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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 1*

*Introductory*

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

**83.** The Education (Postgraduate Master's Degree Loans) Regulations 2016(1) are amended in accordance with this Chapter.

*SECTION 2*

*Definitions*

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

- 84.** In regulation 2(1) (interpretation), after the definition of “the course” insert—
- ““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.
- 85.** In Part 2 of Schedule 1 (eligible students: categories)(2)—
- (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”.

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(1) [S.I. 2016/606](#).

(2) 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](#).

**Insertion of definition of “immigration rules”****86. In regulation 2(1) (interpretation)(3)—**

- (a) after the definition of “healthcare bursary” insert—
- ““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;
- (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (c) the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (e) in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (f) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (g) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
- (i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;
- (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (h) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
- (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (i) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (j) in the definition of “person granted leave under the Ukraine Family Scheme”—
- (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)(4)—**

- (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)”.

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

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

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

- 88.** In Part 1 of Schedule 1 (eligible students: interpretation)(5), in paragraph 1(1)—
- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
  - (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

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

- 89.** In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 86 of these Regulations)—
- (a) in paragraph (a), after sub-paragraph (i) insert—
    - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
  - (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

## *SECTION 3*

### *Eligible students*

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

- 90.**—(1) Part 2 of Schedule 1 (eligible students: categories)(6) is amended as follows.
- (2) In paragraph 4 (refugees and their family members)—
- (a) in sub-paragraph (1)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (3) In paragraph 4A (persons granted stateless leave and their family members)—
- (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(d), for “the first day of the first academic year of the course” substitute “the course start date”.

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

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

(4) In paragraph 4B (persons granted section 67 leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(5) In paragraph 4C(c) (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), for “the first day of the first academic year of the course” substitute “the course start date”.

(6) In paragraph 4D (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(7) In paragraph 4E (persons granted indefinite leave to remain as a bereaved partner), for “the first day of the first academic year of the course” substitute “the course start date”.

(8) In paragraph 5 (persons granted humanitarian protection and their family members)—

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

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

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

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

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

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

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

“7.—(1) Where—

(a) during the currency of a course, the course becomes a designated course—

(i) under regulation 4(6);

(ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or

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

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

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

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

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

(a) the student or the student’s spouse, civil partner or parent is recognised as a refugee, or becomes a person granted stateless leave or a person granted humanitarian protection;

(b) the student becomes a family member as described in paragraph 9A(1)(a), 9B(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1;

- (c) the student becomes a person described in paragraph 3(a) of Schedule 1;
- (d) the student becomes a person described in paragraph 6A(1)(a) of Schedule 1;
- (e) the student becomes a person described in paragraph 11A(1)(a) of Schedule 1;
- (f) the student becomes a person granted section 67 leave;
- (g) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (h) the student becomes a person granted Calais leave;
- (i) the student becomes a person granted indefinite leave to remain as a bereaved partner;
- (j) the student becomes a person granted leave under one of the Afghan Schemes;
- (k) the student becomes a person granted leave under one of the Ukraine Schemes.

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

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

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

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

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

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

**94.** In regulation 7 (as substituted by regulation 91 of these Regulations)—

- (a) in paragraph (2)(j), after “the student” insert “or the student’s spouse, civil partner or parent”;
- (b) in paragraph (2)(k), after “the student” insert “or the student’s spouse, civil partner or parent”.

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

- (a) in paragraph 5A (as amended by regulation 90(9) of these Regulations)—
  - (i) for the heading substitute—

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

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

(iii) after that sub-paragraph insert—

“(2) A person who—

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

(3) A person who—

(a) is—

- (i) the child of a person granted leave under one of the Afghan Schemes;  
or
- (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;

(b) on the leave application date, was—

- (i) the child of the person granted leave under one of the Afghan Schemes; or
- (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;

(c) was under 18 on the leave application date;

(d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and

(e) is ordinarily resident in England on the course start date.

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

(b) for paragraph 5C (including the heading)(7) substitute—

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

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

(2) A person who—

- (a) is the spouse or the civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;

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

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

#### *SECTION 4*

##### *Payment rates*

#### **Amendments relating to payment rates**

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