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STATUTORY INSTRUMENTS

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**2023 No. 74**

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

**PART 3**

Corresponding amendments to other subordinate legislation

**CHAPTER 4**

The Education (Postgraduate Master's Degree Loans) Regulations 2016

*SECTION 2*

*Definitions*

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

- 84.** In regulation 2(1) (interpretation), after the definition of “the course” insert—
- ““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.
- 85.** In Part 2 of Schedule 1 (eligible students: categories)(1)—
- (a) in paragraph 2A(1)(a) (persons who are settled in the United Kingdom), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
  - (b) in paragraph 8(1)(c) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
  - (c) in paragraph 8A(1)(d) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

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

- 86.** In regulation 2(1) (interpretation)(2)—
- (a) after the definition of “healthcare bursary” insert—

““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;
  - (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;

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

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

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

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

- 88.** In Part 1 of Schedule 1 (eligible students: interpretation)(4), in paragraph 1(1)—
- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;

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

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

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

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

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

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