
STATUTORY INSTRUMENTS

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 3

Qualifying persons

Amendments relating to the ordinary residence requirements for existing protected categories

- 104.**—(1) Part 2 of the Schedule (qualifying persons: categories)(1) is amended as follows.
- (2) In paragraph 5 (refugees and their family members)—
- (a) in sub-paragraph (1)(c), for “the first day of the 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 5A (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”.
- (4) In paragraph 5B(b) (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 5C (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”.

(1) Paragraph 5A was substituted by [S.I. 2020/1203](#). Paragraph 5B was inserted by [S.I. 2019/142](#) and amended by [S.I. 2020/1203](#). Paragraph 5C was inserted by [S.I. 2020/48](#). Paragraph 5D was substituted by [S.I. 2020/1203](#). Paragraph 5E was inserted by [S.I. 2020/1203](#). Paragraph 5G was inserted by [S.I. 2022/534](#). Paragraph 6 was amended by [S.I. 2020/1203](#).

(6) In paragraph 5D (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(7) In paragraph 5E (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 5F (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”.

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

(10) 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”.

Commencement Information

11 Reg. 104 in force at 16.2.2023, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023, Section 104.