i) the first day of the first academic year of the designated course (“the AY1 start date”); or
  - (ii) if A ceases to be a person with protected rights, or to have extant limited leave to enter or remain, on or after the AY1 start date, the first day of the academic year which begins immediately after the academic year during which A ceases to be a person with protected rights or, as the case may be, to have extant limited leave to enter or remain.”.

**135.** In regulation 12(4) (amount of the postgraduate master’s degree loan)—

- (a) for “eligible student”, in second place it occurs, substitute “student”;
- (b) after “(1) and (2)” insert “and the student’s status as an eligible student has not terminated (see regulation 3)”.

**Amendments relating to termination of status as eligible student: Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018**

**136.**—(1) Regulation 3 of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (eligible students)(**97**) is amended as follows.

(2) After paragraph (11) insert—

“(11A) Where—

- (a) the Secretary of State determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) is an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the refugee status of A or of A’s spouse, civil partner, parent or step-parent, as the case may be, has expired and no further

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(97) Paragraph (12) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#).

leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”)),

A’s status as an eligible student terminates immediately before the relevant day.

(11B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, a person (“A”) was an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which the person granted stateless 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 relevant day.

(11C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A 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 relevant day.

(11D) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A 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 relevant day.

(11E) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of a person granted humanitarian protection, a person (“A”) was an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the 2002 Act),

A’s status as an eligible student terminates immediately before the relevant day.

(11F) Where—

- (a) the Secretary of State determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and

- (b) as at the day before the relevant day, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A's status as an eligible student terminates immediately before the relevant day.

(11G) Where—

- (a) the Secretary of State determined that, by virtue of being—
  - (i) a person granted leave under one of the Afghan Schemes; or
  - (ii) the spouse, civil partner, child or step-child of a person (“S”) granted leave under one of the Afghan Schemes,a person (“A”) was an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A or, as the case may be, S is allowed to stay in the United Kingdom has expired,

A's status as an eligible student terminates immediately before the relevant day.

(11H) Where—

- (a) the Secretary of State determined that, by virtue of being—
  - (i) a person granted leave under one of the Ukraine Schemes; or
  - (ii) the spouse, civil partner, child or step-child of a person (“U”) granted leave under one of the Ukraine Schemes,a person (“A”) was an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A or, as the case may be, U is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

A's status as an eligible student terminates immediately before the relevant day.”.

(3) In paragraph (12)—

- (a) in sub-paragraph (b), for “the first day of the first academic year of that designated course” substitute “the relevant day”;
- (b) in the words after sub-paragraph (b), for “the first day of the first academic year of that designated course” substitute “the relevant day”.

(4) After paragraph (12) insert—

“(13) In this regulation “the relevant day” means—

- (a) for the purposes of paragraphs (11A) to (11E), (11G) and (11H)—
  - (i) the course start date, or
  - (ii) if the relevant status or period for which a person is allowed to stay in the United Kingdom expires on or after the course start date, the first day of the academic year which begins immediately after the academic year during which that status or period expires;
- (b) for the purposes of paragraphs (11F) and (12)—
  - (i) the first day of the first academic year of the designated course (the “AY1 start date”), or
  - (ii) if A ceases to be a person with protected rights, or to have extant limited leave to enter or remain, on or after the AY1 start date, the first day of the academic year which begins immediately after the academic year during

which A ceases to be a person with protected rights or, as the case may be, to have extant limited leave to enter or remain.”.

### **Amendment of regulation 2 of the Higher Education Short Course Loans Regulations 2022**

**137.** In regulation 2 of the Higher Education Short Course Loans Regulations 2022—

- (a) in paragraph (1), in the definition of “eligible prisoner”, at the beginning of paragraph (b) insert “who”;
- (b) in paragraph (2), omit sub-paragraph (aa).

## **PART 5**

### **Savings**

#### **Interpretation of Part 5**

**138.** In this Part “earlier academic year” means an academic year beginning before 1st August 2023.

#### **Savings: Education (Student Support) Regulations 2011**

**139.**—(1) This regulation applies where an existing SSR Afghan scheme student (“S”) applies for support under the SSR 2011 in respect of a new academic year of a relevant course (the “current course”).

(2) For the purposes of determining whether S’s status as a relevant student terminates before the first day of the academic year of the current course in respect of which S is applying for support (see regulation 4, 137 or 159 of the SSR 2011 (as the case may be)), the SSR 2011 apply as if the amendments made by regulations 33, 34(a), 35(a), 36(a) and 37(2) of these Regulations had not been made.

(3) In this regulation—

“designated course”, “designated part-time course”, “designated postgraduate course”, “eligible student”, “eligible part-time student” and “eligible postgraduate student” have the meanings given in the SSR 2011;

“existing SSR Afghan scheme student” means a student who the Secretary of State determined, by virtue of the student falling within paragraph (a)(ii) of the definition of “person granted leave under the Afghan Citizens Resettlement Scheme” in regulation 2(1) of the SSR 2011, or paragraph (a)(iv) of the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” in that regulation, to be a relevant student—

- (a) in connection with an application for support for an earlier academic year of the current course, or
- (b) in connection with an application for support for a relevant course from which P’s status as an eligible student, eligible part-time student or eligible postgraduate student has been transferred to the current course;

“relevant course” means a designated course, designated part-time course or designated postgraduate course;

“relevant student” means an eligible student, eligible part-time student or eligible postgraduate student;

“the SSR 2011” means the Education (Student Support) Regulations 2011.



### **Savings: Education (Student Support) (European University Institute) Regulations 2010**

**140.**—(1) This regulation applies where an existing EUI Afghan scheme student (“E”) applies for support under the EUI Regulations in respect of a new academic year of a designated course (the “current course”).

(2) For the purposes of determining whether E’s status as an eligible student terminates before the first day of the academic year of the designated course in respect of which E is applying for support (see regulation 9 of the EUI Regulations), the EUI Regulations apply as if the amendments made by regulations 70(a) and 71(2) and (3)(a) of these Regulations had not been made.

(3) In this regulation—

“designated course” and “the Institute” have the meanings given in the EUI Regulations;

“the EUI Regulations” means the Education (Student Support) (European University Institute) Regulations 2010;

“existing EUI Afghan scheme student” means a student who the Secretary of State determined, by virtue of the student falling within paragraph (a)(ii) of the definition of “person granted leave under the Afghan Citizens Resettlement Scheme” in paragraph 1(1) of Schedule 1 to the EUI Regulations or paragraph (a)(iv) of the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” in that paragraph of that Schedule, to be an eligible student in connection with—

- (a) an application for support for an earlier academic year of the current course, or
- (b) an application for support for a designated course at the Institute from which P’s status as an eligible student has been transferred to the current course.

### **Savings: Higher Education Short Course Loans Regulations 2022**

**141.**—(1) This regulation applies where an existing HESC Afghan scheme student (“H”) applies for support under the HESCL Regulations in respect of an HE short course beginning on or after 1st August 2023 (the “current course”).

(2) For the purposes of determining whether—

(a) H is a returning student for the purposes of regulation 3(2)(a)(ii) of the HESC Loans Regulations in connection with the current course, or

(b) H’s status as an eligible student terminates before the first day of the current course (see regulation 6 of the HESC Loans Regulations),

the HESCL Regulations apply as if the amendments made by regulations 129(a), 130(a), 131(a), 132(2) and (3)(a) of these Regulations had not been made.

(3) In this regulation—

“existing HESC Afghan scheme student” means a student who the Secretary of State determined, by virtue of the student falling within—

(a) paragraph (a)(ii) of the definition of “person granted leave under the Afghan Citizens Resettlement Scheme” in paragraph 1(1) of Schedule 1 to the HESCL Regulations, or

(b) paragraph (a)(iv) of the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” in that paragraph of that Schedule,

to be an eligible student for the purposes of the HESCL Regulations in connection with an application for an HESC loan for a course beginning before the current course;

“the HESCL Regulations” means the Higher Education Short Course Loans Regulations 2022.

24th January 2023

*Barran*  
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