
STATUTORY INSTRUMENTS

2023 No. 74

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

PART 3

Corresponding amendments to other subordinate legislation

CHAPTER 1

The Education (Fees and Awards) (England) Regulations 2007

SECTION 1

Introductory

Amendment of the Education (Fees and Awards) (England) Regulations 2007

54. The Education (Fees and Awards) (England) Regulations 2007(1) are amended in accordance with this Chapter.

Commencement Information

II Reg. 54 in force at 16.2.2023, see [reg. 1](#)

SECTION 2

Definitions

Insertion of definition of “the course start date”

- 55.** In regulation 2 (interpretation), after the definition of “award” insert—
- ““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.
- 56.**—(1) Schedule 1 (eligible students)(2) is amended as follows.—
- (2) In paragraph 2A(1) (persons who are settled in the United Kingdom)—
- (a) in sub-paragraph (a), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”;

(1) [S.I. 2007/779](#).

(2) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#). There are amendments to paragraph 8 but none is relevant. Paragraph 8A was inserted by [S.I. 2021/127](#).

(b) in sub-paragraph (b), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”.

(3) In paragraph 8(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 of the course actually begins” substitute “the course start date”.

(4) In paragraph 8A(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 of the course actually begins” substitute “the course start date”.

Commencement Information

I2 Reg. 55 in force at 16.2.2023, see [reg. 1](#)

I3 Reg. 56 in force at 16.2.2023, see [reg. 1](#)

Insertion of definition of “immigration rules”

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

(2) In paragraph 1(1) (interpretation)(3)—

(a) after the definition of “family member” insert—

““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;

(b) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;

(c) 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”;

(d) 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”;

(e) 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”;

(f) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;

(g) 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”;

- (h) 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)”.
- (3) In paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”.
- (4) In paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.
- (5) In paragraph 4C omit “, as defined in section 33(1) of the Immigration Act 1971”.
- (6) In paragraph 4D omit “, as defined in section 33(1) of the Immigration Act 1971”.
- (7) In paragraph 4E(a) omit “, as defined in section 33(1) of the Immigration Act 1971”.

Commencement Information

I4 Reg. 57 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

58. In regulation 2(1) (interpretation)(4)—

- (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”.

Commencement Information

I5 Reg. 58 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

59. In Schedule 1 (eligible students)(5), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

- (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”.

Commencement Information

I6 Reg. 59 in force at 16.2.2023, see [reg. 1](#)

(4) The definition of “overseas territories” was amended by [S.I. 2012/1653](#) and [2020/1181](#). The definition of “specified British overseas territories” was inserted by [S.I. 2021/127](#).

(5) Definition inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#).

SECTION 3

Qualifying persons

Amendments relating to the ordinary residence requirements for persons in existing protected categories

60.—(1) Schedule 1 (eligible students)(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 4A (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 4B(c) (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 4C(c) (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 4D(c) (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(7) In paragraph 4E(c) (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 5 (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 5A (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 5B (evacuated or assisted British nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

(6) Paragraph 4A was inserted by [S.I. 2018/137](#) and amended by [S.I. 2020/1203](#). Paragraph 4B was substituted by [S.I. 2020/1203](#). Paragraph 4C was inserted by [S.I. 2020/48](#). Paragraph 4D was substituted by [S.I. 2020/1203](#) and amended by [S.I. 2021/1348](#). Paragraph 4E was inserted by [S.I. 2020/1203](#). Paragraph 5 was substituted by [S.I. 2011/87](#) and amended by [S.I. 2020/1203](#). Paragraph 5B was inserted by [S.I. 2022/534](#).

Commencement Information

I7 Reg. 60 in force at 16.2.2023, see [reg. 1](#)

Amendments relating to students who fall within in a paragraph of Schedule 1 after the start of a course

61. In regulation 2(3A) (interpretation)(7), after “place”, in the second place it occurs, insert “(but see also regulation 4(2A) and (2B))”.

62. In regulation 4 (fee charging)(8), for paragraph (2) substitute—

“(2) For the purposes of this regulation, a person falls within a paragraph of Schedule 1 if—

- (a) in the case of paragraph 2A, 4, 4A, 4B, 4C, 4D, 4E, 5, 5A, 5B, 5C, 8 or 8A of that Schedule—
 - (i) in relation to the first academic year of the course, they fall within that paragraph on the course start date; or
 - (ii) in relation to any other academic year of the course, they fall within that paragraph on the first day of that academic year;
- (b) in the case of any other paragraph of that Schedule, they fall within the relevant paragraph on the first day of an academic year of the course.

(2A) Where a protected category event occurs in relation to a person after the course start date, paragraph (2B) applies for the purposes of determining whether the person falls within a paragraph of Schedule 1 in relation to an academic year (other than the first academic year).

(2B) The person is to be treated, for the purposes of determining whether they satisfy any requirement in Schedule 1 to be ordinarily resident in the United Kingdom on the course start date, as if they were, on the course start date, lawfully residing in the place where they were residing on that date.

(2C) In this regulation “protected category event”, in relation to a person, means—

- (a) the person or the person’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 person becomes a person granted section 67 leave;
- (c) the person becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (d) the person becomes a person granted Calais leave;
- (e) the person becomes a person granted indefinite leave to remain as a bereaved partner;
- (f) the person becomes a person granted leave under one of the Afghan Schemes.
- (g) the person becomes a person granted leave under one of the Ukraine Schemes;

(2D) For the purposes of paragraph (2C), the following terms have the meanings given for the purposes of Schedule 1—

- (a) refugee;

(7) Paragraph (3A) was inserted by [S.I. 2012/1653](#).

(8) Regulation 4 was amended by [S.I. 2012/765](#), [2019/1027](#), [2021/127](#), [2021/929](#) and [2021/1348](#).

- (b) person granted stateless leave;
- (c) person granted humanitarian protection;
- (d) person granted section 67 leave;
- (e) person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (f) person granted Calais leave;
- (g) person granted indefinite leave to remain as a bereaved partner;
- (h) person granted leave under one of the Afghan Schemes;
- (i) person granted leave under one of the Ukraine Schemes.”.

Commencement Information

18 Reg. 61 in force at 16.2.2023, see [reg. 1](#)

19 Reg. 62 in force at 16.2.2023, see [reg. 1](#)

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

63. In regulation 4(2C) (as inserted by regulation 62 of these Regulations)—

- (a) in sub-paragraph (f), after “the person” insert “or the person’s spouse, civil partner or parent”;
- (b) in sub-paragraph (g), after “the person” insert “or the person’s spouse, civil partner or parent”.

64.—(1) Schedule 1 (eligible students) (as amended by regulations 59 and [60\(9\)](#) of these Regulations) is amended as follows.

(2) In paragraph 1(1)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, for paragraph (a) (other than “and” at the end) substitute—
 - “(a) who has indefinite leave to enter or remain in the United Kingdom, outside the immigration rules, on the basis of the Afghan Citizens Resettlement Scheme.”;
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—
 - (i) insert “or” at the end of paragraph (a)(ii);
 - (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;
 - (iii) omit paragraph (a)(iv).

(3) In paragraph 5A—

- (a) for the heading substitute—

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

- (b) the existing text becomes sub-paragraph (1);
- (c) 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.”.

- (4) For paragraph 5C (including the heading)(9) substitute—

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

5C.—(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.
- (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

- I10** Reg. 63 in force at 16.2.2023, see [reg. 1](#)
I11 Reg. 64 in force at 16.2.2023, see [reg. 1](#)

CHAPTER 2

The Education (Student Support) (European University Institute) Regulations 2010

SECTION 1

Introductory

Amendment of the Education (Student Support) (European University Institute) Regulations 2010

65. The Education (Student Support) (European University Institute) Regulations 2010(10) are amended in accordance with this Chapter.

Commencement Information

- I12** Reg. 65 in force at 16.2.2023, see [reg. 1](#)

SECTION 2

Definitions

Insertion of definition of “immigration rules”

- 66.** In regulation 3(1) (interpretation)(11)—
- (a) after the definition of “grants for living and other costs”, 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”;

(10) S.I. 2010/447.

(11) Relevant amending instruments are S.I. 2011/83, 2018/137, 2020/48, 2020/1203, 2021/1348 and 2022/534.

- (c) in 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 enter or 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 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”;
- (g) 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”;
- (h) 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”;
- (i) 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)”.

67.—(1) Schedule 1 (eligible students)(12) is amended as follows.

(2) In Part 1 (interpretation), in paragraph 1(1)—

- (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (b) 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”.

(3) In Part 2 (categories)—

- (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
- (b) in paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

Commencement Information

I13 Reg. 66 in force at 16.2.2023, see [reg. 1](#)

I14 Reg. 67 in force at 16.2.2023, see [reg. 1](#)

(12) Relevant amending instruments are [S.I. 2021/1348](#) and [2022/57](#). Paragraph 4A was inserted by [S.I. 2018/137](#) and amended by [S.I. 2020/1203](#).

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

- 68.** In Part 1 of Schedule 1 (eligible students: interpretation)(**13**), 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”.

Commencement Information

I15 Reg. 68 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

69. In Part 1 of Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation **67** of these Regulations)—

- (a) in paragraph (a), after sub-paragraph (i) insert—
 - “(ia) indefinite leave to enter the United Kingdom under ARAP paragraph 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”.

Commencement Information

I16 Reg. 69 in force at 16.2.2023, see [reg. 1](#)

SECTION 3

Eligible students

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

- 70.** In regulation 9 (eligible students)(**14**)—
- (a) in paragraph (11C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
 - (b) in paragraph (11D)(a), after “Ukraine Schemes” insert “or the spouse civil partner, child or step-child of such a person”.

71.—(1) Schedule 1 (eligible students)(**15**) is amended as follows.

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

(14) Paragraph (11C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (11D) was inserted by [S.I. 2022/534](#).

(15) Paragraph 5A inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 5C was inserted by [S.I. 2022/534](#).

(2) In Part 1 (interpretation), in paragraph 1(1) (as amended by regulations 67 and 69 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).

(3) In Part 2 (categories)—

(a) for paragraph 5A (including the heading) substitute—

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

5A.—(1) A person granted leave under one of the Afghan Schemes, who is ordinarily resident in England on the relevant date.

(2) A person who—

- (a) is the spouse or the 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 relevant 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 relevant 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 5C (including the heading) substitute—

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

5C.—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the relevant date.

(2) A person who—

- (a) is the spouse or the 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 relevant 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 relevant 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.”.

Commencement Information

I17 Reg. 70 in force at 16.2.2023, see [reg. 1](#)

I18 Reg. 71 in force at 16.2.2023, see [reg. 1](#)

CHAPTER 3

The Further Education Loans Regulations 2012

SECTION 1

Introductory

Amendment of the Further Education Loans Regulations 2012

72. The Further Education Loans Regulations 2012(16) are amended in accordance with this Chapter.

Commencement Information

I19 Reg. 72 in force at 16.2.2023, see [reg. 1](#)

SECTION 2

Definitions

Insertion of definition of “immigration rules”

73. In regulation 2(1) (interpretation)(17)—

- (a) after the definition of “further education course”, 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) in 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”—

(16) S.I. 2012/1818.

(17) Relevant amending instruments are S.I. 2014/1766, 2019/142, 2020/48, 2020/1203, 2021/127, 2021/1348, 2022/57 and 2022/534.

- (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)(18)—
 - (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
 - (b) in paragraph 4A(4) omit “(within in the meaning given in section 33(1) of the Immigration Act 1971)”.

Commencement Information

I20 Reg. 73 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

- 74.** In Part 1 of Schedule 1 (eligible students: interpretation)(19), 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”.

Commencement Information

I21 Reg. 74 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

- 75.** In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 73 of these Regulations)—
- (a) in paragraph (a), after sub-paragraph (i) insert—

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

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

- “(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”.

Commencement Information

I22 Reg. 75 in force at 16.2.2023, see [reg. 1](#)

SECTION 3

Eligible students

Amendments relating to students becoming eligible for loans after their course has started

76. For regulation 6 (including the heading) substitute—

“Students becoming eligible after a designated further education course has begun

6.—(1) Where any of the following events occur after a designated further education has begun, a student may qualify for a fee loan in accordance with this Part in respect of that course—

- (a) the student’s course becomes a designated further education course; or
- (b) an event specified in paragraph (2) which results in the student becoming an eligible student.

(2) The events mentioned in paragraph (1)(b) are—

- (a) the student or the student’s spouse, civil partner, parent or step-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 9A(1)(a), 9B(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1;
- (c) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;
- (d) the student becomes a person described in paragraph 6A(1)(a) of Schedule 1;
- (e) the student becomes a person described in paragraph 11A(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 indefinite 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 the event that occurs in relation to a student is an event specified in paragraph (2)(a), (f), (g), (h), (i), (j) or (k), paragraph (4) applies for the purposes of determining whether the event results in the student becoming an eligible student.

(4) The student is to be treated, for the purposes of determining whether the student satisfies any requirement in Schedule 1 that the student is ordinarily resident in the United Kingdom on the first day of the relevant course (“the course start date”), as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”

77. Omit regulation 7 (events).

78. In Part 1 of Schedule 1 (eligible students: interpretation), in paragraph 1(3) after “place”, in the second place it occurs, insert “(but see regulation 6(3) and (4))”.

Commencement Information

I23 Reg. 76 in force at 16.2.2023, see [reg. 1](#)

I24 Reg. 77 in force at 16.2.2023, see [reg. 1](#)

I25 Reg. 78 in force at 16.2.2023, see [reg. 1](#)

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

79. In regulation 2(1) (interpretation) (as amended by regulations 73 and 79 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).

80. In regulation 3 (eligible students)(20)—

- (a) in paragraph (8A)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Afghan Schemes”;
- (b) in paragraph (8B)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Ukraine Schemes”.

81. In regulation 6 (as substituted by regulation 76 of these Regulations)—

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

82. In Part 2 of Schedule 1 (eligible students: categories)(21)—

- (a) for paragraph 5A (including the heading) substitute—

(20) Paragraph (8A) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 8B was inserted by [S.I. 2022/534](#).

(21) Paragraph 5A was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 5C was inserted by [S.I. 2022/534](#).

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

5A.—(1) A person granted leave under one of the Afghan Schemes, who is ordinarily resident in the United Kingdom on the first day of the designated further education 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 the United Kingdom on the first day of the designated further education 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 the United Kingdom on the first day of the designated further education 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 5C (including the heading) substitute—

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

5C.—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in the United Kingdom on the first day of the designated further education 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 the United Kingdom on the first day of the designated further education 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—
 - (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;
 - (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 first day of the designated further education 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

- I26** Reg. 79 in force at 16.2.2023, see [reg. 1](#)
- I27** Reg. 80 in force at 16.2.2023, see [reg. 1](#)
- I28** Reg. 81 in force at 16.2.2023, see [reg. 1](#)
- I29** Reg. 82 in force at 16.2.2023, see [reg. 1](#)

CHAPTER 4

The Education (Postgraduate Master’s Degree Loans) Regulations 2016

SECTION 1

Introductory

Amendment of the Education (Postgraduate Master’s Degree Loans) Regulations 2016

83. The Education (Postgraduate Master’s Degree Loans) Regulations 2016(22) are amended in accordance with this Chapter.

Commencement Information

I30 Reg. 83 in force at 16.2.2023, see [reg. 1](#)

SECTION 2

Definitions

Insertion of definition of “the course start date”

- 84.** In regulation 2(1) (interpretation), after the definition of “the course” insert—
- ““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.
- 85.** In Part 2 of Schedule 1 (eligible students: categories)(**23**)—
- (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 actually begins” substitute “the course start date”;
 - (b) in paragraph 8(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 actually begins” substitute “the course start date”;
 - (c) in paragraph 8A(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 actually begins” substitute “the course start date”.

Commencement Information

I31 Reg. 84 in force at 16.2.2023, see [reg. 1](#)

I32 Reg. 85 in force at 16.2.2023, see [reg. 1](#)

Insertion of definition of “immigration rules”

- 86.** In regulation 2(1) (interpretation)(**24**)—
- (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”;

(23) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#). There are amendments to paragraph 8, but none is relevant to these Regulations. Paragraph 8A was inserted by [S.I. 2021/127](#).

(24) Relevant amending instruments are [S.I. 2018/137](#), [2019/142](#), [2021/1348](#), [2020/1203](#), [2022/57](#) and [2022/534](#).

- (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)”.
- 87.** In Part 2 of Schedule 1 (eligible students: categories)(25)—
- (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
 - (b) in paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

Commencement Information

I33 Reg. 86 in force at 16.2.2023, see [reg. 1](#)

I34 Reg. 87 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

- 88.** In Part 1 of Schedule 1 (eligible students: interpretation)(26), 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”.

(25) Paragraph 3(2) was inserted by [S.I. 2021/127](#). Paragraph 4A was substituted by [S.I. 2020/1203](#).

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

Commencement Information

I35 Reg. 88 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

89. In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 86 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”.

Commencement Information

I36 Reg. 89 in force at 16.2.2023, see [reg. 1](#)

SECTION 3

Eligible students

Amendments relating to the ordinary residence requirements relating to students in existing protected categories

90.—(1) Part 2 of Schedule 1 (eligible students: categories)(**27**) 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 4A (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”.

(27) Paragraphs 4A, 4B and 4D were substituted by [S.I. 2020/1203](#). Paragraph 4C was inserted by [S.I. 2020/48](#). Paragraph 4E was inserted by [S.I. 2020/1203](#). Paragraph 5 was amended by [S.I. 2020/1203](#). Paragraph 5A was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 5B was inserted by [S.I. 2022/534](#).

(4) In paragraph 4B (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 4C(c) (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 4D (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(7) In paragraph 4E (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 5 (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 5A (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 5B (evacuated or assisted British nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

Commencement Information

I37 Reg. 90 in force at 16.2.2023, see [reg. 1](#)

Amendments relating to students who become eligible for a loan during their course

91. 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, the course becomes a designated course—

(i) under regulation 4(6);

(ii) by virtue of the course being 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 Northern Irish designated master’s degree course, a Scottish designated master’s degree course or a Welsh designated master’s 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 master’s 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 as described in paragraph 9A(1)(a), 9B(1)(a), 9C(1)(a) or 9D(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 6A(1)(a) of Schedule 1;
 - (e) the student becomes a person described in paragraph 11A(1)(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 indefinite 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 relation to a student after course start date, paragraph (4) applies for the purposes of determining whether the event results in the student becoming an eligible student.
- (4) The student is to be treated, 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, as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”.

92. Omit regulation 8 (events).

Commencement Information

- I38** Reg. 91 in force at 16.2.2023, see [reg. 1](#)
- I39** Reg. 92 in force at 16.2.2023, see [reg. 1](#)

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

93. In regulation 2(1) (interpretation) (as amended by regulations 86 and 89 of these Regulations)

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

94. In regulation 7 (as substituted by regulation 91 of these Regulations)—

- (a) in paragraph (2)(j), after “the student” insert “or the student’s spouse, civil partner or parent”;
- (b) in paragraph (2)(k), after “the student” insert “or the student’s spouse, civil partner or parent”.

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

- (a) in paragraph 5A (as amended by regulation **90(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 5C (including the heading)**(28)** substitute—

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

5C.—(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—

- (a) is the spouse or the 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.”.

Commencement Information

- I40** Reg. 93 in force at 16.2.2023, see [reg. 1](#)
- I41** Reg. 94 in force at 16.2.2023, see [reg. 1](#)
- I42** Reg. 95 in force at 16.2.2023, see [reg. 1](#)

SECTION 4

Payment rates

Amendments relating to payment rates

96. In regulation 12(1) and (2) for “£11,836” substitute “£12,167”.

Commencement Information

I43 Reg. 96 in force at 16.2.2023, see [reg. 1](#)

CHAPTER 5

The Higher Education (Fee Limit Condition) (England) Regulations 2017

SECTION 1

Introductory

Amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017

97. The Higher Education (Fee Limit Condition) (England) Regulations 2017⁽²⁹⁾ are amended in accordance with this Chapter.

Commencement Information

I44 Reg. 97 in force at 16.2.2023, see [reg. 1](#)

SECTION 2

Definitions

Insertion of definition of “the course start date”

98. In regulation 2 (interpretation)⁽³⁰⁾, after paragraph (ba) insert—

“(bza) “the course start date” means the day on which the first term of the first academic year of a course actually begins;”.

99.—(1) Part 2 of the Schedule (qualifying persons: categories)⁽³¹⁾ is amended as follows.

(2) In paragraph 3A(1) (persons who are settled in the United Kingdom)—

(a) in sub-paragraph (a), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;

(b) in sub-paragraph (b), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

(3) 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 actually begins” substitute “the course start date”.

(4) 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 actually begins” substitute “the course start date”.

⁽²⁹⁾ [S.I. 2017/1189](#).

⁽³⁰⁾ Paragraph (ba) was inserted by [S.I. 2018/903](#).

⁽³¹⁾ Relevant amending instruments are [S.I. 2021/127](#) and [2012/929](#).

Commencement Information

I45 Reg. 98 in force at 16.2.2023, see [reg. 1](#)

I46 Reg. 99 in force at 16.2.2023, see [reg. 1](#)

Insertion of definition of “immigration rules”

100. In regulation 2 (interpretation)(**32**)—

- (a) after paragraph (bb) (definition of “dental profession subject”) insert—
- “(bbzza) “immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;
- (b) in paragraph (bbza) (definition of “person granted indefinite leave to remain as a bereaved partner”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (c) in paragraph (bba) (definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (d) in paragraph (bbab) (definition of “person granted leave under the Afghan Citizens Resettlement Scheme”), in paragraph (i)(aa) omit “as defined in section 33(1) of the Immigration Act 1971”;
- (e) in paragraph (bbac) (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”;
- (f) in paragraph (bbb) (definition of “person granted Calais Leave”), in paragraph (i) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (g) 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”;
- (h) 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”;
- (i) 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”.

101.—(1) The Schedule (qualifying persons)(**33**) is amended as follows.

(32) Relevant amending instruments are [S.I. 2020/48](#), [2020/1203](#), [2021/1348](#), [2022/57](#) and [2022/534](#).

(33) Relevant amending instruments are [S.I. 2020/1203](#), [2021/127](#) and [2021/929](#).

(2) In Part 1 (interpretation), in paragraph 1(1), 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)”.

(3) In Part 2 (categories)—

- (a) in paragraph 4(2) (persons who are settled in the United Kingdom) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
- (b) in paragraph 5A(4) (persons granted stateless leave and their family members) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”;
- (c) in paragraph 6(4)(a) (persons granted humanitarian protection and their family members) omit “as defined in section 33(1) of the Immigration Act 1971”.

Commencement Information

I47 Reg. 100 in force at 16.2.2023, see [reg. 1](#)

I48 Reg. 101 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

102. In Part 1 of the Schedule (qualifying persons: interpretation)(**34**), 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”.

Commencement Information

I49 Reg. 102 in force at 16.2.2023, see [reg. 1](#)

Amendments to definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

103. In regulation 2 (interpretation), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 100 of these Regulations)—

- (a) after paragraph (a)(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”.

(34) The definition of “overseas territories” was amended by [S.I. 2020/1181](#). The definition of “specified British overseas territories” was inserted by [S.I. 2021/127](#).

Commencement Information

150 Reg. 103 in force at 16.2.2023, see [reg. 1](#)

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)(**35**) 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”.
- (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”;

(35) 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](#).

- (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

I51 Reg. 104 in force at 16.2.2023, see [reg. 1](#)

Amendments relating to events occurring after the start of an academic year

105. Regulation 4 (qualifying person)(**36**) is amended as follows.

(1) In paragraph (1) for the words from “falls within” to the end substitute—

“—

- (a) falls within a settled category or a protected category—
 - (i) on the course start date, where the relevant academic year is the first academic year of the person’s course, or
 - (ii) otherwise, on the first day of a relevant academic year;
- (b) falls within a prescribed category on the first day of a relevant academic year.”
- (2) In paragraph (2)—
 - (a) for “the date in that paragraph” substitute “1st September 2023”;
 - (b) for “a prescribed category” substitute “a settled category, a protected category or a prescribed category”.
- (3) In paragraph (4)(a), omit—
 - (a) “3A,”;
 - (b) “5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 6,”;
 - (c) “9A,”.
- (4) After paragraph (6) insert—

“(7) Where a protected category event occurs in relation to a person after the course start date, paragraph (8) applies for the purposes of determining whether the person falls within a prescribed category on the first day of the relevant academic year.

(8) The person is, for the purposes of determining whether they satisfy any requirement in Part 2 of the Schedule that they are ordinarily resident in the United Kingdom on the course start date, to be treated as if the person was, on the course start date, lawfully residing in the place where the person was residing on that date.

(9) For the purposes of this regulation—

“protected category” means any category of persons described in paragraph 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H or 6 of Part 2 of the Schedule;

“protected category event” means an event specified in regulation 6(2)(b), (i), (j), (k), (l), (m) or (n);

“relevant academic year” means an academic year beginning on or after 1st September 2023;

“settled category” means any category of persons described in paragraph 3A or 9A of Part 2 of the Schedule.”.

Commencement Information

I52 Reg. 105 in force at 16.2.2023, see [reg. 1](#)

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

106. In regulation 2 (interpretation) (as amended by regulations 100 and 103 of these Regulations)—

- (a) in paragraph (bbab) (definition of “person granted leave under the Afghan Citizens Resettlement Scheme”)—
 - (i) at the end of paragraph (i)(aa), for “or” substitute “and”;
 - (ii) omit paragraph (i)(bb) (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).

107. In regulation 6(2) (qualifying person: effect of event during academic year)(37)—

- (a) in sub-paragraph (m), after “the student” insert “or the student’s spouse, civil partner or parent”;
- (b) in sub-paragraph (n), after “the student” insert “or the student’s spouse, civil partner or parent”.

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.

(37) Sub-paragraph (m) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Sub-paragraph (n) was inserted by [S.I. 2022/534](#).

- (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)(38) 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.

(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

I53 Reg. 106 in force at 16.2.2023, see [reg. 1](#)

I54 Reg. 107 in force at 16.2.2023, see [reg. 1](#)

I55 Reg. 108 in force at 16.2.2023, see [reg. 1](#)

SECTION 4

Courses

Exceptions: training courses for further education teachers

109. In regulation 5(2A)(a) (qualifying persons: exceptions)(**39**), for the words from “a course” to “Postgraduate Certificate in Education” substitute “a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of the Education (Student Support) Regulations 2011”.

Commencement Information

I56 Reg. 109 in force at 16.2.2023, see [reg. 1](#)

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(**40**) are amended in accordance with this Chapter.

(39) Paragraph (2A) was inserted by [S.I. 2021/1348](#).

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

Commencement Information

I57 Reg. 110 in force at 16.2.2023, see [reg. 1](#)

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)(**41**)—
- (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”;
 - (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”;

Commencement Information

I58 Reg. 111 in force at 16.2.2023, see [reg. 1](#)

I59 Reg. 112 in force at 16.2.2023, see [reg. 1](#)

Insertion of definition of “immigration rules”

- 113.** In regulation 2(1) (interpretation)(**42**)—
- (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”;

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

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

- (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)(43)—
- (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)”.

Commencement Information

I60 Reg. 113 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

- 114.** In Part 1 of Schedule 1 (eligible students: interpretation)(44), 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”.

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

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

Commencement Information

I61 Reg. 114 in force at 16.2.2023, see [reg. 1](#)

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”.

Commencement Information

I62 Reg. 115 in force at 16.2.2023, see [reg. 1](#)

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)(**45**) 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)—

(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”.

(45) 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](#).

(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”.

Commencement Information

I63 Reg. 116 in force at 16.2.2023, see [reg. 1](#)

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).

Commencement Information

I64 Reg. 117 in force at 16.2.2023, see [reg. 1](#)

I65 Reg. 118 in force at 16.2.2023, see [reg. 1](#)

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)(46) 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—

- (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.”.

Commencement Information

- I66** Reg. 119 in force at 16.2.2023, see [reg. 1](#)
- I67** Reg. 120 in force at 16.2.2023, see [reg. 1](#)
- I68** Reg. 121 in force at 16.2.2023, see [reg. 1](#)

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”.

Commencement Information

I69 Reg. 122 in force at 16.2.2023, see [reg. 1](#)

I70 Reg. 123 in force at 16.2.2023, see [reg. 1](#)

CHAPTER 7

The Higher Education Short Course (Loans) Regulations 2022

SECTION 1

Introductory

Amendment of the Higher Education Short Course (Loans) Regulations 2022

124. The Higher Education Short Course (Loans) Regulations 2022(47) are amended in accordance with this Chapter.

Commencement Information

I71 Reg. 124 in force at 16.2.2023, see [reg. 1](#)

SECTION 2

Definitions

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

125. In regulation 2(1) (interpretation)—

- (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”.

Commencement Information

I72 Reg. 125 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

126. In Part 1 of Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

(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”.

Commencement Information

I73 Reg. 126 in force at 16.2.2023, see [reg. 1](#)

SECTION 3

Eligible students

Amendments relating to students who become eligible after the start of an HE short course

127. In regulation 2(4) (interpretation) after “place”, in the second place it occurs, insert “(but see regulation 7(3) and (4))”.

128.—(1) Regulation 7 (students who become eligible students after the start of an HE short course) is amended as follows.

(2) In paragraph (1) for “course, a student” substitute “course which results in a student becoming an eligible student, the student”.

(3) After paragraph (2) insert—

“(3) Where an event specified in paragraph (2)(a), (b), (c), (d), (e), (f), (g) or (l) occurs in relation to a student, paragraph (4) applies for the purposes of determining whether that 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 first day of the HE short course, 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.”.

Commencement Information

I74 Reg. 127 in force at 16.2.2023, see [reg. 1](#)

I75 Reg. 128 in force at 16.2.2023, see [reg. 1](#)

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

129. In regulation 3(5) (eligible students)(**48**)—

(a) for sub-paragraph (h) substitute—

“(h) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of being—

(i) a person granted leave under one of the Afghan Schemes, or

(ii) the spouse, civil partner, child or step-child of a person (“A”) granted leave under one of the Afghan Schemes,

(48) Sub-paragraph (i) was inserted by [S.I. 2022/534](#).

the period for which P, or, as the case may be, A, is allowed to stay in the United Kingdom has expired;”;

(b) for sub-paragraph (i) substitute—

“(i) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of being—

(i) a person granted leave under one of the Ukraine Schemes, or

(ii) the spouse, civil partner, child or step-child of a person (“U”) granted leave under one of the Ukraine Schemes,

the period for which P, or, as the case may be, U, is allowed to stay in the United Kingdom has expired.”.

130. In regulation 6 (students who cease to be eligible students before the start of an HE short course)⁽⁴⁹⁾—

(a) in paragraph (9)(a), after “Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Afghan Schemes”;

(b) in paragraph (9A)(a), after “Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Ukraine Schemes”.

131. In regulation 7 (students who become eligible after the start of an HE short course) (as amended by regulation 128 of these Regulations), in paragraph (2)—

(a) in sub-paragraph (g), after “the student” insert “, or the student’s spouse, civil partner, parent or step-parent.”;

(b) in sub-paragraph (l), after “the student” insert “, or the student’s spouse, civil partner, parent or step-parent.”.

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.

⁽⁴⁹⁾ Paragraph (9A) was inserted by [S.I. 2022/534](#).

- (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)(50) 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—
 - (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

- I76** Reg. 129 in force at 16.2.2023, see [reg. 1](#)
- I77** Reg. 130 in force at 16.2.2023, see [reg. 1](#)
- I78** Reg. 131 in force at 16.2.2023, see [reg. 1](#)
- I79** 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, PART 3.