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STATUTORY INSTRUMENTS

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**2023 No. 74**

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

**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”.

**Commencement Information**

- II** Reg. 133 in force at 16.2.2023, see [reg. 1](#)

**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(1) 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”)(2)),

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

(8B) Where—

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(1) Paragraph (9) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2021/1348](#).  
(2) [2002 c. 41](#).

- (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.

(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)”.

**Commencement Information**

- I2** Reg. 134 in force at 16.2.2023, see [reg. 1](#)  
**I3** Reg. 135 in force at 16.2.2023, see [reg. 1](#)

**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)(**3**) 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 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

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

(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.”.

**Commencement Information**

**I4** Reg. 136 in force at 16.2.2023, see [reg. 1](#)

**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).

**Commencement Information**

**I5** Reg. 137 in force at 16.2.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023, PART 4.