
STATUTORY INSTRUMENTS

2019 No. 142

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

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 and come into force on 21st February 2019.

(2) Subject to paragraphs (3) and (4), these Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2019, whether anything done under these Regulations is done before, on or after that date or whether a course begins before, on or after that date.

(3) The following regulations apply in relation to the provision of support to students in relation to a course which begins on or after 1st August 2019 whether anything done under these Regulations is done before, on or after that date—

- (a) regulation 11(3) to (5) and (9) to (11) but only insofar as those provisions relate to an accelerated course;
- (b) regulation 36 to 39;
- (c) regulation 43(3);
- (d) regulation 45;
- (e) regulation 46(3) and (4);
- (f) regulation 50(b) to (d); and
- (g) regulation 53.

(4) Regulations 44, 51 and 52 apply in relation to the provision of support to students in relation to a course which begins on or after 1st August 2019, except where the student transfers on to the course from a course which began before that date. Where regulations 44, 51 and 52 apply, they apply regardless of whether anything done under these Regulations is done before, on or after 1st August 2019.

(5) In paragraph (2), “academic year” means 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 begins, respectively—

- (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

Amendment of the Education (Student Support) Regulations 2011

2. Regulations 3 to 36 amend the Education (Student Support) Regulations 2011(1) as follows.

Amendment of regulation 2

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

(2) In paragraph (1)—

(a) after the definition of “the 1998 Act”, insert—

““the 2017 Act” means the Higher Education and Research Act 2017(2);”;

(b) for the definition of “accelerated course”(3), substitute—

““accelerated course” means—

- (i) where the course begins before 1st August 2019, a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years’ duration; or
- (ii) where the course begins on or after 1st August 2019, a higher education course as defined in section 83(1) of the 2017 Act where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award;”;

(c) after the definition of “accelerated course”, insert—

““accredited institution” means an institution accredited by the Secretary of State under regulation 11 of the Education (School Teachers’ Qualifications) (England) Regulations 2003(4);”;

(d) after the definition of “allied health profession subject”, insert—

““approved provider” and “approved (fee cap) provider” mean English higher education providers registered in the approved and approved (fee cap) parts of the register respectively;”;

(e) in the definition of “authority-funded(5)”, omit sub-paragraph (a);

(f) in the definition of “compressed degree course”, before “determined”, insert “which begins before 1st August 2019 and which is”

(g) in the definition of “compressed degree student”, for sub-paragraph (b), substitute—

“(b) began the course before 1st August 2019; and”;

(h) after the definition of “end-on course”, insert—

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- (1) S.I. 2011/1986, as amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103, 2014/2765, 2015/1951, 2016/270, 2016/584, 2017/52, 2017/114, 2017/204, 2018/136, 2018/137, 2018/434, 2018/443, 2018/472 and 2018/599.
 - (2) 2017 c. 29.
 - (3) The definition of “accelerated course” inserted by regulation 3(2)(b)(i) is the existing definition in regulation 2(1) of S.I. 2011/1986. The definition inserted by regulation 3(2)(b)(ii) is that contained in paragraph 4(2) of Schedule 2 to the 2017 Act.
 - (4) S.I. 2003/1662, as amended by paragraph 2 of Schedule 5 to the Education Act 2005 (c. 18), S.I. 2012/431 and 2016/1123.
 - (5) The definition of “authority-funded” was inserted by the Education (Student Support and European University Institute) (Amendment) Regulations 2013/1728.

- ““English higher education provider” has the meaning given by section 83(1) of the 2017 Act;”;
- (i) in the definition of “fees”, for “section 41(1) of the Higher Education Act 2004(6);”, substitute “section 85(2) of the 2017 Act;”;
 - (j) after the definition of “healthcare tuition payment”, insert—

““high level quality rating” has the meaning given by paragraph 2(3) of Schedule 2 to the 2017 Act;”;
 - (k) after the definition of “Institute”, insert—

““institution” in relation to England includes an English higher education provider;”;
 - (l) after the definition of “non-regulated institution”, insert—

““OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;”;
 - (m) omit the definition of “qualifying student”;
 - (n) after the definition of “refugee”, insert—

““register(7)” means the register established and maintained by the OfS under section 3 of the 2017 Act;”;
 - (o) before the definition of “regulated institution”, insert—

““registered provider” means an English higher education provider which is registered in the register and “unregistered provider” is to be construed accordingly;”.
- (3) In paragraph (2)—
- (a) in sub-paragraph (b), at the end, omit “and”;
 - (b) in sub-paragraph (c), at the end, for “.”, substitute “; and”;
 - (c) after sub-paragraph (c), insert—

“(d) a course which began before 1st August 2019.”.

Amendment of regulation 5

4.—(1) Regulation 5(8) (designated courses) is amended as follows.

(2) For paragraph (1)(d), substitute—

- “(d) either—
- (i) wholly provided by a registered provider, or provided by a registered or unregistered provider on behalf of a registered provider in England;
 - (ii) wholly provided by an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017;
 - (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017;

(6) 2004 c. 8. Sections 22 to 41 were revoked by paragraph 30 of Schedule 11 to the 2017 Act, subject to transitional and saving provisions contained in regulation 3 and 13 of [S.I. 2018/245](#).

(7) The register of English higher education providers is available at <https://www.officeforstudents.org.uk/advice-and-guidance/the-register/the-ofs-register/>.

(8) Regulation 5 was amended by [S.I. 2013/1728](#), [2013/3106](#), [2014/2765](#), [2015/1951](#), [2017/114](#), [2018/136](#), [2018/137](#), [2018/434](#) and [2018/443](#).

- (iv) provided by a registered provider on behalf of a regulated institution in Wales where the course begins on or after 1st September 2017;
 - (v) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017;
 - (vi) provided by a publicly funded institution in Scotland, Northern Ireland or Wales on behalf of a regulated institution in Wales where the course begins on or after 1st September 2017;
 - (vii) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom;
 - (viii) provided by an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017, in conjunction with an institution which is situated outside the United Kingdom; or
 - (ix) provided by a regulated institution in Wales or a regulated institution in Wales in conjunction with an institution which is situated outside the United Kingdom, where that course begins on or after 1st September 2017;”.
- (3) In paragraph (1)(e)(i), after “section 214(2)”, insert “(za), (zb)(9), ”.
- (4) After paragraph (2), insert—
- “(2ZA) A course is not a designated course if its designation has been revoked or is suspended under paragraph (11).”.
- (5) In paragraph (7)(d), after “a private institution”, insert “in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England”.
- (6) In paragraph (11), for “paragraph (10)”, substitute “this regulation”.

Amendment of regulation 7

- 5.—(1) Regulation 7(2)(10) (transfer of status) is amended as follows.
- (2) For sub-paragraph (a), substitute—
- “(a) on the recommendation of the academic authority A ceases one course and starts to attend or undertake another designated course which is not an accelerated course;”.
- (3) For sub-paragraph (b), substitute—
- “(b) A starts to attend or undertake a designated course which is not an accelerated course at another institution;”.

Amendment of regulation 12

- 6.—(1) Regulation 12(11) (previous course) is amended as follows.
- (2) For the words “a compressed degree course”, in each place in which they occur, substitute “an intensive course”.
- (3) In paragraph (2), for sub-paragraph (a), substitute—

(9) Section 214(2)(a) of the Education Reform Act 1988 (c. 40) was amended by the Further and Higher Education Act 1992 (c.13), section 93(1) and Schedule 8, paragraph 48. Paragraphs (za) and (zb) were inserted into section 214(2) of the Education Reform Act 1988 by section 53(2) of the 2017 Act.

(10) Regulation 7 was amended by S.I. 2015/1951.

(11) Regulation 12 was amended by S.I. 2014/2765, 2017/114, 2018/136, 2018/137, 2018/434 and 2018/443.

- “(a) the course was provided by an institution which was a registered provider in England or by a publicly funded institution in the United Kingdom for some or all of the academic years during which the student attended or undertook the course;
 - (aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or”.
- (4) In paragraph (3)—
- (a) in sub-paragraph (a)—
 - (i) before “a publicly funded institution”, insert “a registered provider or”;
 - (ii) after “United Kingdom”, insert “or a regulated institution”;
 - (iii) after “undertook the course;”, omit “or”;
 - (b) before sub-paragraph (b), insert—
 - “(aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or”.

Amendment of regulation 16

7. In regulation 16(a) (students becoming eligible in the course of an academic year), before “the relevant event”, insert “, with the exception of an event mentioned in paragraph (a) of that regulation,”.

Amendment of regulation 17

8. In regulation 17(a)(12) (events), after “designated course”, insert—
- “under regulation 5(10) or by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider”.

Amendment of regulation 18

9. In regulation 18(13) (students to be treated as in attendance on a course), for the words “a compressed degree student”, in both places in which they occur, substitute “a student undertaking an intensive course”.

Amendment of regulation 22

10. In regulation 22(2)(14) (standard entitlement of current system students on end-on courses and certain degree courses), for “a compressed degree course”, substitute “an intensive course”.

Amendment of regulation 23

- 11.—(1) Regulation 23 (amount of the fee loan) is amended as follows.
- (2) After paragraph (1), insert—
- “(1A) In this regulation “new accelerated course” means an accelerated course which begins on or after 1st August 2019.”.

(12) Regulation 17 was amended by [S.I. 2018/137](#).

(13) Regulation 18 was amended by [S.I. 2013/1728](#).

(14) Regulation 22 was amended by [S.I. 2012/1653](#), [2013/1728](#), [2013/3106](#) and [2015/1951](#).

- (3) In paragraph (3)(15)—
- (a) in sub-paragraph (a), after “applies;”, omit “or”;
 - (b) in sub-paragraph (b)(ii), for “a publicly funded institution”, substitute “an approved (fee cap) provider”;
 - (c) in sub-paragraph (b)—
 - (i) after “paragraph”, insert “(3)(d),”;
 - (ii) for “applies.”, substitute “applies;”;
 - (d) after sub-paragraph (b), insert—
 - “(c) £9,250 where the current course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider, unless paragraph (6)(b), (6A)(b), (6B)(b) or (6C) applies; or
 - (d) where the current course is a new accelerated course provided by or on behalf of an approved (fee cap) provider in England—
 - (i) £11,100 unless paragraph (7A), (7B) or (7C) applies;
 - (ii) £2,220 where paragraph (7A) applies; or
 - (iii) £1,660 where paragraph (7B) or (7C) applies.”.
- (4) For paragraph (4)(16), substitute—
- “(4) Where the current course begins on or after 1st September 2012 and—
- (a) is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
 - (b) is provided by an unregistered provider, a private institution or a non-regulated institution on behalf of an approved provider; or
 - (c) is provided by an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider where the course began before 1st August 2019; and
 - (d)
 - (i) in a case specified in sub-paragraph (a) or (b) the provider of the course does not have a high level quality rating; or
 - (ii) in a case specified in sub-paragraph (c) the provider of the course did not have a high level quality rating in the academic year starting before 1st August 2019,
 the “maximum amount” is the amount specified in paragraph (4ZA).
- (4ZA) The maximum amount is—
- (a) £6,000, unless sub-paragraph (e), or paragraph (7), (7A), (7B) or (8) applies;
 - (b) £3,000 where paragraph (7) applies and sub-paragraph (e) does not apply;
 - (c) £1,200 where paragraph (7A) applies and sub-paragraph (e) does not apply;
 - (d) £900 where paragraph (7B) applies and sub-paragraph (e) does not apply; or
 - (e) in the case of a new accelerated course—
 - (i) £7,200, unless paragraph (7A) or (7B) applies;
 - (ii) £1,440 where paragraph (7A) applies; or
 - (iii) £1,080 where paragraph (7B) applies.”.

(15) Paragraph (3) of regulation 23 was amended by S.I. 2012/1653, 2013/1728 and 2017/114.

(16) Paragraph (4) of regulation 23 was amended by S.I. 2013/1728 and 2017/114.

(5) For paragraph (4A)(17), substitute—

“(4A) Where the current course begins on or after 1st September 2012 and—

- (a) is provided by an approved provider, a private institution or a non-regulated institution (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (b) is provided by an unregistered provider in England on behalf of an approved provider; or
- (c) is provided by an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; and
- (d) (i) in a case specified in sub-paragraph (a) or (b) the provider of the course has a high level quality rating; or
(ii) in a case specified in sub-paragraph (c) the provider of the course had a high level quality rating in the academic year starting before 1st August 2019,

the “maximum amount” is the amount specified in paragraph (4B).

(4B) The maximum amount is—

- (a) £6,165, or £7,400 in the case of a new accelerated course, unless paragraph (7), (7A), (7B) or (8) applies;
- (b) £3,080 where paragraph (7) applies and the current course is not an accelerated course;
- (c) £1,230, or £1,475 in the case of a new accelerated course, where paragraph (7A) applies and the course is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (d) £1,230 where paragraph (7A) applies, the course is provided by a private institution in Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution) and began before 1st September 2017;
- (e) £1,230 where paragraph (7A) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution) and the course begins on or after 1st September 2017;
- (f) £3,080 where paragraph (7A) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (g) £920, or £1,105 in the case of a new accelerated course, where paragraph (7B) applies and the course is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (h) £920 where paragraph (7B) applies, the course is provided by a private institution in Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution), and began before 1st September 2017;
- (i) £920 where paragraph (7B) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution), and begins on or after 1st September 2017;

(17) Paragraph (4A) of regulation 23 was inserted by [S.I. 2017/114](#).

- (j) £3,080 where paragraph (7B) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution).”.
- (6) In paragraph (5)(**18**)—
- (a) for “by an institution in Scotland or Northern Ireland”, substitute “by or on behalf of an institution in Scotland or Northern Ireland”;
 - (b) in sub-paragraph (b), for “a publicly funded institution”, substitute “an approved (fee cap) provider, a publicly funded institution or a regulated institution”;
 - (c) in sub-paragraph (d), for “a publicly funded institution”, substitute “an approved (fee cap) provider, a publicly funded institution or a regulated institution”.
- (7) In paragraph (5ZA)(**19**)—
- (a) in sub-paragraph (b), before “a publicly funded institution”, insert “an approved (fee cap) provider or”;
 - (b) in sub-paragraph (d), before “a publicly funded institution”, insert “an approved (fee cap) provider or”;
 - (c) in sub-paragraph (f), before “a publicly funded institution”, insert “an approved (fee cap) provider or”;
 - (d) in sub-paragraph (h), before “a publicly funded institution”, insert “an approved (fee cap) provider or”.
- (8) In paragraph (5ZB), after the words “non-regulated institution”, in each place in which they occur, insert “(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)”.
- (9) In paragraph (6A)(**20**)—
- (a) in sub-paragraph (b)—
 - (i) for “an institution”, substitute “or on behalf of an approved (fee cap) provider or by an accredited institution which is an unregistered provider”;
 - (ii) for “(4) or (4A)”, substitute “(3)(d)”;
 - (b) in sub-paragraph (c)—
 - (i) for “an institution”, substitute “or on behalf of a publicly funded institution”;
 - (ii) at the end, omit “, unless paragraph (4A) or (5) applies”.
- (10) In paragraph (6B)—
- (a) in sub-paragraph (b)—
 - (i) for “an institution”, substitute “or on behalf of an approved (fee cap) provider or by an accredited institution which is an unregistered provider”;
 - (ii) for “(4) or (4A)”, substitute “(3)(d)”;
 - (b) in sub-paragraph (c)—
 - (i) for “an institution”, substitute “or on behalf of a publicly funded institution”;
 - (ii) at the end, omit “, unless paragraph (4A) or (5) applies”.
- (11) For paragraph (6C), substitute—
- “(6C) Where paragraph (7C) applies, the “maximum amount” is—

(18) Paragraph (5) of regulation 23 was substituted by [S.I. 2017/114](#).

(19) Paragraph (5ZA) and (5ZB) of regulation 23 were inserted by [S.I. 2017/114](#).

(20) Paragraph (6A), (6B) and (6C) of regulation 23 were amended by [S.I. 2017/114](#).

- (a) £1,350 where the course is provided by or on behalf of a publicly funded or regulated institution in Wales; or
- (b) £1,385 where the course is provided—
 - (i) by or on behalf of an approved (fee cap) provider;
 - (ii) by an accredited institution which is an unregistered provider in England; or
 - (iii) by or on behalf of a publicly funded institution in Scotland.”.

Amendment of regulation 39

12. In regulation 39 (students who are treated as in attendance), for the words “a compressed degree student”, in each place in which they occur, substitute “a student undertaking an intensive course”.

Amendment of regulation 42

- 13.**—(1) Regulation 42(21) (interpretation of chapter 4) is amended as follows.
- (2) In paragraph (1)—
 - (i) omit sub-paragraph (f);
 - (ii) in sub-paragraph (k), for “definitions of “child” and “lone parent””, substitute “definition of child”.
 - (3) In paragraph (2), for “regulation 47(7)”, substitute “regulation 47”.
 - (4) Omit paragraphs (3) and (3A).

Amendment of regulation 45

- 14.** In Regulation 45(22) (childcare grant)—
- (a) omit paragraph (8) and paragraph (9);
 - (b) in paragraph (10), omit “(8) and”.

Amendment of regulation 47

- 15.**—(1) Regulation 47 (calculations) is amended as follows.
- (2) For paragraphs (1), (2) and (3), substitute—

“(1) The amount of adult dependants’ grant payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraphs (1A), (1B), (1C) and (4).

(1A) Subject to paragraph (1C), the amount of adult dependants’ grant payable is an amount equal to—

$$A - \frac{(B+C) - D}{2}$$

Where—

- (i) A is the basic amount mentioned in regulation 44(3);

(21) Regulation 42 was amended by [S.I. 2012/1653](#) and by other instruments which are not relevant to these amendments.

(22) Regulation 45 was amended by [S.I. 2012/1653](#), [2014/2765](#), [2015/1951](#), [2017/114](#), [2018/137](#) and by other instruments which are not relevant to these amendments.

- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of any dependent child or children for the prior financial year; and
- (iv) D is £8,746.

(1B) Where the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children exceeds £14,759.98, the amount of adult dependants' grant payable is nil.

(1C) The basic amount of adult dependants' grant mentioned in paragraph (3) of regulation 44 is payable instead of the amount payable under paragraph (1A) to an eligible student—

- (a) who was in receipt of adult dependants' grant and parents' learning allowance in respect of an academic year of a course beginning on or after 1st August 2018 but before 1st August 2019;
- (b) who is undertaking—
 - (i) a subsequent year of the same course in an academic year beginning on or after 1st August 2019 without their participation in that course having been withdrawn or suspended; or
 - (ii) a year of a course in an academic year beginning on or after 1st August 2019, without their participation in that course having been withdrawn or suspended, having transferred from the course mentioned in sub-paragraph (a);
- (c) who qualifies for and who is entitled to receive parents' learning allowance in respect of an academic year mentioned in sub-paragraph (b);
- (d) in respect of whom the amount of adult dependants' grant payable under paragraph (1A) after the application of any contribution calculated under Part 8 would, other than by virtue of an increase in the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children, be lower than the amount of adult dependants' grant received in the academic year mentioned in sub-paragraph (a); and
- (e) in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children is at least £8,746 but does not exceed £12,776.

(2) The amount of childcare grant payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraph (2A), (2C) and (5) where the eligible student has one dependent child only, and in accordance with paragraph (2B), (2C) and (5) where the eligible student has two or more dependent children.

(2A) The amount of childcare grant payable is an amount equal to—

$$A - [(B+C) - D] \times \left[\frac{E}{52} \right]$$

Where—

- (i) A is the basic amount mentioned in paragraph (5)(a) of regulation 45 multiplied by 52;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent child for the prior financial year;
- (iv) D is £9,727; and
- (v) E is the number of weeks in respect of which the eligible student applies and qualifies for childcare grant up to a maximum of 52 weeks.

(2B) The amount of childcare grant payable is an amount equal to—

$$A - [(B+C) - D] \times \left[\frac{E}{52} \right]$$

Where—

- (i) A is the basic amount mentioned in paragraph (5)(b) of regulation 45 multiplied by 52;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent children for the prior financial year;
- (iv) D is £11,118; and
- (v) E is the number of weeks in respect of which the eligible student applies and qualifies for childcare grant up to a maximum of 52 weeks.

(2C) Where—

- (i) the eligible student has one dependent child only and the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child exceeds £18,531.11, the amount of childcare grant payable is nil;
- (ii) the eligible student has two or more dependent children and the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children exceeds £26,212.03, the amount of childcare grant payable is nil.

(3) The amount of parents' learning allowance payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraphs (3A), (3B) and (3C).

(3A) Subject to paragraph (3C), the amount of parents' learning allowance payable is an amount equal to—

$$A - \frac{(B+C) - D}{2}$$

Where—

- (i) A is the basic amount mentioned in paragraph (2) of regulation 46;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent child or children for the prior financial year; and
- (iv) D is £14,910.

(3B) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children exceeds £18,341.98, the amount of parents' learning allowance payable is nil.

(3C) The basic amount of parents' learning allowance mentioned in paragraph (2) of regulation 46 is payable instead of the amount payable under paragraph (3A) to an eligible student—

- (a) who was in receipt of parents' learning allowance in respect of an academic year of a course beginning on or after 1st August 2018 but before 1st August 2019;
- (b) who is undertaking—
 - (i) a subsequent year of the same course in an academic year beginning on or after 1st August 2019 without their participation in that course having been withdrawn or suspended; or

- (ii) a year of a course in an academic year beginning on or after 1st August 2019, without their participation in that course having been withdrawn or suspended, having transferred from the course mentioned in sub-paragraph (a);
- (c) in respect of whom the total amount of parents' learning allowance payable under paragraph (3A) after the application of any contribution calculated under Part 8 would, other than by virtue of an increase in the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children, be lower than the amount of parents' learning allowance received under sub-paragraph (a); and
 - (i) who qualifies for and is entitled to receive adult dependants' grant and childcare grant under this Part, who has one dependent child only, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child is at least £14,910 but does not exceed £23,154;
 - (ii) who qualifies for and is entitled to receive adult dependants' grant and childcare grant under this Part, who has two or more dependent children, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children is at least £14,910 but does not exceed £30,609;
 - (iii) who qualifies for and is entitled to receive childcare grant under this Part, who does not qualify for or is not entitled to receive adult dependants' grant under this Part, who has one dependent child only, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child is at least £14,910 but does not exceed £20,147; or
 - (iv) who qualifies for and is entitled to receive childcare grant under this Part, who does not qualify for or who is not entitled to receive adult dependants' grant under this Part, who has two or more dependent children, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children is at least £14,910 but does not exceed £27,062.”.
- (3) In paragraph (4), for “(1)”, substitute “(1A), (1B) and (1C)”.
- (4) In paragraph (5), for “(1)”, substitute “(2A) and (2C), or (2B) and (2C)”.
- (5) In paragraph (6), for “(1)”, substitute “(3A) and (3B)”.
- (6) Omit paragraph (7)(23) and paragraph (7A).
- (7) In paragraph (8), omit sub-paragraph (c).
- (8) In paragraph (9)—
 - (i) after “determining”, omit “the respective values of A and B and”;
 - (ii) omit sub-paragraph (c).
- (9) In paragraph (11), after “circumstances in the relevant quarter”, omit “as determined under paragraph (9)”.

Amendment of regulation 81

- 16.—(1)** Regulation 81(24) (long courses loan) is amended as follows.
- (2) In paragraph (1)(b), after “academic year;”, delete “and”.
 - (3) In paragraph (1)(c), for “entitlement.”, substitute “entitlement; and”.
 - (4) After paragraph (1)(c), insert—

(23) Paragraphs (7), (7A), (7B), (7C) and (7D) of regulation 47 were substituted by S.I. 2012/1653.

(24) Regulation 81 was amended by S.I. 2015/1951, 2018/137, 2018/434 and 2018/443.

“(d) is not a 2016 cohort student who meets the conditions set out in regulation 71(1)(i).”.

Amendment of regulation 82

17.—(1) Regulation 82 (quarters in respect of which the loan for living costs is payable) is amended as follows.

(2) In the heading, for “the loan for living costs is”, substitute “the loan for living costs and the long courses loan are”.

(3) For paragraph (1), substitute—

“(1) Subject to regulation 85, the loan for living costs is payable in respect of three quarters of the academic year and the long courses loan is payable in respect of four quarters of the academic year.”.

(4) In paragraph (2), for “a compressed degree student”, substitute “a student undertaking an intensive course”.

(5) Omit paragraph (3).

Amendment of regulation 83

18. In regulation 83(d) (students falling into more than one category), for “third”, substitute “fourth”.

Amendment of regulation 85

19.—(1) Regulation 85(**25**) (students becoming eligible in the course of an academic year) is amended as follows.

(2) In paragraph (2)(a), after “designated course”, insert “under regulation 5(10) or by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider”.

(3) In paragraph (7), for “third”, substitute “fourth”.

Amendment of regulation 86

20. In regulation 86(**26**), for the words “a compressed degree student”, each time they occur, substitute “a student undertaking an intensive course”.

Amendment of regulation 109

21. In regulation 109 (payment of grants for living and other costs)—

(a) in paragraph (4), for “the eligible student”, substitute “any person”;

(b) in paragraph (6)—

(i) after “the eligible student”, insert “, or in the case of childcare grant, a person seeking payment of prescribed childcare charges”;

(ii) after the words “the Secretary of State”, the third time they appear, insert “or such person as the Secretary of State specifies”.

(25) Regulation 85 was amended by [S.I. 2018/137](#) and [2018/472](#).

(26) Regulation 86 was amended by [S.I. 2013/1728](#).

Amendment of regulation 113

22.—(1) Regulation 113(27) (payment of fee loans) is amended as follows.

(2) In paragraph (3A)(a) and (b), after each reference to “the Further and Higher Education Act 1992”(28), insert “or sections 42 to 49 of the 2017 Act”.

Amendments of regulation 138

23.—(1) Regulation 138(29) (students becoming eligible for support under Part 11A during the course of the academic year) is amended as follows.

(2) In paragraph (1)(a), after “the academic year”, insert “and was not an event mentioned in sub-paragraph (a) of that paragraph”.

(3) In paragraph (3)(a), after “the academic year”, insert “and was not an event mentioned in sub-paragraph (a) of that paragraph”.

(4) In paragraph (4)(a), after “designated part-time course”, insert “under regulation 139(7) or by virtue of the part-time course being provided by or on behalf of an English higher education provider which becomes a registered provider”.

Amendment of regulation 138A

24.—(1) Regulation 138A(30) (students becoming eligible for support under Part 11B in the course of an academic year) is amended as follows.

(2) In paragraph (2)(a), after “designated part-time course”, insert “under regulation 139(7) or by virtue of the part-time course being provided by or on behalf of an English higher education provider which becomes a registered provider”.

Amendment of regulation 139

25.—(1) Regulation 139 (designated part-time courses) is amended as follows.

(2) In paragraph (1)(31)—

(a) for sub-paragraph (d), substitute—

“(d) it is either—

- (i) wholly provided by a registered provider, or provided by a registered or an unregistered provider on behalf of a registered provider in England;
- (ii) wholly provided by an authority-funded institution in Scotland, Northern Ireland or Wales;
- (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
- (iv) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;

(27) Regulation 113 was amended by [S.I. 2015/1951](#).

(28) Section 76 of the Further and Higher Education Act 1992 (c. 13) was amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) Schedule 16 and the [Further Education and Training Act 2007](#)(c. 25) section 19.

(29) Regulation 138 was amended by [S.I. 2018/137](#) and [2018/472](#).

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

(31) Paragraph (1) of regulation 139 was amended by [S.I. 2014/2765](#), [2018/137](#) and [2018/472](#). Sub-paragraphs (d) and (da) of paragraph (1) of regulation 139 were substituted by [S.I. 2014/2765](#).

- (v) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom; or
 - (vi) provided by an authority-funded institution in Scotland, Northern Ireland or Wales, in conjunction with an institution which is situated outside the United Kingdom;”;
- (b) in sub-paragraph (e)(i), after “section 214(2)”**(32)**, insert “(za), (zb), ”.
- (3) After paragraph (2), insert—
- “(2AA) A course is not a designated part-time course if its designation has been revoked or is suspended under paragraph (8).”.
- (4) Omit paragraph (2B).
- (5) In paragraph (6)(d)**(33)**, after “private institution”, insert “in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England”.
- (6) In paragraph (8)**(34)**, for “paragraph (7)”, substitute “this regulation”.

Amendment of regulation 144

26.—(1) Regulation 144**(35)** (fee support for designated part-time courses beginning on or after 1st September 2012) is amended as follows.

(2) In paragraph (7), for “engineering, technology or computer science”, substitute “engineering and technology or computing”.

(3) For paragraph (7A)(i), substitute—

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

Amendment of regulation 145

27.—(1) Regulation 145(2)**(36)** (amount of the fee loan – courses beginning on or after 1st September 2012) is amended as follows.

(2) In sub-paragraph (a)—

(i) before “a publicly funded institution”, insert “an approved (fee cap) provider or”;

(ii) after “a publicly funded institution”, insert “or the current part-time course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider”.

(3) In sub-paragraph (b), for “a private institution (other than on behalf of a publicly funded institution) not listed in Schedule 5”, substitute—

“(i) an approved provider in England (other than on behalf of an approved (fee cap) provider or a publicly funded institution);

(ii) an unregistered provider or a private institution on behalf of an approved provider;

(iii) an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; or

(32) See regulation 4.

(33) Sub-paragraph (d) of paragraph (6) of regulation 139 was added by [S.I. 2013/1728](#).

(34) Paragraph (8) of regulation 139 was added by [S.I. 2013/3106](#).

(35) Regulations 141-157 were moved to a new Pt 11A by [S.I. 2018/472](#) reg. 16.

(36) Regulation 145 was amended by [S.I. 2018/472](#).

(iv) a private institution in Scotland, Northern Ireland or Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution);

and the provider of the course does not have a high level quality rating in a case specified in paragraph (i), (ii) or (iv), or did not have a high level quality rating in the academic year starting before 1st August 2019 in a case specified in paragraph (iii)”.

(4) In sub-paragraph (c), for “a private institution (other than on behalf of a publicly funded institution) listed in Schedule 5”, substitute—

“(i) an approved provider in England (other than on behalf of an approved (fee cap) provider or a publicly funded institution);

(ii) an unregistered provider or a private institution on behalf of an approved provider;

(iii) an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; or

(iv) a private institution in Scotland, Northern Ireland or Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution);

and the provider of the course has a high level quality rating in a case specified in paragraph (i), (ii) or (iv), or had a high level quality rating in the academic year starting before 1st August 2019 in a case specified in paragraph (iii)”.

Amendment of regulation 155

28.—(1) Regulation 155(37) (payment of loans for fees) is amended as follows.

(2) In paragraph (3A)(a) and (b), after each reference to “the Further and Higher Education Act 1992”(38), insert “or sections 42 to 49 of the 2017 Act”.

Amendment of regulation 157B

29.—(1) Regulation 157B(39) (qualifying conditions for the loan for living costs) is amended as follows.

(2) In paragraph (6)(a)(i)—

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

(b) for sub-paragraph (ab), substitute—

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

(3) After paragraph (6), insert—

“(6A) Paragraph 5 does not apply in respect of an academic year of the current part-time course which begins on or after 1st August 2019, where—

(a) the course—

(i) is a course for the initial training of teachers;

(37) Regulation 155 was amended by [S.I. 2018/472](#). Paragraph (3A) of regulation 155 was inserted by [S.I. 2015/1951](#) reg. 51.

(38) Section 76 of the Further and Higher Education Act 1992 ([c.13](#)) was amended by the Apprenticeships, Skills, Children and Learning Act 2009 ([c.22](#)) Schedule 16, and the Further Education and Training Act 2007 ([c.25](#)) section 19. See regulation 22.

(39) Regulation 157B was inserted by [S.I. 2018/472](#) Sch. 1 para.1.

- (ii) leads to an award mentioned in sub-paragraphs (a), (f), (g) or (h) of paragraph (2A) of regulation 139; and
- (b) the student begins the course on or after 1st August 2018.”.

Amendment of regulation 160

30.—(1) Regulation 160(40) (students becoming eligible in the course of an academic year) is amended as follows.

(2) In paragraph (2)(a), after “postgraduate course”, insert “under regulation 161(4) or by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider”.

Amendment of regulation 161

31.—(1) Regulation 161 (designated postgraduate courses) is amended as follows.

(2) In paragraph (1)(41), for sub-paragraph (c), substitute—

“(c) it is either—

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

(3) In paragraph (2)(d)(42), after “private institution”, insert “in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England”.

(4) After paragraph (3), insert—

“(3AA) A course is not a designated postgraduate course if its designation has been revoked or is suspended under paragraph (5).”.

(5) In paragraph (5)(43), for “paragraph (4)”, substitute “this regulation”.

Amendment of Schedule 1

32.—(1) Paragraph 9 (EU nationals) of Schedule 1(44) (eligible students) is amended as follows.

(2) In paragraph (1)(b), for “a compressed degree course”, substitute “an intensive course”.

(40) Regulation 160 was amended by [S.I. 2018/137](#).

(41) Paragraph (1) of regulation 161 was amended by [S.I. 2013/1728](#), [2013/3106](#), [2014/2765](#), [2018/434](#) and [2018/443](#). Sub-paragraphs (c) and (ca) of paragraph (1) of regulation 161 were inserted by [S.I. 2014/2765](#) reg. 20(a).

(42) Sub-paragraph (d) of paragraph (2) of regulation 161 was inserted by [S.I. 2013/1728](#) reg. 20(b)(v).

(43) Paragraph 5 of regulation 161 was inserted by [S.I. 2013/3106](#).

(44) Schedule 1 was amended by [S.I. 2012/1653](#), [2016/270](#), [2016/584](#), [2017/114](#) and [2018/137](#).

Amendment of Schedule 4

33.—(1) Schedule 4(45) (financial assessment) is amended as follows.

(2) In paragraph 2(1)—

(i) in paragraph (g)(ii), for “8 or 9”, substitute “8, 9 or 9A”;

(ii) in paragraph (h), for “5(9)”, substitute “5(10)”.

(3) In paragraph 10—

(i) for “persons”, substitute “eligible students”;

(ii) after “qualify”, insert “for support in connection with a designated course”;

(iii) for “such persons”, substitute “those students”.

Amendment of Schedule 5

34. Omit Schedule 5(46) (institutions to whom regulations 23(4A) and 145(2)(c) apply).

Amendments relating to new payment rates for student support

35. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where the latter figure appears in the provision of the Education (Student Support) Regulations 2011 indicated in the first column.

Amendments relating to support available to persons granted section 67 leave

36.—(1) In regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, insert—

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

(a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules(47), having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016(48), or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and

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

(2) In regulation 4(49) (eligible students), after paragraph (12A), insert—

“(12B) 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—

(i) an application for support for an earlier year of the current course, or

(ii) an application for support in connection with a designated part-time or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current course, and

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to

(45) Schedule 4 was amended by [S.I. 2012/1653](#), [2013/1728](#), [2014/1766](#), [2015/1951](#), [2016/211](#), [2017/114](#) and [2018/137](#).

(46) Schedule 5 was inserted by [S.I. 2017/114](#).

(47) The immigration rules are made under section 3(2) of the Immigration Act 1971 (c. 77).

(48) [2016 c.19](#).

(49) Regulation 4 was amended by [S.I. 2015/1951](#), [2017/114](#), [2018/136](#), [2018/137](#), [2018/434](#) and [2018/443](#).

stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

(3) In regulation 17 (events)—

- (a) in paragraph (g), omit “or”;
- (b) in paragraph (h), at the end, for “.”, substitute “; or”;
- (c) after paragraph (h), insert—

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

(4) In regulation 85(2) (students becoming eligible in the course of an academic year)—

- (a) in sub-paragraph (f), omit “or”;
- (b) in sub-paragraph (g), at the end, for “.”, substitute “; or”;
- (c) after sub-paragraph (g), insert—

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

(5) In regulation 137(50) (eligible part-time students), after paragraph (10A), insert—

“(10B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible part-time student in connection with—

- (i) an application for support for an earlier year of the current part-time course, or

- (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current part-time course, and

- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

(6) In regulation 138(4) (students becoming eligible for support under Part 11A during the course of the academic year)—

- (a) in sub-paragraph (h), omit “or”;
- (b) in sub-paragraph (i), at the end, for “.”, substitute “; or”;
- (c) after sub-paragraph (i), insert—

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

(7) In regulation 138A(2) (students becoming eligible for support under Part 11B in the course of an academic year)—

- (a) in sub-paragraph (f), omit “or”;
- (b) in sub-paragraph (g), at the end, for “.”, substitute “; or”;
- (c) after sub-paragraph (g), insert—

- “(h) the student becomes a person granted section 67 leave.”.
- (8) In regulation 159(51) (eligible postgraduate students), after paragraph (15A), insert—
- “(15B) Where—
- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible postgraduate student in connection with—
- (i) an application for support for an earlier year of the current postgraduate course, or
- (ii) an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the current postgraduate course, and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,
- A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (9) In regulation 160(2) (students becoming eligible in the course of an academic year)—
- (a) in sub-paragraph (f), omit “or”;
- (b) in sub-paragraph (g), at the end, for “.”, substitute “; or”;
- (c) after sub-paragraph (g), insert—
- “(h) the student becomes a person granted section 67 leave.”.
- (10) In Part 2 (categories) of Schedule 1 (eligible students), after paragraph (4A), insert—

“Persons granted section 67 leave

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

PART 3

AMENDMENT OF OTHER INSTRUMENTS

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

37.—(1) The Education (Fees and Awards) (England) Regulations 2007(52) are amended as follows.

(51) Regulation 159 was amended by S.I. 2012/1653, 2014/2765, 2015/1951, 2017/52, 2017/114 and 2018/137. Paragraph (15A) was added by S.I.2018/137.

(52) S.I. 2007/779, amended by S.I. 2007/2263, 2010/1172, 2010/1941, 2011/87, 2011/1043, 2011/1987, 2012/765, 2012/956, 2012/1653, 2015/971, 2016/584, 2017/114 and 2018/137.

(2) In Schedule 1(53), after paragraph 4A (persons granted stateless leave and their family members), insert—

“Persons granted section 67 leave

4B. A person who—

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

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

38.—(1) The Education (Student Support) (European University Institute) Regulations 2010(54) are amended as follows.

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

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

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

(3) In regulation 9(55) (eligible students), after paragraph (10A), insert—

“(10B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible person in connection with—
 - (i) an application for support for an earlier year of the current course, or
 - (ii) an application for support for a designated course at the Institute from which A’s status as an eligible student has been transferred to the current course, and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to

(53) Schedule 1 was amended by [S.I. 2007/2263](#), [2011/87](#), [2011/1043](#), [2011/1987](#), [2016/584](#), [2017/114](#) and [2018/127](#).

(54) [S.I. 2010/447](#), amended by [S.I. 2011/83](#), [2011/2430](#), [2012/3059](#), [2013/630](#), [2013/1728](#), [2016/211](#), [2017/114](#), [2017/204](#) and [2018/137](#).

(55) Regulation 9 was amended by [S.I. 2011/83](#), [2012/3059](#) and [2018/137](#).

stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

(4) In Part 2 (categories) of Schedule 1(**56**) (eligible students), after paragraph 4A, insert—

“Persons granted section 67 leave

4B. A person granted section 67 leave who—

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

Amendment of the Further Education Loans Regulations 2012

39.—(1) The Further Education Loans Regulations 2012(**57**) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, insert—

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

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

(3) In regulation 3(**58**) (eligible students), after paragraph (7A), insert—

“(7B) Where—

- (a) the Secretary of State has determined that, by virtue of being a person granted section 67 leave, a person (“A”) is an eligible student in connection with an application for a fee loan for a designated further education course, and
- (b) as at the day before that course begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom and Islands has expired and no further leave to remain has been granted,

A's status as an eligible student terminates immediately before the first day of the course.”

(4) In regulation 7(**59**) (events)—

- (a) in paragraph (g), omit “or”;
- (b) in paragraph (h), at the end, for “.”, substitute “; or”;
- (c) after paragraph (h), insert—
 - “(i) the student becomes a person granted section 67 leave.”

(5) In Part 2 (categories) of Schedule 1(**60**) (eligible students), after paragraph 4A, insert—

(56) Schedule 1 was amended by [S.I. 2013/1728](#) and [2018/137](#).

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

(58) Regulation 3 was amended by [S.I. 2014/1766](#), [2016/238](#) and [2018/182](#).

(59) Regulation 7 was amended by [S.I. 2016/238](#) and [2018/182](#).

(60) Schedule 1 was amended by [S.I. 2014/1766](#) and [2018/182](#).

“Persons granted section 67 leave

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

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

40. The Education (Postgraduate Master’s Degree Loans) Regulations 2016(61) are amended as follows.

Amendment of regulation 2

- 41.** In regulation 2(1) (interpretation)—
- (a) after the definition of “the 1998 Act”, insert ““the 2017 Act” means the Higher Education and Research Act 2017;”;
 - (b) in the definition of “authority-funded”, omit sub-paragraph (a);
 - (c) after the definition of “eligible student”, insert ““English higher education provider” has the meaning given by section 83(1) of the 2017 Act;”;
 - (d) in the definition of “fees”, for “section 41(1) of the Higher Education Act 2004”, substitute “section 85(2) of the 2017 Act”;
 - (e) after the definition of “information”, insert—
““institution” in relation to England includes an English higher education provider;”;
 - (f) after the definition of “Islands”, insert—
““OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;”;
 - (g) after the definition of “person granted humanitarian protection”, insert—
““person granted section 67 leave” means a person who—
 - (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course;”;
 - (h) after the definition of “refugee”, insert—
““register” means the register established and maintained by the OfS under section 3 of the 2017 Act;”;
 - (i) before the definition of “right of permanent residence”, insert—
““registered provider” in relation to an institution means an English higher education provider which is registered in the register and “unregistered provider” is to be construed accordingly;”.

Amendment of regulation 4

42.—(1) Regulation 4(**62**) (designated courses) is amended as follows.

(2) For paragraph (1)(b), substitute—

“(b) one of the following—

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

(3) In paragraph (1)(d), after “section 214(2)”(**63**), insert “(za), (zb), ”.

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

(5) After paragraph (4), insert—

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

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

Amendment of regulation 8

43.—(1) Regulation 8(**64**) (events) is amended as follows.

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

- (a) (3) (a) in paragraph (h), omit “or”;
- (b) in paragraph (i), at the end, for “.”, substitute “; or”;
- (c) after paragraph (i), insert—
 - “(j) the student becomes a person granted section 67 leave.”.

Amendment of regulation 12

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

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

(63) See regulation 4.

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

Amendment of Schedule 1

45. In Schedule 1(65) (eligible students), Part 2 (categories), after paragraph 4A, insert—

“Persons granted section 67 leave

4B. A person granted section 67 leave who—

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

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

46.—(1) The Higher Education (Fee Limit Condition) (England) Regulations 2017(66) are amended as follows.

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

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

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

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

- (a) in paragraph (g), omit “or”;
- (b) in paragraph (h), at the end, for “.”, substitute “; or”;
- (c) after paragraph (h), insert—

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

(4) In the Schedule(67), after paragraph 5A (persons granted stateless leave and their family members), insert—

“Persons granted section 67 leave

5B. A person who—

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

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

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

(67) The Schedule was amended by [S.I. 2018/903](#).

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

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

47. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018(68) are amended as follows.

Amendment of regulation 2

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

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

““institution” in relation to England includes an English higher education provider as defined by section 83(1) of the 2017 Act;”;
- (f) after the definition of “Islands”, insert—

““OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;”;
- (g) after the definition of “person granted humanitarian protection”, insert—

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

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

““register” means the register established and maintained by the OfS under section 3 of the 2017 Act;”;
- (i) before the definition of “right of permanent residence”, insert—

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

Amendment of regulation 4

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

(2) For paragraph (1)(b), substitute—

“(b) is one of the following—

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

(3) In paragraph (1)(d), after “section 214(2)”**(69)**, insert “(za), (zb), ”.

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

(5) After paragraph (3), insert—

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

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

Amendment of regulation 8

50. In regulation 8 (events)—

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

Amendment of regulation 12

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

Amendment of regulation 13

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

(69) See regulation 4.

Amendment of Schedule 1

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

“Persons granted section 67 leave

5A. A person granted section 67 leave who—

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

28th January 2019

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