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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 5**

The Higher Education (Fee Limit Condition) (England) Regulations 2017

*SECTION 2*

*Definitions*

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

**98.** In regulation 2 (interpretation)(1), after paragraph (ba) insert—

“(bza) “the course start date” means the day on which the first term of the first academic year of a course actually begins;”.

**99.**—(1) Part 2 of the Schedule (qualifying persons: categories)(2) is amended as follows.

(2) In paragraph 3A(1) (persons who are settled in the United Kingdom)—

(a) in sub-paragraph (a), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;

(b) in sub-paragraph (b), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

(3) In paragraph 9(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”.

(4) In paragraph 9A(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”**

**100.** In regulation 2 (interpretation)(3)—

(a) after paragraph (bb) (definition of “dental profession subject”) insert—

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(1) Paragraph (ba) was inserted by [S.I. 2018/903](#).

(2) Relevant amending instruments are [S.I. 2021/127](#) and [2012/929](#).

(3) Relevant amending instruments are [S.I. 2020/48](#), [2020/1203](#), [2021/1348](#), [2022/57](#) and [2022/534](#).

- “(bbzza) “immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971.”;
- (b) in paragraph (bbza) (definition of “person granted indefinite leave to remain as a bereaved partner”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (c) in paragraph (bba) (definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (d) in paragraph (bbab) (definition of “person granted leave under the Afghan Citizens Resettlement Scheme”), in paragraph (i)(aa) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (e) in paragraph (bbac) (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”;
- (f) in paragraph (bbb) (definition of “person granted Calais Leave”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (g) 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”;
- (h) 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”;
- (i) 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”.

**101.**—(1) The Schedule (qualifying persons)(4) is amended as follows.

(2) In Part 1 (interpretation), in paragraph 1(1), 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)”.

(3) In Part 2 (categories)—

- (a) in paragraph 4(2) (persons who are settled in the United Kingdom) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
- (b) in paragraph 5A(4) (persons granted stateless leave and their family members) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”;
- (c) in paragraph 6(4)(a) (persons granted humanitarian protection and their family members) omit “as defined in section 33(1) of the Immigration Act 1971”.

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(4) Relevant amending instruments are [S.I. 2020/1203](#), [2021/127](#) and [2021/929](#).

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

**102.** In Part 1 of the Schedule (qualifying persons: 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 definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”**

**103.** In regulation 2 (interpretation), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 100 of these Regulations)—

- (a) after paragraph (a)(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”.

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(5) The definition of “overseas territories” was amended by [S.I. 2020/1181](#). The definition of “specified British overseas territories” was inserted by [S.I. 2021/127](#).