

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (STUDENT FEES, AWARDS AND SUPPORT) (AMENDMENT)**  
**(NO. 2) REGULATIONS 2024**

**2024 No. 669**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Declaration**

- 2.1 Baroness Barran, Minister for the School System and Student Finance at the Department for Education confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Anne Rimmer and Paul Williams, Deputy Directors for Student Funding Policy at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

**3. Contact**

- 3.1 Serena Bryant at the Department for Education (serena.bryant@education.gov.uk) can be contacted with any queries regarding the instrument.

**Part One: Explanation, and context, of the Instrument**

**4. Overview of the Instrument**

*What does the legislation do?*

- 4.1 This instrument makes amendments to the legislation governing funding for further education students and funding for higher education undergraduate and postgraduate students in England.
- 4.2 The changes being made primarily concern updates to the Student Finance Regulations to include the Ukraine Permission Extension Scheme so that students who are granted this leave may qualify for student support in England, home fee status and are “qualifying persons” for the purposes of tuition fee limits for academic years of a course beginning on or after 1 August 2024 and to amend the Education (Student Support) Regulations 2011 to increase maximum fee loans for English domiciled students studying on full-time courses at publicly funded and regulated institutions in Wales in 2024/25 so that this group of students will continue to be able to meet the full cost of their tuition in 2024/25. This instrument also makes a series of changes to other policy areas, detailed in paragraphs 5.12 to 5.16 of section 5 of this Explanatory Memorandum.
- 4.3 As the changes in this instrument are being made either to bring the student finance regulations up to date with Home Office immigration changes, to clarify existing policy or to reflect Welsh Government fee changes, there has been no reported opposition to these changes.

*Where does the legislation extend to, and apply?*

- 4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

**5. Policy Context**

*What is being done and why?*

**Ukraine Permission Extension Scheme**

- 5.1 A new eligibility category is being introduced in the Student Finance Regulations that apply to student finance for higher and further education so that those who have been granted leave under the Ukraine Permission Extension Scheme<sup>1</sup> may qualify for student support in England, home fee status and are “qualifying persons” for the purposes of tuition fee limits for academic years of a course beginning on or after 1 August 2024 without requiring them to meet the normal three year ordinary residence requirement. This is in line with those granted leave under the other Ukraine Schemes.
- 5.2 The new Ukraine Permission Extension Scheme provides a means for those with leave under the existing Ukraine Schemes to extend their leave at the point of expiry. In making this regulatory change, persons granted leave under this scheme will be able to access home fee status and student support on the same basis as those with leave under the other Ukraine Schemes.
- 5.3 This change will apply to students on full-time or part-time undergraduate further education and postgraduate courses from the 2024/25 academic year.
- 5.4 Those holding leave under the Ukraine Permission Extension Scheme may have been entitled to support where they previously held another type of Ukraine Scheme leave and are entering a new academic year of an existing course. However, for those starting new courses, they would not have qualified until they had been awarded settled status and had been ordinarily resident in the United Kingdom and Islands for the three years prior to the start of their course.
- 5.5 This amendment to legislation will allow those with leave under the Ukraine Permission Extension Scheme immediate access to student support and home fee status. Our assessment of this change is that it will have positive impacts on persons who share the protected characteristics of race (ethnic Ukrainian and ethnic Russian), age (young adults) and sex (female).

**Fee loan limits for English domiciled students studying in Wales**

- 5.6 As well as funding English domiciled students studying in England, the policy is to also fund English domiciled students in the devolved administrations, including Wales. English domiciled undergraduate students studying on full-time courses at publicly funded and regulated institutions in Wales are charged up to £9,000 for their tuition fees in the current academic year, 2023/24, and can apply for up-front fee loans of up to £9,000 to meet the full cost of their tuition. On 6 February 2024, the Welsh Government announced that maximum fees<sup>2</sup> for full-time courses at publicly funded

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<sup>1</sup> <https://www.gov.uk/government/publications/ukraine-permission-extension-scheme-information/ukraine-permission-extension-scheme-information>

<sup>2</sup> <https://www.gov.wales/written-statement-tuition-fee-limits-and-financial-support-higher-education-students-202425#content>

and regulated institutions in Wales were being increased by 2.8% for the 2024/25 academic year from £9,000 to £9,250.

- 5.7 This instrument amends the Education (Student Support) Regulations 2011 to increase maximum fee loans for English domiciled students studying full-time courses offered by or on behalf of publicly funded and regulated institutions in Wales in 2024/25 to £9,250 so that this group of students will continue to be able to meet the full cost of their tuition in 2024/25. Corresponding increases to lower fee loan limits for students undertaking the final year of their course, sandwich work placement years and overseas study and Turing years are also being made through this instrument for 2024/25.
- 5.8 Around 36,000 full-time undergraduate borrowers from England are studying in Wales in the current academic year, 2023/24. Not all of this cohort will be charged the full rate fee in 2024/25 as some may be undertaking sandwich or overseas years and some providers may charge less than the maximum fee limit for a full year of attendance. However, the majority of English domiciled students studying in Wales are likely to see their fees increase by £250 in 2024/25 and will therefore take out an additional £250 in fee loan.
- 5.9 This would mean a maximum increase in loan outlay for full-time undergraduates of £4.6m in financial year 2024-25 rising to £9.3m in financial year 2025-26.
- 5.10 Our assessment of the increase in maximum fee loans for English domiciled students studying in Wales in 2024/25 is that will have a neutral impact for those with and without protected characteristics. Although student loan debt may rise, this will be in nominal terms only. The change will not significantly alter participation decisions as up-front tuition fee loans will increase by 2.8% to fully cover increased tuition fees.
- 5.11 These changes will apply in respect of an academic year starting on or after 1 August 2024.

### **Bereaved partners**

- 5.12 This instrument includes reference to ‘Appendix Bereaved Partner’<sup>3</sup> following Home Office changes which replaced existing provisions for Bereaved Partners and their dependent children in Part 8, Appendix FM and Appendix Armed Forces of the Immigration Rules, with ‘Appendix Bereaved Partner’. This ensures that bereaved partners granted leave under either one of the previous provisions, or under ‘Appendix Bereaved Partner’, can continue to access student finance and home fee status as before. This is not a change to policy and, therefore, there is no impact upon students.

### **Amendments relating to previous funding for postgraduate study**

- 5.13 The general policy intent is that students should receive a master’s or doctoral loan for only one qualification at the same level; those who have previously received Government funding towards a master’s or doctoral degree (including under legislation of one of the Devolved Administrations) will not normally qualify for a further loan of the same type.
- 5.14 The vast majority of postgraduate master’s courses attract a postgraduate loan; however, there are some limited exceptions which attract the undergraduate support package. This would apply to postgraduate pre-registration courses, integrated masters, initial teacher training courses that lead to a masters, and part 2 architecture courses when studied as part of a single course. The current wording of the

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<sup>3</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-bereaved-partner>

regulations can be read as preventing those who have previously received undergraduate loan support for a course leading to a master's degree which they have not completed, from obtaining a postgraduate loan for a future course. This is not our policy intent.

- 5.15 This instrument will, therefore, amend the Education (Postgraduate Master's Degree Loans) Regulations 2016 (S.I. 2016/606) and the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No.2) etc.) Regulations 2018 (S.I. 2018/599) to better reflect the policy intent. We are also amending the wording specifically to reference the relevant legislation of the devolved administrations so as to be clearer. This will have a positive impact upon students by ensuring they can access a postgraduate loan where they have previously received undergraduate funding for a master's level course which in the event they did not complete.

### **Disabled Students' Allowance**

- 5.16 Disabled Students' Allowance (DSA) helps students with the additional costs they may face in higher education because of their disability. From the 2021/22 academic year, the DSA for undergraduate students, which was previously structured as four separate sub-allowances, was simplified into one allowance in line with the postgraduate DSA. Since that time the same allowance has applied to both full-time and part-time undergraduate and postgraduate DSA recipients. This change was implemented through the Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020. However, it has since come to our attention that when that SI was drafted, regulations 139B and 139C of the Education (Student Support) Regulations 2011 which set out the calculation of DSA entitlement for undergraduate students transferring from part-time study to full-time study and vice versa, which should have been amended to align with the new policy, were overlooked. This SI amends those regulations to correct them in line with this policy and there is, therefore, no direct impact upon students.

## **6. Legislative and Legal Context**

### *How has the law changed?*

- 6.1 This instrument makes amendments to the student finance regulations which govern funding for further education students and funding for higher education undergraduate and postgraduate students in England. The changes to the regulations listed below are primarily being made to reflect changes being made by the Home Office on the Ukraine Permission Extension scheme. Amendments are also being made to reflect Welsh Government fee changes, to clarify existing policy on DSA and postgraduate funding, and to reflect Home Office changes to the Immigration rules which have seen provisions relating to bereaved partners moved into 'Appendix Bereaved partner'. The following regulations are being updated with these changes:

- the Education (Fees and Awards) (England) Regulations 2007 (S.I. 2007/779) ("the Fees and Awards Regulations");
- the Education (Student Support) Regulations 2011 (S.I. 2011/1986) ("the Student Support Regulations");
- the Further Education Loans Regulations 2012 (S.I. 2012/1818) ("the Further Education Loans Regulations");
- the Education (Postgraduate Master's Degree Loans) Regulations 2016 (S.I. 2016/606) ("the Master's Regulations");

- the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189) (“the Fee Limit Condition Regulations”);
- the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599) (“the Doctoral Regulations”);
- the Higher Education Short Course Loans Regulations 2022 (S.I. 2022/349) (“the Short Course Regulations”).

*Why was this approach taken to change the law?*

6.2 This is the only possible approach to make the necessary changes.

## **7. Consultation**

*Summary of consultation outcome and methodology*

7.1 There is no statutory requirement to consult on these amending regulations. The changes in this instrument are being made to either bring the student finance regulations up to date with Home Office immigration changes, to clarify existing policy or to reflect Welsh Government fee changes. A formal consultation would therefore not be appropriate given the changes are not introducing new policy.

## **8. Applicable Guidance**

- 8.1 Information setting out the changes made by this instrument will be made available to universities, colleges and other higher education stakeholders on Student Finance England’s (SFE) practitioners’ website<sup>4</sup> by Spring 2024. Further information on these changes will be published for students on GOV.UK and SFE websites before 1 August 2024.
- 8.2 Guidance materials are being produced by SFE for students intending to apply for financial support for the 2024/25 academic year.

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

9.1 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on business and this instrument relates to the maintenance of existing regulatory standards.

*Impact on businesses, charities and voluntary bodies*

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies because these changes are either clarifications of existing policy or amendments to reflect policy changes by the Home Office and Welsh Government.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 There is no, or no significant, impact on the public sector because these changes are either clarifications of existing policy or technical amendments to reflect policy changes by the Home Office and Welsh Government.

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<sup>4</sup> <https://www.practitioners.slc.co.uk/>

## **10. Monitoring and review**

*What is the approach to monitoring and reviewing this legislation?*

- 10.1 The instrument does not include a statutory review clause, but we will be monitoring the number of students who receive fee loans and grants and loans for living costs. This information is published in the Student Loans Company's Statistical First Releases<sup>5</sup>.

### **Part Three: Statements and Matters of Particular Interest to Parliament**

## **11. Matters of special interest to Parliament**

- 11.1 Although this instrument is necessary to introduce further and higher education student finance changes for the 2024/25 academic year, it also makes a number of corrections to come into force when this instrument comes into force.
- 11.2 Regulations 16 and 17 make amendments to regulations 139B and 139C of the Student Support Regulations in respect of the treatment of DSA when a student changes their mode of study (from full-time to part-time or vice versa). Amendments to the Student Support Regulations were made by the Education (Student Fees, Awards and Support etc) (Amendment)(No.3) Regulations 2020 (S.I 2020/1203) which introduced a new policy to the maximum annual amount of DSA. The latter statutory instrument, whilst making the majority of necessary amendments to the Student Support Regulations to deliver policy change, omitted to amend regulations 139B and 139C to align with the new policy. This instrument makes the necessary amendments.
- 11.3 In light of these corrections, the Department is adopting the free issue procedure in relation to this instrument for anyone who purchased the Education (Student Fees, Awards and Support etc) (amendment) No.3) Regulations 2020 (S.I. 2020/1203). The Department confirms that it has complied with the requirement stated in paragraph 4.7.6 of Statutory Instrument Practice to consult the SI Registrar on the use of the free issue procedure in relation to this instrument. The Department accepts the SI Registrar's view that given the length of this instrument and the proportion that the correcting provisions represent of the whole instrument, the free issue procedure should be followed.

## **12. European Convention on Human Rights**

- 12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **13. The Relevant European Union Acts**

- 13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").

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<sup>5</sup> <https://www.gov.uk/government/organisations/student-loans-company/about/statistics>