
STATUTORY INSTRUMENTS

2023 No. 74

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

PART 3

Corresponding amendments to other subordinate legislation

CHAPTER 7

The Higher Education Short Course (Loans) Regulations 2022

SECTION 3

Eligible students

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

132.—(1) Schedule 1 (eligible students) is amended as follows.

(2) In Part 1 (interpretation), in paragraph 1(1) (as amended by regulation 126 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) (including “and” at the end).

(3) In Part 2 (categories)—

- (a) for paragraph 26 (including the heading) substitute—

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

26.—(1) A person granted leave under one of the Afghan Schemes who is ordinarily resident in England on the first day of the HE short course.

(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 first day of the HE short course.
- (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 first day of the HE short course.
- (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 28 (including the heading)(1) substitute—

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

28.—(1) A person granted leave under one of the Ukraine Schemes who is ordinarily resident in England on the first day of the HE short course.

- (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 England on the first day of the HE short course.
- (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—

(1) Paragraph 28 was inserted by [S.I. 2022/534](#).

- (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 first day of the HE short course.
- (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

11 Reg. 132 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 132.