
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 family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes

108. In Part 2 of the Schedule (qualifying persons: categories)—

- (a) in paragraph 5F (as amended by regulation 104(8) 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 the United Kingdom 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 the United Kingdom 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 5H (including the heading)(1) substitute—

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

- 5H.—**(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in the United Kingdom on the course start date.
- (2) A person who—
- (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 the United Kingdom 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 the United Kingdom on the course start date.

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

(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.”.

Commencement Information

II Reg. 108 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 108.