
STATUTORY INSTRUMENTS

2023 No. 74

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

PART 3

Corresponding amendments to other subordinate legislation

CHAPTER 6

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

SECTION 1

Introductory

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

110. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018⁽¹⁾ are amended in accordance with this Chapter.

SECTION 2

Definitions

Insertion of definition of “the course start date”

- 111.** In regulation 2(1) (interpretation), after the definition of “course” insert—
- ““the course start date” means the day on which the first term of the first academic year of a course actually begins.”.
- 112.** 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 begins” substitute “the course start date”;
 - (b) 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 begins” substitute “the course start date”;

(1) [S.I. 2018/599](#).

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

- (c) 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 begins” substitute “the course start date”;

Insertion of definition of “immigration rules”

113. 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)”.

(2) In Part 2 of Schedule 1 (eligible students: categories)(4)—

(3) Relevant amending instruments are [S.I. 2019/142](#), [2020/48](#), [2020/1203](#), [2022/57](#), [2022/534](#),

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

- (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
- (b) in paragraph 5(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”

- 114.** 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”

- 115.** In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 113 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 for existing protected categories

- 116.**—(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 5 (persons granted stateless leave and their family members)—

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

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

- (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”.
- (4) In paragraph 5A (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 5B (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 5C (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (7) In paragraph 5D (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 6 (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 6A (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 6B (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 becoming eligible in the course of an academic year

117. 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, a course becomes a designated course—
 - (i) under regulation 4(5);
 - (ii) because the course is 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 Welsh designated doctoral 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 doctoral 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 described in paragraph 10A(1)(a), 10B(1)(a), 10C(1)(a) or 10D(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 7A(1)(a) of Schedule 1;
- (e) the student becomes a person described in paragraph 12A(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 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 after the course start date in relation to a student, paragraph (4) applies for the purposes of determining whether the event results in the student becoming an eligible student.

(4) The student is, 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, to be treated as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”.

118. 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

119. In regulation 2(1) (interpretation) (as amended by regulations 113 and 115 of these Regulations)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”—
 - (i) at the end of 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).

120. In regulation 7(2) (as substituted by regulation 117 of these Regulations) (students becoming eligible in the course of an academic year: events)—

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

- 121.** In Part 2 of Schedule 1 (eligible students: categories)—
- (a) in paragraph 6A (as amended by regulation 116(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 6C (including the heading)(7) substitute—

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

6C.—(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—

(7) Paragraph 6C inserted by S.I. 2022/534.

- (a) is the spouse or 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;
 - (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

- 122.** In regulation 12(1)(a), for “£27,892” substitute “£28,673”.
- 123.** In regulation 13(4) for “£11,836” substitute “£12,167”.