

STATUTORY INSTRUMENTS

2023 No. 74

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

PART 5

Savings

Interpretation of Part 5

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

Commencement Information

II Reg. 138 in force at 16.2.2023, see [reg. 1](#)

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 [^{F1}the student’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.

Textual Amendments

F1 Words in [reg. 139\(3\)](#) substituted (1.6.2023) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) Regulations 2023 \(S.I. 2023/521\)](#), regs. 1(1), **7(2)**

Commencement Information

I2 Reg. 139 in force at 16.2.2023, see [reg. 1](#)

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 [^{F2}the student’s status] as an eligible student has been transferred to the current course.

Textual Amendments

F2 Words in [reg. 140\(3\)](#) substituted (1.6.2023) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) Regulations 2023 \(S.I. 2023/521\)](#), regs. 1(1), **7(3)**

Commencement Information

I3 Reg. 140 in force at 16.2.2023, see [reg. 1](#)

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.

Commencement Information

14 Reg. 141 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 5.