

*This Statutory Instrument, in part, corrects errors in the Education (Student Fees, Awards and Support (Amendment) Regulations 2021 (S.I. 2021/127), the Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348) and the Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74) and is being issued free of charge to all known recipients of those Statutory Instruments.*

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## STATUTORY INSTRUMENTS

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# 2024 No. 85

## EDUCATION, ENGLAND

### The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024

<i>Made</i>	- - - -	<i>23rd January 2024</i>
<i>Laid before Parliament</i>		<i>25th January 2024</i>
<i>Coming into force</i>	- -	<i>15th February 2024</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1 and 4(2) of, and paragraphs 3 and 4 of Schedule 1 to, the Education Act 1962(1) and by section 3(1) and (2) of the Education Act 1973(2), sections 1 and 2 of the Education (Fees and Awards) Act 1983(3), sections 22 and 42(6) of the Teaching and Higher Education Act 1998(4) and sections 10(4)(b) and (6) and 119(5) of the Higher Education and Research Act 2017(5).

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- (1) 1962 c. 12. The relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c. 20); section 1(3)(d) was amended by section 4 of the Education (Grants and Awards) Act 1984 (c. 11); the entire Act was repealed by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998 (c. 30), subject to the transitional and saving provisions set out in article 3 of the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237 (C. 81)).
  - (2) 1973 c. 16; section 3 was repealed by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998 (c.30), subject to the transitional and saving provisions set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237).
  - (3) 1983 c. 40. Section 1 was amended by paragraph 91 of Schedule 12 to the Education Reform Act 1988 (c. 40), paragraph 19 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13), paragraph 8 of Schedule 9 to the Further and Higher Education (Scotland) Act 1992 (c. 37), paragraph 57 of Schedule 37 to the Education Act 1996 (c. 56), paragraph 9 of Schedule 11 to the Learning and Skills Act 2000 (c. 21) (“the 2000 Act”), paragraph 5 of Schedule 21 to the Education Act 2002 (c. 32), paragraph 9 of Schedule 14 to the Education Act 2005 (c. 18), paragraph 5 of Schedule 5, and paragraph 5 of Schedule 16, to the Education Act 2011 (c. 21) (“the 2011 Act”), paragraph 33 of Schedule 14 to the Deregulation Act 2015 (c. 20) and S.I. 2005/3238 (W. 243), 2010/1158 and 2010/1080. Section 2 was amended by Schedule 4 to the Teaching and Higher Education Act 1998 (c. 30). The functions of the Secretary of State under section 1, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 2006/1458 with effect from 8th June 2006. The Secretary of State’s functions under the other provisions of the Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by S.I. 1999/672 with effect from 1st July 1999.
  - (4) 1998 c. 30. Section 22 was amended by section 146(2)(a) of, and Schedule 11 to, the 2000 Act, paragraph 236 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1), section 147 of the Finance Act 2003 (c. 14), sections 42 and 43 of, and Schedule 7 to, the Higher Education Act 2004 (c. 8) (“the 2004 Act”), section 257 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 76 of the 2011 Act and section 88 of the Higher Education and Research Act 2017 (c. 29) and by S.I. 2013/1881. There are amendments to section 42 but none is relevant to these Regulations. See section 43(1) for the definitions of “prescribed” and “regulations”. The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 in relation to Wales were transferred to the National Assembly for Wales

## PART 1

### Introductory

#### Citation and commencement

1. These Regulations may be cited as the Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 and come into force on 15th February 2024.

#### Extent and application

2.—(1) These Regulations extend to England and Wales.

(2) Regulation 61 (amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017: removal of fee limits for postgraduate ITT courses leading to qualified teacher status) applies to English higher education providers<sup>(6)</sup>.

(3) Otherwise these Regulations apply in relation to England only.

(4) The following provisions of these Regulations apply only in relation to the provision of support, and to fees and awards applicable, in relation to a new academic year, whether or not anything done under these Regulations is done before, on or after 1st August 2024—

- (a) regulations 4, 16, 24, 31, 39, 47, 55 (victims of domestic abuse);
- (b) regulations 7, 17, 27, 34, 44, 51 and 57 (children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner);
- (c) regulations 8, 14, 28, 35, 43, 50 and 58 (students settled in the United Kingdom);
- (d) regulations 9(1)(a) to (g), (2)(a) to (g) and (3)(a) to (h), 21(a) to (h), 26(a) to (g), 33(a) to (g) and (i), 49(a) to (g) and (i) and 56(1)(a) to (g) and (2)(a) to (h) (termination of eligible student status);
- (e) regulation 10 (loans for designated part-time courses);
- (f) regulation 12 and the Schedule (substitution of amounts);
- (g) regulations 15 and 41 (eligibility for home fee status and fee caps in certain circumstances where leave to remain expired);
- (h) regulation 61 (removal of fee limits for postgraduate ITT courses leading to qualified teacher status).

(5) The following provisions of these Regulations apply in relation to the provision of support, and to fees and awards applicable, in relation to a new course, whether or not anything done under these Regulations is done before, on or after 1st August 2024—

- (a) regulations 6 and 42 (qualified teacher learning and skills status);
- (b) regulations 9(1)(h), (2)(h) and (3)(i), 26(h), 33(h) and (j), 49(h) and (j) and 56(1)(h) and (2)(i) (termination of eligible student status: long residence);
- (c) regulations 36 and 52 (substitution of amounts).

(6) Regulations 11, 19, 29, 37, 45, 53 and 60 (British citizens of Chagossian descent) apply in relation to the provision of support, and to fees and awards applicable, in relation to a new academic

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(except so far as they authorised the making of any provision authorised by subsection (2)(a), (c), (j), (k), (3)(e) or (f) or (5) of that section) by section 44(1) of the 2004 Act.

(5) 2017 c. 29. See section 10(9) for the definition of “prescribed”.

(6) See the definition of “English higher education provider” in section 83(1) of the Higher Education and Research Act 2017.

year of a course which began on or after 1st August 2022, whether or not anything done under these Regulations is done before, on or after 1st August 2024.

(7) In this regulation—

“academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April,
- (b) on or after 1st April and before 1st July,
- (c) on or after 1st July and before 1st August, or
- (d) on or after 1st August and on or before 31st December;

“new academic year” means an academic year which begins on or after 1st August 2024;

“new course” means a course which begins on or after 1st August 2024.

## PART 2

### Amendment of the Education (Student Support) Regulations 2011

#### **Amendment of the Education (Student Support) Regulations 2011**

3. The Education (Student Support) Regulations 2011(7) are amended in accordance with this Part.

#### **Victims of domestic abuse**

4.—(1) In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”—

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) for paragraphs (i) to (iii) of sub-paragraph (a), substitute—

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse(8); or

(ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

(2) In both regulation 2A(3)(e)(9) (meaning of “protected category event”) and paragraph 4C(10) of Schedule 1 (eligible students), in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

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(7) [S.I. 2011/1986](#).

(8) The Appendix was added to the immigration rules by Statement of Changes to the Immigration Rules laid before Parliament on 7th December 2023 (HC 246). An electronic copy of HC 246 is available at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-246-7-december-2023>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(9) Regulation 2A was inserted by [S.I. 2023/74](#).

(10) Paragraph 4C was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

### **Afghan Relocations and Assistance Policy Scheme**

5. In regulation 2, in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for sub-paragraph (a)(ia), substitute—

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules(11);”.

### **Qualified teacher learning and skills status**

6.—(1) In regulation 2, in paragraph (1), omit the definition of “qualified teacher learning and skills status”(12).

(2) In regulation 12 (fee loans: previous course)—

(a) in paragraph (4), at the beginning of sub-paragraph (c) insert “where the current course falls within regulation 2(1ZA)(a), (b), (c) or (d), ”;

(b) omit paragraph (4ZA)(13).

(3) In regulation 13 (fee loans: miscellaneous)—

(a) after paragraph (1), insert—

“(1A) An eligible student does not qualify for a fee loan under this Part if—

(a) the current course is a course falling within regulation 2(1ZA)(e),(f),(g),(h) or (i); and

(b) the student has completed a previous course falling within regulation 2(1ZA) (e), (f), (g), (h) or (i) and achieved the intended qualification.”;

(b) omit paragraph (2ZA)(14).

(4) In regulation 144 (fee loans for designated part-time courses beginning on or after 1st September 2012)—

(a) after paragraph (2) insert—

“(2A) An eligible part-time student does not qualify for a fee loan if—

(a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i); and

(b) the student has completed a previous course falling within regulation 2(1ZA) (e), (f), (g), (h) or (i) and achieved the intended qualification.”.

(b) omit paragraph (6A)(15).

### **Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner**

7.—(1) In regulation 2A (meaning of terms including protected category event), in paragraph (3), in sub-paragraphs (e) and (g), after “the student” insert “or the student’s parent”.

(2) In Schedule 1 (eligible students)—

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(11) The Appendix was added to the immigration rules by the Statement of Changes in the Immigration Rules laid before Parliament on 18th October 2022 (HC 719). An electronic version of HC 719 is available at, <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc719-18-october-2022>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(12) The definition of “qualified teacher learning and skills status” was inserted by S.I. 2021/1348.

(13) Paragraph (4ZA) was inserted by S.I. 2021/1348 and amended by S.I. 2023/74.

(14) Paragraph (2ZA) was inserted by S.I. 2021/1348 and amended by S.I. 2023/74.

(15) Paragraph (6A) was inserted by S.I. 2021/1348 and amended by S.I. 2023/74.

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in England on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(16), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in England on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

### **Students settled in the United Kingdom**

**8.—(1)** In regulation 2A (meaning of terms including in-year qualifying event and settled status event)(17)—

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(16) Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

(17) Regulation 2A was inserted by [S.I. 2023/74](#).

- (a) in paragraph (2), after sub-paragraph (b), insert—
  - “(ba) the student becomes a person described in paragraph 2 of Schedule 1;”;
- (b) in paragraph (4), for the words from “means the student becomes a family member” to the end substitute—
  - “means—
    - (a) the student becomes a person described in paragraph 2A or 9BB of Schedule 1; or
    - (b) the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1.”.
- (2) In Schedule 1—
  - (a) in paragraphs 2(1)(a) and 9BB(1)(a)(i)(**18**) of Schedule 1, omit “on the first day of the first academic year of the course”;
  - (b) in paragraph 2(1)(a)(ii) after “England”, insert “on the first day of the first academic year of the course”;
  - (c) in paragraph 2A(1)(a)(**19**) omit “on the course start date”.

### Termination of eligible student status

- 9.—(1) In regulation 4 (eligible students)—
  - (a) in paragraph (12)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
    - “has expired and—
      - (i) no further leave to remain has been granted,
      - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(**20**)), and
      - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
  - (b) in paragraphs (12A)(b), (12B)(b) and (13D)(b)(**21**), after “has been granted” insert “and that person has not become a British or Irish citizen”;
  - (c) in paragraph (12C)(b)(**22**), after “has been granted” insert “and A has not become a British or Irish citizen”;
  - (d) in paragraph (13)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
    - “has expired and—
      - (i) no further leave to remain has been granted;
      - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and

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(18) Paragraph 9BB was inserted by [S.I. 2021/1348](#). Paragraph 9BB(1)(a) is renumbered, creating paragraph 9BB(1)(a)(i), by regulation 11(a)(ii) of this instrument.

(19) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [S.I. 2023/74](#).

(20) [2002 c. 41](#). Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by [S.I. 2005/565](#), [2010/21](#) and [2014/2771](#).

(21) Paragraph (12A) was inserted by [S.I. 2018/137](#); paragraph (12B) by [S.I. 2019/142](#) and paragraph (13D) by [S.I. 2022/534](#). Paragraph (13D) was amended by [S.I. 2023/74](#).

(22) Paragraph (12C) was inserted by [S.I. 2020/48](#).

- (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,";
  - (e) in paragraph (13A)(b)(23), after "has been granted under those rules" insert "and A has not become a British or Irish citizen";
  - (f) in paragraph (13B)(b)(24) after "protected rights" insert "and has not become a British or Irish citizen";
  - (g) in paragraph (13C)(b)(25) after "has expired" insert "and that person has not become a British or Irish citizen";
  - (h) after paragraph (13D) insert—
    - "(13E) Where—
      - (a) the Secretary of State determined that, by virtue of being a person satisfying the criteria in paragraph 13 of Schedule 1 (eligible students: long residence), a person ("A") was an eligible student in connection with—
        - (i) an application for support for an earlier year of the current course;
        - (ii) an application for support for a course in relation to which the current course is an end-on course; or
        - (iii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current course; and
      - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A was granted leave to stay in the United Kingdom has expired and—
        - (i) no further leave to remain has been granted;
        - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
        - (iii) A has not become a British or Irish citizen,
- A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support."
- (2) In regulation 137 (eligible part-time students)—
  - (a) in paragraph (10)(b), for the words from "has expired" to the end of sub-paragraph (b), substitute—
    - "has expired and—
      - (i) no further leave to remain has been granted;
      - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
      - (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,";
  - (b) in paragraphs (10A)(b), (10B)(b) and (11D)(b)(26), after "has been granted" insert "and that person has not become a British or Irish citizen";

(23) Paragraph (13A) was inserted by [S.I. 2021/127](#).

(24) Paragraph (13B) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2021/1348](#).

(25) Paragraph (13C) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2022/57](#) and [2023/74](#).

(26) Paragraph (10A) was inserted by [S.I. 2018/137](#); paragraph (10B) by [S.I. 2019/142](#) and paragraph (11D) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

- (c) in paragraph (10C)(b)(**27**), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraph (11)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
- (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
- (e) in paragraph (11A)(b)(**28**), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (11B)(b)(**29**), after “protected rights” insert “and has not become a British or Irish citizen”;
- (g) in paragraph (11C)(b)(**30**), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (h) after paragraph (11D), insert—
- “(11E) Where—
- (a) the Secretary of State determined that, by virtue of being a person satisfying the criteria in paragraph 13 of Schedule 1 (eligible students: long residence), a person (“A”) was an eligible part-time student in connection with—
- (i) an application for support for an earlier year of the current part-time course; or
- (ii) an application for support in connection with a designated course or other designated part-time course from which A’s status as an eligible student or eligible part-time student has been transferred to the current part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A was granted leave to stay in the United Kingdom has expired and—
- (i) no further leave to remain has been granted;
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
- (iii) A has not become a British or Irish citizen,
- A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (3) In regulation 159 (eligible postgraduate students)—
- (a) in paragraph (15)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—

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(27) Paragraph (10C) was inserted by [S.I. 2020/48](#).

(28) Paragraph (11A) was inserted by [S.I. 2021/127](#).

(29) Paragraph (11B) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/1348](#).

(30) Paragraph (11C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#) and [2023/74](#).



- (i) no further leave to remain has been granted;
  - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
  - (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,";
- (b) in paragraphs (15A)(b), (15B)(b) and (16D)(b)(31), after "has been granted" insert "and that person has not become a British or Irish citizen";
- (c) in paragraph (15C)(b)(32), after "has been granted" insert "and A has not become a British or Irish citizen";
- (d) in paragraph (16)(b), for the words from "has expired" to the end of sub-paragraph (b), substitute—
  - "has expired and—
  - (i) no further leave to remain has been granted;
    - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
    - (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,";
- (e) in paragraph (16A)(b)(33), after "has been granted under those rules" insert "and A has not become a British or Irish citizen";
- (f) in paragraph (16B)(34), sub-paragraph (c) is renumbered sub-paragraph (b);
- (g) in paragraph (16B)(b) as so renumbered, after "protected rights" insert "and has not become a British or Irish citizen";
- (h) in paragraph (16C)(b)(35), after "has expired" insert "and that person has not become a British or Irish citizen";
- (i) after paragraph (16D), insert—
  - "(16E) Where—
  - (a) the Secretary of State determined that, by virtue of being a person satisfying the criteria in paragraph 13 of Schedule 1 (eligible students: long residence), a person ("A") was an eligible postgraduate student in connection with—
      - (i) an application for support for an earlier year of the current postgraduate course; or
      - (ii) an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course; and
    - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A was granted leave to remain in the United Kingdom has expired and—
      - (i) no further leave to remain has been granted;

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(31) Paragraph (15A) was inserted by [S.I. 2018/137](#); paragraph (15B) by [S.I. 2019/142](#) and paragraph (16D) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

(32) Paragraph (15C) was inserted by [S.I. 2020/48](#).

(33) Paragraph (16A) was inserted by [S.I. 2021/127](#).

(34) Paragraph (16B) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2021/1348](#).

(35) Paragraph (16C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#) and [2023/74](#).

(ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and

(iii) A has not become a British or Irish citizen,

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

### **Loans for designated part-time courses**

**10.**—(1) In regulation 144 (fee loans for designated part-time courses beginning on or after 1st September 2012), in paragraph (8)(c), in each place it occurs, for “the current course” substitute “the current part-time course”.

(2) In regulation 157B (qualifying conditions for the loan for living costs)<sup>(36)</sup>, in paragraph (8)(c), in each place it occurs, for “the current course” substitute “the current part-time course”.

### **British citizens of Chagossian descent**

**11.** In Schedule 1, in paragraph 9BB—

(a) in sub-paragraph (1)—

(i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;

(ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);

(iii) after that sub-paragraph (i), insert—

“or

(ii) a British citizen who—

(aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or

(bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

### **Substitution of amounts specified in the Education (Student Support) Regulations 2011**

**12.** The Schedule makes amendments to substitute amounts specified in the Education (Student Support) Regulations 2011.

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<sup>(36)</sup> Regulation 157B was inserted by [S.I. 2018/472](#) and amended by [S.I. 2021/1348](#); there are other amending instruments but none is relevant.

## PART 3

### Corresponding amendments to other subordinate legislation

#### CHAPTER 1

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

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

13. The Education (Fees and Awards) (England) Regulations 2007(37) are amended in accordance with this Chapter.

#### **Students settled in the United Kingdom**

- 14.—(1) In regulation 4 (fee charging), in paragraph (2)(a), for “8 or 8A” substitute “8, 8A or 9C”.
- (2) In Schedule 1—
- (a) in paragraph 2(1)(a), in the opening words, omit “on the first day of the first academic year of the course”;
  - (b) in paragraph 2(1)(a)(ii), after “United Kingdom” insert “on the first day of the first academic year of the course”;
  - (c) in paragraph 2A(1)(a)(38) omit “on the course start date”;
  - (d) in paragraph 9C(1)(a)(i)(39) omit “on the first day of the first academic year of the course”.

#### **Eligibility for home fee status in certain circumstances where leave to remain expired**

15. In regulation 4 (fee charging), after paragraph (2) insert—
- “(2ZA) For the purposes of this regulation, where—
- (a) a person becomes, after the course start date or on the first day of an academic year of the course, a person who no longer falls within a paragraph of Schedule 1 as a result of that person’s leave to remain, or the leave to remain of that person’s spouse, civil partner or parent, as the case may be, having expired; and
  - (b) further leave to remain has been granted or the person whose leave to remain has expired has become a British or Irish citizen,
- the person who would otherwise no longer fall within a paragraph of Schedule 1 is to be treated as falling within the paragraph of Schedule 1 in which they previously fell for the remainder of the duration of the course.”.

#### **Victims of domestic abuse**

16.—(1) In both regulation 4(2C)(c) and (2D)(e)(40) (fee charging) and paragraph 4C(41) of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

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(37) [S.I. 2007/779](#); relevant amendments were made by [S.I. 2010/1174](#), [2019/1027](#), [2021/127](#), [2021/929](#), [2021/1348](#), [2022/534](#) and [2023/74](#).

(38) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2023/74](#).

(39) Paragraph 9C was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/1348](#).

(40) Paragraphs (2C) and (2D) of regulation 4 were inserted by [S.I. 2023/74](#).

(41) Paragraph 4C was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

(2) In paragraph 4C of Schedule 1, in paragraph (1)(a)(42) for sub-paragraphs (i) to (iii), substitute—

- “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; or
- (ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

**Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner**

17.—(1) In regulation 4 (fee charging), in paragraph (2C)(c) and (e), after “the person” insert “or the person’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(43), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and

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(42) Paragraph 4C(1) as renumbered by regulation 17(2)(b).

(43) Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

### **Afghan Relocations and Assistance Policy Scheme**

**18.** In Schedule 1, in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for paragraph (a)(ia), substitute—

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

### **British citizens of Chagossian descent**

**19.** In Schedule 1, in paragraph 9C—

(a) in sub-paragraph (1)—

- (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
- (ii) after paragraph (a)(i), omit “or”;
- (iii) after paragraph (a)(ii), insert—

“or

(iii) a person who is a British citizen and who—

(aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or

(bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(iii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraph (e) of sub-paragraph (1) does not apply to a person mentioned in paragraph (a)(iii) of that sub-paragraph.”.

## CHAPTER 2

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

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

**20.** The Education (Student Support) (European University Institute) Regulations 2010(44) are amended in accordance with this Chapter.

#### **Termination of eligible student status**

**21.** In regulation 9 (eligible students)—

- (a) in paragraph (10)(b), for the words from “the day before the that academic year begins” to the end of sub-paragraph (b), substitute—
  - “the day before the day that academic year begins—
  - (i) no further leave to remain has been granted,
  - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and
  - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status is due to expire has not become a British or Irish citizen,”;
- (b) in paragraphs (10A)(b) and (10B)(b)(45), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (10C)(b)(46), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraph (11)(b), for the words from “the day before the that academic year begins” to the end of sub-paragraph (b), substitute—
  - “the day before the day that academic year begins—
  - (i) no further leave to remain has been granted,
  - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(47)), and
  - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom is due to expire has not become a British or Irish citizen,”;
- (e) in paragraph (11A)(b)(48), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (11B)(b)(49), after “protected rights” insert “and has not become a British or Irish citizen”;
- (g) in paragraph (11C)(b)(50), after “has expired” insert “and that person has not become a British or Irish citizen”;

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(44) S.I. 2010/447. Relevant amendments are in S.I. 2020/48, 2020/1203, 2021/127, 2021/929, 2022/57, 2022/534 and 2023/74.

(45) Paragraph (10A) was inserted by S.I. 2018/137 and paragraph (10B) by S.I. 2019/142.

(46) Paragraph (10C) was inserted by S.I. 2020/48.

(47) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.

(48) Paragraph (11A) was inserted by S.I. 2021/127.

(49) Paragraph (11B) was inserted by S.I. 2021/127 and amended by S.I. 2021/929 and 2021/1348.

(50) Paragraph (11C) was inserted by S.I. 2021/1348 and amended by S.I. 2022/57 and 2023/74.

- (h) in paragraph (11D)(b)(51), after “has been granted” insert “and that person has not become a British or Irish citizen”.

### **Afghan Relocations and Assistance Policy Scheme**

**22.** In Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for paragraph (a)(ia), substitute—

- “(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

## **CHAPTER 3**

### **The Further Education Loans Regulations 2012**

#### **Amendment of the Further Education Loans Regulations 2012**

**23.** The Further Education Loans Regulations 2012(52) are amended in accordance with this Chapter.

#### **Victims of domestic abuse**

**24.**—(1) In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”—

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) for sub-paragraphs (i) to (iii), substitute—
- “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; or
- (ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

(2) In both regulation 6(2)(g) and paragraph 4C(53) of Schedule 1, in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

#### **Afghan Relocations and Assistance Policy Scheme**

**25.** In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for sub-paragraph (a)(ia), substitute—

- “(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

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(51) Paragraph (11D) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

(52) [S.I. 2012/1818](#); relevant amendments were made by [S.I. 2014/1766](#), [2020/48](#), [2020/1203](#), [2021/1348](#), [2022/57](#), [2022/534](#) and [2023/74](#).

(53) Paragraph 4C was inserted by [S.I. 2020/48](#).

## Termination of eligible student status

### 26. In regulation 3 (eligible students)—

- (a) in paragraph (7)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
  - “has expired and—
    - (i) no further leave to remain has been granted;
    - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
    - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
- (b) in paragraphs (7A)(b), (7B)(b) and (8B)(b)(54), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (7C)(b)(55), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraph (8)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
  - “has expired and—
    - (i) no further leave to remain has been granted;
    - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
    - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
- (e) in paragraph (8A)(b)(56), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (9)(b)(57), “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (10)(b)(58), after “protected rights” insert “and has not become a British or Irish citizen”;
- (h) after paragraph (10) insert—
  - “(11) Where—
    - (a) the Secretary of State has determined that a person (“A”) is an eligible student by virtue of paragraph 13 of Schedule 1 (long residence) in connection with an application for a fee loan for a designated further education course; and
    - (b) as at the day before the course begins, the period for which A is allowed to stay in the United Kingdom has expired and—
      - (i) no further leave to remain has been granted;
      - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and

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(54) Paragraph (7A) was inserted by [S.I. 2018/182](#); paragraph (7B) by [S.I. 2019/142](#) and paragraph (8B) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

(55) Paragraph (7C) was inserted by [S.I. 2020/48](#).

(56) Paragraph (8A) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#) and [S.I. 2023/74](#).

(57) Paragraph (9) was inserted by [S.I. 2021/127](#).

(58) Paragraph (10) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [S.I. 2021/1348](#).



(iii) A has not become a British or Irish citizen,  
A’s status as an eligible student terminates immediately before the first day of the course.”.

**Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner**

27.—(1) In regulation 6 (students becoming eligible after a designated further education course has begun), in paragraph (2)(g) and (i), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the first day of the designated further education course.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(59), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;

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(59) Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the first day of the designated further education course.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

### Students settled in the United Kingdom

**28.**—(1) In regulation 6 (students becoming eligible after a designated further education course has begun)(**60**) in paragraph (2)—

(a) after sub-paragraph (b) insert—

- “(ba) the student becomes a person described in paragraph 2 of Schedule 1;
- (bb) the student becomes a person described in paragraph 2A of Schedule 1;”;

(b) after sub-paragraph (d) insert—

- “(da) the student becomes a person described in paragraph 9BB of Schedule 1;”.

(2) In Schedule 1—

- (a) in paragraphs 2(1), 2A(1)(a) and 9BB(1)(a)(i)(**61**) omit “on the first day of the designated further education course”;
- (b) in paragraph 2(1)(b), after “United Kingdom”, insert “on the first day of the designated further education course”.

### British citizens of Chagossian descent

**29.** In Schedule 1, in paragraph 9BB—

(a) in sub-paragraph (1)—

- (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
- (ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);
- (iii) after that sub-paragraph (i), insert—

“or

(ii) a person who is a British citizen and who—

- (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
- (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the designated

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**(60)** Regulation 6 was substituted by [S.I. 2023/74](#).

**(61)** Paragraph 9BB was inserted by [S.I. 2021/1348](#). Paragraph 9BB(1)(a) is renumbered, creating paragraph 9BB(1)(a)(i), by regulation 29(a)(ii) of this instrument.

further education course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”

## CHAPTER 4

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

#### **Amendments to the Education (Postgraduate Master’s Degree Loans) Regulations 2016**

**30.** The Education (Postgraduate Master’s Degree Loans) Regulations 2016(62) are amended in accordance with this Chapter.

#### **Victims of domestic abuse**

**31.**—(1) In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”—

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) for sub-paragraphs (i) to (iii), substitute—

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; or

(ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”

(2) In both regulation 7(2)(g) and paragraph 4C(63) of Schedule 1, in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

#### **Afghan Relocations and Assistance Policy Scheme**

**32.** In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for sub-paragraph (a)(ia), substitute—

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”

#### **Termination of eligible student status**

**33.** In regulation 3—

- (a) in paragraph (8A)(b)(64) for the words from “has expired” to the end of sub-paragraph (b), substitute—

“has expired and—

- (i) no further leave to remain has been granted;

(62) S.I. 2016/606, relevant amending instruments are S.I. 2017/831, 2018/599, 2019/142, 2020/48, 2021/1348, 2022/57, 2022/534 and 2023/74.

(63) Paragraph 4C was inserted by S.I. 2020/48 and amended by S.I. 2023/74.

(64) Paragraph (8A) was inserted by S.I. 2023/74.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
- (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,";
- (b) in paragraph (8B)(b)(65), after "has been granted" insert "and that person has not become a British or Irish citizen";
- (c) in paragraphs (8C)(b) and (8D)(b)(66), after "has been granted" insert "and A has not become a British or Irish citizen";
- (d) in paragraph (8E)(b)(67), for the words from "has expired" to the end of sub-paragraph (b), substitute—
  - "has expired and—
  - (i) no further leave to remain has been granted;
  - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
  - (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,";
- (e) in paragraph (8F)(b)(68), after "has been granted under those rules" insert "and A has not become a British or Irish citizen";
- (f) in paragraph (8G)(b)(69), after "has expired" insert "and the person (A or S) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen";
- (g) in paragraph (8H)(b)(70), after "has been granted" insert "and the person (A or U) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen";
- (h) after paragraph (8H) insert—
  - "(8I) Where—
  - (a) the Secretary of State has determined that a person ("A") is an eligible student by virtue of paragraph 13 of Schedule 1 (long residence) in connection with an application for a postgraduate master's degree loan for a designated course; and
  - (b) as at the day before the relevant day, the period for which A is allowed to stay in the United Kingdom has expired and—
    - (i) no further leave to remain has been granted;
    - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(71)); and
    - (iii) A has not become a British or Irish citizen,

A's status as an eligible student terminates immediately before the relevant day.";

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(65) Paragraph (8B) was inserted by S.I. 2023/74.

(66) Paragraphs (8C) and (8D) were inserted by S.I. 2023/74.

(67) Paragraph (8E) was inserted by S.I. 2023/74.

(68) Paragraph (8F) was inserted by S.I. 2023/74.

(69) Paragraph (8G) was inserted by S.I. 2023/74.

(70) Paragraph (8H) was inserted by S.I. 2023/74.

(71) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.

- (i) in paragraph (9)(b)(72), after “protected rights” insert “and has not become a British or Irish citizen”;
- (j) in paragraph (10)(a)(73), for “, (8G) and (8H)” substitute “and (8G) to (8I)”.

**Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner**

34.—(1) In regulation 7 (students becoming eligible in the course of an academic year)(74), in paragraph (2)(g) and (i), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in England on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(75), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;

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(72) Paragraph (9)(b) was amended by [S.I. 2023/74](#).

(73) Paragraph (10) was inserted by [S.I. 2023/74](#).

(74) Regulation 7 was substituted by [S.I. 2023/74](#).

(75) Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in England on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

### **Students settled in the United Kingdom**

**35.**—(1) In regulation 7 (students becoming eligible in the course of an academic year) in paragraph (2)—

(a) after sub-paragraph (b) insert—

- “(ba) the student becomes a person described in paragraph 2 of Schedule 1;
- (bb) the student becomes a person described in paragraph 2A of Schedule 1;”;

(b) after sub-paragraph (d) insert—

- “(da) the student becomes a person described in paragraph 9BB of Schedule 1;”.

(2) In Schedule 1—

- (a) in paragraphs 2(1)(a) and 9BB(1)(a)(i)(**76**), omit “on the first day of the first academic year of the course”;
- (b) in paragraph 2(1)(a)(ii), after “England”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 2A(1)(a)(**77**), omit “on the course start date”.

### **Substitution of amounts**

**36.** In regulation 12 (amount of the postgraduate master’s degree loan), in paragraphs (1) and (2), for “£12,167” substitute “£12,471”.

### **British citizens of Chagossian descent**

**37.** In Schedule 1 (eligible students), in paragraph 9BB—

(a) in sub-paragraph (1)—

- (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
- (ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);
- (iii) after that sub-paragraph (i), insert—

“or

(ii) a person who is a British citizen and who—

- (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or

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(76) Paragraph 2 was substituted by [S.I. 2017/594](#) and sub-paragraph (1)(a) was amended by [S.I. 2021/127](#). Paragraph 9BB was inserted by [S.I. 2021/1348](#). Paragraph 9BB(1)(a) is renumbered, creating paragraph 9BB(1)(a)(i), by regulation 37(a)(ii) of this instrument.

(77) Paragraph 2A was inserted by [S.I. 2021/127](#) and sub-paragraph (1)(a) was amended by [S.I. 2021/929](#) and [S.I. 2023/74](#).

(bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

## CHAPTER 5

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

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

**38.** The Higher Education (Fee Limit Condition) (England) Regulations 2017(**78**) are amended in accordance with this Chapter.

#### **Victims of domestic abuse**

**39.**—(1) In regulation 2 (interpretation), in paragraph (bba)(**79**) (the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”)—

(a) for “leave to remain”, in both places, substitute “leave to enter or remain”;

(b) for sub-paragraphs (aa) to (cc), substitute—

“(aa) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse;  
or

(bb) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

(2) In both regulation 6(2)(j) (effect of event during academic year) and paragraph 5C(**80**) of the Schedule (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 5C of the Schedule, for “leave to remain”, substitute “leave to enter or remain”.

#### **Afghan Relocations and Assistance Policy Scheme**

**40.** In regulation 2 (interpretation), in paragraph (bbac) (the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”), for sub-paragraph (a)(ia), substitute—

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(78) S.I. 2017/1189; relevant amending instruments are S.I. 2018/903, 2020/48, 2021/1348, 2022/57, 2022/534 and 2023/74.

(79) Paragraph (bba) was inserted by S.I. 2020/48 and amended by S.I. 2023/74.

(80) Paragraph 5C was inserted by S.I. 2020/48 and amended by S.I. 2023/74.

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

#### **Eligibility for fee caps in certain circumstances where leave to remain expired**

**41.** In regulation 4 (qualifying person), after paragraph (6) insert—

“(6A) For the purposes of this regulation, where—

- (a) a person becomes, after the course start date or on the first day of an academic year of the course, a person who no longer falls within a paragraph of the Schedule as a result of that person’s leave to remain, or the leave to remain of that person’s spouse, civil partner or parent, as the case may be, having expired; and
- (b) further leave to remain has been granted or the person whose leave to remain has expired has become a British or Irish citizen,

the person who would otherwise no longer fall within a paragraph of the Schedule is to be treated as falling within the paragraph of the Schedule in which they previously fell for the remainder of the duration of the course.”.

#### **Qualified teacher learning and skills status**

**42.** In regulation 5 (qualifying person: exceptions)—

(a) after paragraph (1), insert—

“(1A) A person is not a qualifying person if—

- (a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of the Education (Student Support) Regulations 2011; and
- (b) the person has completed a previous course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of those Regulations and achieved the intended qualification.”;

(b) omit paragraph (2A)(**81**);

(c) in paragraph (3), omit sub-paragraph (f)(**82**).

#### **Students settled in the United Kingdom**

**43.—**(1) In regulation 6 (qualifying person: effect of event during academic year), in paragraph (2)—

(a) after sub-paragraph (d) insert—

“(da) the student becomes a person described in paragraph 3 in Part 2 of the Schedule;

(db) the student becomes a person described in paragraph 3A in Part 2 of the Schedule;”;

(b) after sub-paragraph (g) insert—

“(ga) the student becomes a person described in paragraph 10C in Part 2 of the Schedule;”.

(2) In the Schedule—

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(81) Paragraph (2A) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2023/74](#).

(82) Sub-paragraph (f) was inserted by [S.I. 2021/1348](#).



- (a) in the opening words of paragraph 3(1) and in paragraph 10C(1)(a)(i)(83), omit “on the first day of the first academic year of the course”;
- (b) in paragraph 3(1)(b), after “United Kingdom”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 3A(1)(a)(84), omit “on the course start date”.

### **Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner**

44.—(1) In regulation 6 (qualifying person: effect of event during academic year), in paragraph (2)(j) and (l)(85), after “the student” insert “or the student’s parent”.

(2) In the Schedule—

- (a) in the heading to paragraph 5C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 5C becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 5E(86) (persons granted indefinite leave to remain as a bereaved partner), at the end, insert “and their children”;
- (e) paragraph 5E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and

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(83) Paragraph 3 was amended by [S.I. 2021/127](#) and paragraph 10C was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/1348](#).

(84) Paragraph 3A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2023/74](#).

(85) Sub-paragraphs (j) and (l) were inserted by [S.I. 2020/48](#). Sub-paragraph (j) was amended by [S.I. 2020/1203](#). Sub-paragraph (l) was amended by [S.I. 2021/1348](#) and [S.I. 2022/534](#).

(86) Paragraph 5E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
  - (c) who was under 18 on the leave application date;
  - (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
  - (e) who is ordinarily resident in the United Kingdom on the course start date.
- (3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

### **British citizens of Chagossian descent**

**45.** In the Schedule, in paragraph 10C—

- (a) in sub-paragraph (1)—
  - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
  - (ii) after paragraph (a)(i), omit “or”;
  - (iii) after paragraph (a)(ii), insert—
    - “or
    - (iii) a person who is a British citizen and who—
      - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
      - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;
- (b) after sub-paragraph (2), insert—
  - “(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(iii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.
  - (4) Paragraph (e) of sub-paragraph (1) does not apply to a person mentioned in paragraph (a)(iii) of that sub-paragraph.”.

## **CHAPTER 6**

The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

### **Amendment of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018**

**46.** The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018<sup>(87)</sup> are amended in accordance with this Chapter.

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(87) S.I. 2018/599; relevant amending instruments are S.I. 2019/142, 2020/48, 2020/1203, 2021/127, 2021/1348 and 2023/74.

### Victims of domestic abuse

**47.**—(1) In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”—

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) for sub-paragraphs (i) to (iii), substitute—
  - “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; or
  - (ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

(2) In both regulation 7(2)(g) (students becoming eligible in the course of an academic year) and paragraph 5B(88) of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 5B of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

### Afghan Relocations and Assistance Policy Scheme

**48.** In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for sub-paragraph (a)(ia), substitute—

- “(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

### Termination of eligible student status

**49.** In regulation 3 (eligible students)—

- (a) in paragraph (11A)(b)(89) for the words from “has expired” to the end of sub-paragraph (b), substitute—
  - “has expired and—
  - (i) no further leave to remain has been granted;
  - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(90)); and
  - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen;”;
- (b) in paragraph (11B)(b)(91), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraphs (11C)(b) and (11D)(b)(92), after “has been granted” insert “and A has not become a British or Irish citizen”;

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(88) Paragraph 5B was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

(89) Paragraph (11A) was inserted by [S.I. 2023/74](#).

(90) [2002 c. 41](#). Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by [S.I. 2005/565](#), [2010/21](#) and [2014/2771](#).

(91) Paragraph (11B) was inserted by [S.I. 2023/74](#).

(92) Paragraphs (11C) and (11D) were inserted by [S.I. 2023/74](#).

- (d) in paragraph (11E)(93), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
- (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen.”;
- (e) in paragraph (11F)(b)(94), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (11G)(b)(95), after “has expired” insert “and the person (A or S) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (g) in paragraph (11H)(b)(96), after “has been granted” insert “and the person (A or U) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (h) after paragraph (11H) insert—
- “(11I) Where—
- (a) the Secretary of State has determined that a person (“A”) is an eligible student by virtue of paragraph 14 of Schedule 1 (long residence) in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A is allowed to stay in the United Kingdom has expired and—
- (i) no further leave to remain has been granted;
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
- (iii) A has not become a British or Irish citizen,
- A’s status as an eligible student terminates immediately before the relevant day.”;
- (i) in paragraph (12)(b)(97), after “protected rights” insert “and has not become a British or Irish citizen”;
- (j) in paragraph (13)(a)(98) for “, (11G) and (11H)” substitute “and (11G) to (11I)”.

### Students settled in the United Kingdom

**50.**—(1) In regulation 7 (students becoming eligible in the course of an academic year), in paragraph (2)—

- (a) after sub-paragraph (b) insert—
- “(ba) the student becomes a person described in paragraph 2 of Schedule 1;
- (bb) the student becomes a person described in paragraph 2A of Schedule 1;”;

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(93) Paragraph (11E) was inserted by [S.I. 2023/74](#).

(94) Paragraph (11F) was inserted by [S.I. 2023/74](#).

(95) Paragraph (11G) was inserted by [S.I. 2023/74](#).

(96) Paragraph (11H) was inserted by [S.I. 2023/74](#).

(97) Paragraph (12) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#), [S.I. 2021/1348](#) and [S.I. 2023/74](#).

(98) Paragraph (13) was inserted by [S.I. 2023/74](#).

- (b) after sub-paragraph (d) insert—
  - “(da) the student becomes a person described in paragraph 10BB of Schedule 1;”.
- (2) In Schedule 1—
  - (a) in paragraphs 2(1)(a) and 10BB(1)(a)(i)(99), omit “on the first day of the first academic year of the course”;
  - (b) in paragraph 2(1)(a)(ii), after “England”, insert “on the first day of the first academic year of the course”;
  - (c) in paragraph 2A(1)(a)(100), omit “on the course start date”.

### **Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner**

**51.**—(1) In regulation 7 (students becoming eligible in the course of an academic year)(101), in paragraph (2)(g) and (i), after “the student” insert “or the student’s parent”.

- (2) In Schedule 1—
  - (a) in the heading to paragraph 5B (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse)(102), at the end, insert “and their children”;
  - (b) paragraph 5B becomes sub-paragraph (1) of that paragraph;
  - (c) after that sub-paragraph (1) insert—
    - “(2) A person—
      - (a) granted indefinite leave to enter or remain;
      - (b) who—
        - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
        - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
      - (c) who was under 18 on the leave application date;
      - (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
      - (e) who is ordinarily resident in England on the course start date.
    - (3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;
  - (d) in the heading to paragraph 5D (persons granted indefinite leave to remain as a bereaved partner)(103), at the end, insert “and their children”;
  - (e) paragraph 5D becomes sub-paragraph (1) of that paragraph;
  - (f) after that sub-paragraph (1) insert—

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(99) Paragraph 2(1)(a) was amended by [S.I. 2021/127](#) and paragraph 10BB was inserted by [S.I. 2021/1348](#). Paragraph 10BB(1)(a) is renumbered, creating paragraph 10BB(1)(a)(i), by regulation 53(a)(ii) of this instrument.

(100) Paragraph 2A was inserted by [S.I. 2021/127](#) and sub-paragraph (1)(a) was amended by [S.I. 2021/929](#) and [S.I. 2023/74](#).

(101) Regulation 7 was substituted by [S.I. 2023/74](#).

(102) Paragraph 5B was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

(103) Paragraph 5D was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
  - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
  - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in England on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

### **Substitution of amounts**

**52.**—(1) In regulation 12 (amount of the postgraduate doctoral degree loan), in paragraph (1)(a) for “£28,673” substitute “£29,390”.

(2) In regulation 13 (payment of postgraduate doctoral degree loans), in paragraph (4), for “£12,167” substitute “£12,471”.

### **British citizens of Chagossian descent**

**53.** In Schedule 1, in paragraph 10BB—

- (a) in sub-paragraph (1)—
  - (i) at the beginning, insert “Subject to paragraphs (3) and (4),”;
  - (ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);
  - (iii) after that sub-paragraph (i), insert—
    - “or
    - (ii) a person who is a British citizen and who—
      - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
      - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

## CHAPTER 7

### The Higher Education Short Course Loans Regulations 2022

#### **Amendment of the Higher Education Short Course Loans Regulations 2022**

**54.** The Higher Education Short Course Loans Regulations 2022(**104**) are amended in accordance with this Chapter.

#### **Victims of domestic abuse**

**55.**—(1) In regulations 2(2)(d) (interpretation) and 7(2)(e) (students who cease to be eligible students before the start of an HE short course) and paragraph 9 of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 9 of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

(2) In Schedule 1, in paragraph 1(1) (interpretation), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”—

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) in paragraph (a), for sub-paragraphs (i) to (iii), substitute—
  - “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse, or
  - (ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces),”.

#### **Termination of eligible student status**

**56.**—(1) In regulation 3 (eligible students)—

- (a) in paragraph (5)(c)—
  - (i) after paragraph (i), omit “and”;
  - (ii) after paragraph (ii), omit the semi-colon and insert—
    - “, and
    - (iii) the person (P or R) whose refugee status has expired has not become a British or Irish citizen;”;
- (b) in paragraph (5)(d)—
  - (i) after paragraph (i), omit “and”;
  - (ii) after paragraph (ii), omit the semi-colon and insert—
    - “, and
    - (iii) the person (P or H) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen;”;
- (c) in paragraph (5)(e)—
  - (i) after paragraph (i), omit “and”;
  - (ii) after paragraph (ii), omit the semi-colon and insert—

- “, and
- (iii) the person (P or S) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen;”;
- (d) in paragraph (5)(f)—
- (i) after paragraph (i), omit “and”;
- (ii) after paragraph (ii), omit the semi-colon and insert—
- “, and
- (iii) P has not become a British or Irish citizen;”;
- (e) in paragraph (5)(g), at the end, insert “and has not become a British or Irish citizen”;
- (f) in paragraph (5)(h)(105), at the end, insert “and the person (P or A) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (g) in paragraph (5)(i)(106), at the end, insert “and the person (P or U) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (h) after paragraph (5)(i), insert—
- “(j) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of paragraph 25 of Schedule 1 (long residence), the period for which P is allowed to stay in the United Kingdom has expired and P has not become a British or Irish citizen.”.
- (2) In regulation 6 (students who cease to be eligible students before the start of an HE short course)—
- (a) in paragraph (2)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted,
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and
- (iii) the person (P or P’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen.”;
- (b) in paragraph (3)(b), after “has been granted” insert “and the person (P or P’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen.”;
- (c) in paragraphs (4)(b) and (5)(b) after “has been granted” insert “and P has not become a British or Irish citizen”;
- (d) in paragraph (6)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted,
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and

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(105) Sub-paragraph (h) was substituted by [S.I. 2023/74](#).

(106) Sub-paragraph (i) was substituted by [S.I. 2023/74](#).



- (iii) the person (P or P’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen.”;
- (e) in paragraph (7)(b), after “has been granted under those rules” insert “and P has not become a British or Irish citizen”;
- (f) in paragraph (8)(b), after “protected rights” insert “and P has not become a British or Irish citizen”;
- (g) in paragraph (9)(b), for “P is allowed to stay in the United Kingdom has expired” substitute “the person granted leave under one of the Afghan schemes is allowed to stay in the United Kingdom has expired and that person has not become a British or Irish citizen.”;
- (h) in paragraph (9A)(b)(107), for “P is allowed to stay in the United Kingdom has expired” substitute “the person granted leave under one of the Ukraine schemes is allowed to stay in the United Kingdom has expired and that person has not become a British or Irish citizen.”;
- (i) after paragraph (9A) insert—
  - “(9B) This paragraph applies in relation to a person (“P”) if—
  - (a) the Secretary of State has determined that, by virtue of being a person granted leave under paragraph 25 of Schedule 1 (long residence), P is an eligible student in connection with an application for an HESC loan for the relevant course, and
  - (b) as at the day before the current course begins, the period P is allowed to stay in the United Kingdom has expired and—
    - (i) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
    - (ii) P has not become a British or Irish citizen.”.

### **Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner**

**57.**—(1) In regulation 7 (students becoming eligible after the start of an HE short course), in paragraph (2)(e) and (f), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 9 (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 9 becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—
  - “(2) A person—
  - (a) granted indefinite leave to enter or remain;
  - (b) who—
    - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
    - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
  - (c) who was under 18 on the leave application date;

(d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and

(e) who is ordinarily resident in England on the first day of the HE short course.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to enter or remain in the United Kingdom on those grounds under the immigration rules.”;

(d) in the heading to paragraph 11 (persons granted indefinite leave to remain as a bereaved partner), at the end, insert “and their children”;

(e) paragraph 11 becomes sub-paragraph (1) of that paragraph;

(f) after that sub-paragraph (1) insert—

“(2) A person—

(a) granted indefinite leave to remain;

(b) who—

(i) is the child of a person granted indefinite leave to remain as a bereaved partner; and

(ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;

(c) who was under 18 on the leave application date;

(d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and

(e) who is ordinarily resident in England on the first day of the HE short course.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

### **Students settled in the United Kingdom**

**58.**—(1) In regulation 7 (students who become eligible students after the start of an HE short course) in paragraph (2)—

(a) after sub-paragraph (g) insert—

“(ga) the student becomes a person described in paragraph 3 of Part 2 of Schedule 1;

(gb) the student becomes a person described in paragraph 4 of Part 2 of Schedule 1;”;

(b) after sub-paragraph (i) insert—

“(ia) the student becomes a person described in paragraph 19 of Part 2 of Schedule 1;”.

(2) In Schedule 1 (eligible students)—

(a) in paragraphs 3(1)(a), 4(1)(a) and 19(1)(a)(i)(**108**) omit “on the first day of the HE short course”;

(b) in paragraph 3(1)(a)(ii), after “England”, insert “on the first day of the HE short course”.

### **Afghan Relocations and Assistance Policy Scheme**

**59.** In Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for sub-paragraph (a) (ia), substitute—

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules.”.

### **British citizens of Chagosian descent**

**60.** In Schedule 1, in paragraph 19—

(a) in sub-paragraph (1)—

(i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;

(ii) in paragraph (a)(109), the words from “settled in” become sub-paragraph (i);

(iii) after that sub-paragraph (i), insert—

“or

(ii) a person who is a British citizen and who—

(aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or

(bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date.”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the HE short course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

## **PART 4**

### **Other Amendments**

#### **Removal of fee limits for postgraduate ITT courses leading to qualified teacher status**

**61.** In regulation 7 of the Higher Education (Fee Limit Condition) (England) Regulations 2017 (qualifying course)(110)—

(a) in paragraph (1A)(111) for “Paragraph (2)” substitute “Paragraph (2)(a)”;

(b) in paragraph (2)—

(i) the words from “at the time” to the end become sub-paragraph (a);

(ii) after that sub-paragraph (a), insert—

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(109) Paragraph (a) is amended by regulation 57(2)(a) of this instrument.

(110) S.I. 2017/1189.

(111) Paragraph (1A) was inserted by S.I. 2018/903.

“; or

- (b) the course is a full-time or part-time postgraduate course of initial teacher training undertaken in England and leading to qualified teacher status in England”.

### **Definition of course for the initial training of teachers**

**62.** In regulation 2 of the Education (Student Support) Regulations 2011 (interpretation)(**112**), in the definition of “course for the initial training of teachers” in paragraph (1ZA), in sub-paragraph (a), omit “the recommendation of”.

### **Recognition of initial further education teacher training courses**

**63.** In regulation 2B of the Education (Student Support) Regulations 2011 (recognition of initial further education teacher training courses)(**113**), in paragraph (2)—

- (a) for “a course is” substitute “a course may only be considered”;
- (b) after “teacher training course” insert “by the Secretary of State”.

### **Eligible part-time students**

**64.** In regulation 144 of the Education (Student Support) Regulations 2011 (fee loans for designated part-time courses beginning on or after 1st September 2012), in paragraph (2) for “A part-time student” substitute “An eligible part-time student”.

### **Revocation of legislation relating to mandatory awards**

**65.**—(1) The following instruments are revoked—

- (a) the Education (Mandatory Awards) (Amendment) Regulations 1999(**114**);
- (b) the Education (Mandatory Awards) Regulations 2003(**115**);
- (c) the Education (Mandatory Awards) (Amendment) Regulations 2004(**116**);
- (d) the Education (Mandatory Awards) (Amendment) Regulations 2005(**117**);
- (e) the Education (Mandatory Awards) (Amendment) Regulations 2006(**118**);
- (f) the Education (Mandatory Awards) (Amendment) Regulations 2007(**119**);
- (g) the Education (Mandatory Awards) (Amendment) Regulations 2008(**120**).

(2) In the Adoption and Children (Miscellaneous Amendments) Regulations 2005(**121**), omit regulation 3 (amendment of the Education (Mandatory Awards) Regulations 2003).

(3) In the Education (Student Support) Regulations 2011(**122**)—

- (a) in regulation 2(1)—

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(**112**) S.I. 2011/1986. Paragraph (1ZA) was inserted by S.I. 2023/74 and amended by S.I. 2023/521.

(**113**) Regulation 2B was inserted by S.I. 2023/74.

(**114**) S.I. 1999/1824.

(**115**) S.I. 2003/1994.

(**116**) S.I. 2004/1038.

(**117**) S.I. 2005/2083.

(**118**) S.I. 2006/930.

(**119**) S.I. 2007/1629.

(**120**) S.I. 2008/1477.

(**121**) S.I. 2005/3482.

(**122**) S.I. 2011/1986.

- (i) in paragraphs (a) and (b) in the definition of “end-on course” omit “a transitional award,”
- (ii) omit the definitions of “old award” and “transitional award”;
- (b) in regulation 4(3), omit sub-paragraphs (a) and (b).

23rd January 2024

*Barran*  
Parliamentary Under-Secretary of State  
Department for Education

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 12

Amendments relating to amounts for student support  
under the Education (Student Support) Regulations 2011

In each provision of the Education (Student Support) Regulations 2011 listed in column 1 of the following table, for the figure listed in the corresponding entry in column 2(**123**) substitute the figure listed in the corresponding entry in column 3—

<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 41(2)(a)	£26,291	£26,948
Regulation 44(3)(a)	£3,354	£3,438
Regulation 44(3)(b)	£3,354	£3,438
Regulation 45(5)(a)	£188.90	£193.62
Regulation 45(5)(b)	£323.85	£331.95
Regulation 46(2)	£1,915	£1,963
Regulation 47(1B)	£15,453.98	£15,621.98
Regulation 47(2C)(i)	£19,549.79	£19,795.23
Regulation 47(2C)(ii)	£27,958.19	£28,379.39
Regulation 47(3B)	£18,739.98	£18,835.98
Regulation 58(1)	£3,783	£3,878
Regulation 58(5)(a)	£3,783	£3,878
Regulations 58(5)(b)	£50,713 (in both places it occurs)	£50,717
Regulation 58(5)(b)	£3,783	£3,878
Regulation 58(5)(b)	£4.11	£4.01
Regulation 58(5)(b)	£34,289 (in both places it occurs)	£34,292
Regulation 58(5)(b)	£11.15	£10.87
Regulation 58(5)(c)	£50,713	£50,717
Regulation 59(1)	£4,121	£4,224
Regulation 59(2)(a)	£4,121	£4,224
Regulation 59(2)(b)	£42,738	£42,736
Regulation 59(2)(b)	£4,121	£4,224
Regulation 59(2)(b)	£4.357	£4.249
Regulation 59(2)(c)	£42,738	£42,736
Regulation 60(1)	£3,783	£3,878

(123) Figures substituted by S.I. 2023/74.

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 60(5)(a)	£3,783	£3,878
Regulation 60(5)(b)	£39,583 (in both places it occurs)	£39,587
Regulation 60(5)(b)	£3,783	£3,878
Regulation 60(5)(b)	£4.58	£4.47
Regulation 60(5)(b)	£28,107 (in both places it occurs)	£28,114
Regulation 60(5)(b)	£7.15	£6.97
Regulation 60(5)(c)	£39,583	£39,587
Regulation 63(1)	£3,783	£3,878
Regulation 63(5)(a)	£3,783	£3,878
Regulation 63(5)(b)	£50,713 (in both places it occurs)	£50,717
Regulation 63(5)(b)	£3,783	£3,878
Regulation 63(5)(b)	£4.11	£4.01
Regulation 63(5)(b)	£34,289 (in both places it occurs)	£34,292
Regulation 63(5)(b)	£11.15	£10.87
Regulation 63(5)(c)	£50,713	£50,717
Regulation 64(1)	£4,121	£4,224
Regulation 64(2)(a)	£4,121	£4,224
Regulation 64(2)(b)	£42,738	£42,736
Regulation 64(2)(b)	£4,121	£4,224
Regulation 64(2)(b)	£4.357	£4.249
Regulation 64(2)(c)	£42,738	£42,736
Regulation 65(1)	£3,783	£3,878
Regulation 65(5)(a)	£3,783	£3,878
Regulation 65(5)(b)	£39,583 (in both places it occurs)	£39,587
Regulation 65(5)(b)	£3,783	£3,878
Regulation 65(5)(b)	£4.58	£4.47
Regulation 65(5)(b)	£28,107 (in both places it occurs)	£28,114
Regulation 65(5)(b)	£7.15	£6.97
Regulation 65(5)(c)	£39,583	£39,587

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 68(b)(i)	£1,655	£1,696
Regulation 68(b)(ii)	£1,655 (in both places it occurs)	£1,696
Regulation 74(2)(i)	£4,992	£5,117
Regulation 74(2)(ii)	£9,009	£9,234
Regulation 74(2)(iii)	£7,664	£7,856
Regulation 74(2)(iv)	£6,438	£6,599
Regulation 74(2) (words after sub-paragraph (iv))	£3.90	£3.81
Regulation 74(3)(i)	£4,528	£4,641
Regulation 74(3)(ii)	£8,202	£8,407
Regulation 74(3)(iii)	£6,665	£6,832
Regulation 74(3)(iv)	£5,957	£6,106
Regulation 74(3) (words after sub-paragraph (iv))	£3.90	£3.81
Regulation 74(6)	£50,713	£50,717
Regulation 74(6)(a)	£4,992	£5,117
Regulation 74(6)(b)	£9,009	£9,234
Regulation 74(6)(c)	£7,664	£7,856
Regulation 74(6)(d)	£6,438	£6,599
Regulation 74(7)	£50,713	£50,717
Regulation 74(7)(a)	£4,528	£4,641
Regulation 74(7)(b)	£8,202	£8,407
Regulation 74(7)(c)	£6,665	£6,832
Regulation 74(7)(d)	£5,957	£6,106
Regulation 74(8)	£50,713	£50,717
Regulation 74(8)(i)	£4,992	£5,117
Regulation 74(8)(ii)	£9,009	£9,234
Regulation 74(8)(iii)	£7,664	£7,856
Regulation 74(8)(iv)	£6,438	£6,599
Regulation 74(9)	£50,713	£50,717
Regulation 74(9)(i)	£4,528	£4,641
Regulation 74(9)(ii)	£8,202	£8,407
Regulation 74(9)(iii)	£6,665	£6,832



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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 74(9)(iv)	£5,957	£6,106
Regulation 76(2)(i)	£5,689	£5,831
Regulation 76(2)(ii)	£9,980	£10,230
Regulation 76(2)(iii)	£8,498	£8,710
Regulation 76(2)(iv)	£7,153	£7,332
Regulation 76(2) (words after sub-paragraph (iv))	£7.72	£7.53
Regulation 76(3)(i)	£5,226	£5,357
Regulation 76(3)(ii)	£9,090	£9,317
Regulation 76(3)(iii)	£7,386	£7,571
Regulation 76(3)(iv)	£6,651	£6,817
Regulation 76(3) (words after sub-paragraph (iv))	£7.72	£7.53
Regulation 76(6)	£42,738	£42,736
Regulation 76(6)(a)	£5,689	£5,831
Regulation 76(6)(b)	£9,980	£10,230
Regulation 76(6)(c)	£8,498	£8,710
Regulation 76(6)(d)	£7,153	£7,332
Regulation 76(7)	£42,738	£42,736
Regulation 76(7)(a)	£5,226	£5,357
Regulation 76(7)(b)	£9,090	£9,317
Regulation 76(7)(c)	£7,386	£7,571
Regulation 76(7)(d)	£6,651	£6,817
Regulation 76(8)	£42,738	£42,736
Regulation 76(8)(i)	£5,689	£5,831
Regulation 76(8)(ii)	£9,980	£10,230
Regulation 76(8)(iii)	£8,498	£8,710
Regulation 76(8)(iv)	£7,153	£7,332
Regulation 76(9)	£42,738	£42,736
Regulation 76(9)(i)	£5,226	£5,357
Regulation 76(9)(ii)	£9,090	£9,317
Regulation 76(9)(iii)	£7,386	£7,571
Regulation 76(9)(iv)	£6,651	£6,817

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 77(2)(i)	£4,775	£4,894
Regulation 77(2)(ii)	£8,640	£8,856
Regulation 77(2)(iii)	£7,350	£7,534
Regulation 77(2)(iv)	£6,170	£6,324
Regulation 77(3)(i)	£4,313	£4,421
Regulation 77(3)(ii)	£7,865	£8,062
Regulation 77(3)(iii)	£6,391	£6,551
Regulation 77(3)(iv)	£5,707	£5,850
Regulation 80(1)(a)(i)	£1,955	£2,004
Regulation 80(1)(a)(ii)	£3,658	£3,749
Regulation 80(1)(a)(iii)	£2,605	£2,670
Regulation 80(1)(b)(i)	£2,267	£2,324
Regulation 80(1)(b)(ii)	£4,244	£4,350
Regulation 80(1)(b)(iv)	£3,022	£3,098
Regulation 80(1)(c)(i)	£3,579	£3,668
Regulation 80(1)(c)(ii)	£6,479	£6,641
Regulation 80(1)(c)(iii)	£5,514	£5,652
Regulation 80(1)(c)(iv)	£4,627	£4,743
Regulation 80(1)(d)(i)	£3,594	£3,684
Regulation 80(1)(d)(ii)	£6,487	£6,649
Regulation 80(1)(d)(iii)	£5,518	£5,656
Regulation 80(1)(d)(iv)	£4,635	£4,751
Regulation 80(1)(e)(i)	£3,698	£3,790
Regulation 80(1)(e)(ii)	£6,487	£6,649
Regulation 80(1)(e)(iii)	£5,526	£5,664
Regulation 80(1)(e)(iv)	£4,653	£4,769
Regulation 80(1)(f)(i)	£3,698	£3,790
Regulation 80(1)(f)(ii)	£6,485	£6,647
Regulation 80(1)(f)(iii)	£5,524	£5,662
Regulation 80(1)(f)(iv)	£4,651	£4,767
Regulation 80(2)(a)(i)	£1,483	£1,520
Regulation 80(2)(a)(ii)	£2,800	£2,870
Regulation 80(2)(a)(iii)	£2,030	£2,081

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 80(2)(b)(i)	£1,722	£1,765
Regulation 80(2)(b)(ii)	£3,246	£3,327
Regulation 80(2)(b)(iv)	£2,356	£2,415
Regulation 80(2)(c)(i)	£3,237	£3,318
Regulation 80(2)(c)(ii)	£5,900	£6,048
Regulation 80(2)(c)(iii)	£4,794	£4,914
Regulation 80(2)(c)(iv)	£4,282	£4,389
Regulation 80(2)(d)(i)	£3,261	£3,343
Regulation 80(2)(d)(ii)	£5,905	£6,053
Regulation 80(2)(d)(iii)	£4,798	£4,918
Regulation 80(2)(d)(iv)	£4,291	£4,398
Regulation 80(2)(e)(i)	£3,397	£3,482
Regulation 80(2)(e)(ii)	£5,908	£6,056
Regulation 80(2)(e)(iii)	£4,801	£4,921
Regulation 80(2)(e)(iv)	£4,325	£4,433
Regulation 80(2)(f)(i)	£3,397	£3,482
Regulation 80(2)(f)(ii)	£5,908	£6,056
Regulation 80(2)(f)(iii)	£4,800	£4,920
Regulation 80(2)(f)(iv)	£4,324	£4,432
Regulation 80A(2)(i) (first place paragraph (i) occurs)	£8,400	£8,610
Regulation 80A(2)(ii) (first place paragraph (ii) occurs)	£13,022	£13,348
Regulation 80A(2)(iii) (first place paragraph (iii) occurs)	£11,427	£11,713
Regulation 80A(2)(iv) (first place paragraph (iv) occurs)	£9,978	£10,227
Regulation 80A(2)(i) (second place paragraph (i) occurs)	£7.08	£6.91
Regulation 80A(2)(ii) (second place paragraph (ii) occurs)	£6.89	£6.73
Regulation 80A(2)(iii) (second place paragraph (iii) occurs)	£6.94	£6.78
Regulation 80A(2)(iv) (second place paragraph (iv) occurs)	£7.01	£6.84

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 80A(3)(i) (first place paragraph (i) occurs)	£7,904	£8,102
Regulation 80A(3)(ii) (first place paragraph (ii) occurs)	£12,065	£12,367
Regulation 80A(3)(iii) (first place paragraph (iii) occurs)	£10,229	£10,485
Regulation 80A(3)(iv) (first place paragraph (iv) occurs)	£9,436	£9,672
Regulation 80A(3)(i) (second place paragraph (i) occurs)	£7.08	£6.91
Regulation 80A(3)(ii) (second place paragraph (ii) occurs)	£6.89	£6.73
Regulation 80A(3)(iii) (second place paragraph (iii) occurs)	£6.94	£6.78
Regulation 80A(3)(iv) (second place paragraph (iv) occurs)	£7.01	£6.84
Regulation 80B(2)(i) (first place paragraph (i) occurs)	£9,910	£10,158
Regulation 80B(2)(ii) (first place paragraph (ii) occurs)	£14,202	£14,557
Regulation 80B(2)(iii) (first place paragraph (iii) occurs)	£12,720	£13,038
Regulation 80B(2)(iv) (first place paragraph (iv) occurs)	£11,374	£11,658
Regulation 80B(2)(i) (second place paragraph (i) occurs)	£4.431	£4.323
Regulation 80B(2)(ii) (second place paragraph (ii) occurs)	£4.736	£4.624
Regulation 80B(2)(iii) (second place paragraph (iii) occurs)	£4.621	£4.512
Regulation 80B(2)(iv) (second place paragraph (iv) occurs)	£4.531	£4.42
Regulation 80B(2)(i) (third place paragraph (i) occurs)	£7.08	£6.91
Regulation 80B(2)(ii) (third place paragraph (ii) occurs)	£6.89	£6.73
Regulation 80B(2)(iii) (third place paragraph (iii) occurs)	£6.94	£6.78
Regulation 80B(2)(iv) (third place paragraph (iv) occurs)	£7.01	£6.84

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 80B(3)(a)	£5,689	£5,831
Regulation 80B(3)(b)	£9,981	£10,230
Regulation 80B(3)(c)	£8,499	£8,711
Regulation 80B(3)(d)	£7,153	£7,331
Regulation 80B(4)(i) (first place paragraph (i) occurs)	£9,448	£9,684
Regulation 80B(4)(ii) (first place paragraph (ii) occurs)	£13,310	£13,643
Regulation 80B(4)(iii) (first place paragraph (iii) occurs)	£11,606	£11,896
Regulation 80B(4)(iv) (first place paragraph (iv) occurs)	£10,872	£11,144
Regulation 80B(4)(i) (second place paragraph (i) occurs)	£4,394	£4,288
Regulation 80B(4)(ii) (second place paragraph (ii) occurs)	£4,656	£4,546
Regulation 80B(4)(iii) (second place paragraph (iii) occurs)	£4,523	£4,416
Regulation 80B(4)(iv) (second place paragraph (iv) occurs)	£4,485	£4,375
Regulation 80B(4)(i) (third place paragraph (i) occurs)	£7.08	£6.91
Regulation 80B(4)(ii) (third place paragraph (ii) occurs)	£6.89	£6.73
Regulation 80B(4)(iii) (third place paragraph (iii) occurs)	£6.94	£6.78
Regulation 80B(4)(iv) (third place paragraph (iv) occurs)	£7.01	£6.84
Regulation 80B(5)(a)	£5,227	£5,357
Regulation 80B(5)(b)	£9,089	£9,316
Regulation 80B(5)(c)	£7,385	£7,569
Regulation 80B(5)(d)	£6,651	£6,817
Regulation 80C(2)	£4,221	£4,327
Regulation 80C(2)	£4.51	£4.40
Regulation 81(5)(a)	£71	£73
Regulation 81(5)(b)	£138	£141
Regulation 81(5)(c)	£148	£152

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 81(5)(d)	£107	£110
Regulation 87(4)(a)	£71	£73
Regulation 87(4)(b)	£138	£141
Regulation 87(4)(c)	£148	£152
Regulation 87(4)(d)	£107	£110
Regulation 105(1)(a)	£3,579	£3,668
Regulation 105(1)(b)	£6,479	£6,641
Regulation 105(1)(c)	£5,514	£5,652
Regulation 105(1)(d)	£4,627	£4,743
Regulation 105(2)(a)	£3,237	£3,318
Regulation 105(2)(b)	£5,900	£6,048
Regulation 105(2)(c)	£4,794	£4,914
Regulation 105(2)(d)	£4,282	£4,389
Regulation 105(3)(a)	£3,594	£3,684
Regulation 105(3)(b)	£6,487	£6,649
Regulation 105(3)(c)	£5,518	£5,656
Regulation 105(3)(d)	£4,635	£4,751
Regulation 105(4)(a)	£3,261	£3,343
Regulation 105(4)(b)	£5,905	£6,053
Regulation 105(4)(c)	£4,798	£4,918
Regulation 105(4)(d)	£4,291	£4,398
Regulation 105(5)(a)	£3,698	£3,790
Regulation 105(5)(b)	£6,487	£6,649
Regulation 105(5)(c)	£5,526	£5,664
Regulation 105(5)(d)	£4,653	£4,769
Regulation 105(6)(a)	£3,397	£3,482
Regulation 105(6)(b)	£5,908	£6,056
Regulation 105(6)(c)	£4,801	£4,921
Regulation 105(6)(d)	£4,325	£4,433
Regulation 105(6A)(a)	£3,698	£3,790
Regulation 105(6A)(b)	£6,485	£6,647
Regulation 105(6A)(c)	£5,524	£5,662
Regulation 105(6A)(d)	£4,651	£4,767

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Regulation 105(6B)(a)	£3,397	£3,482
Regulation 105(6B)(b)	£5,908	£6,056
Regulation 105(6B)(c)	£4,800	£4,920
Regulation 105(6B)(d)	£4,324	£4,432
Regulation 105(6C)(a)	£3,698	£3,790
Regulation 105(6C)(b)	£6,485	£6,647
Regulation 105(6C)(c)	£5,524	£5,662
Regulation 105(6C)(d)	£4,651	£4,767
Regulation 105(6D)(a)	£3,397	£3,482
Regulation 105(6D)(b)	£5,908	£6,056
Regulation 105(6D)(c)	£4,800	£4,920
Regulation 105(6D)(d)	£4,324	£4,432
Regulation 147(6)(a)	£26,291	£26,948
Regulation 157G(1)(a) (first place paragraph (a) occurs)	£8,400	£8,610
Regulation 157G(1)(b) (first place paragraph (b) occurs)	£13,022	£13,348
Regulation 157G(1)(c) (first place paragraph (c) occurs)	£11,427	£11,713
Regulation 157G(1)(d) (first place paragraph (d) occurs)	£9,978	£10,227
Regulation 157G(1)(a) (second place paragraph (a) occurs)	£7.08	£6.91
Regulation 157G(1)(b) (second place paragraph (b) occurs)	£6.89	£6.73
Regulation 157G(1)(c) (second place paragraph (c) occurs)	£6.94	£6.78
Regulation 157G(1)(d) (second place paragraph (d) occurs)	£7.01	£6.84
Regulation 157G(3)	£4,221	£4,327
Regulation 157H(3)	£4,221	£4,327
Regulation 157J(1)(a)	£3,698	£3,790
Regulation 157J(1)(b)	£6,485	£6,647
Regulation 157J(1)(c)	£5,524	£5,662
Regulation 157J(1)(d)	£4,651	£4,767
Regulation 166(2)(a)	£26,291	£26,948

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<i>Column 1 (provision in the Regulations)</i>	<i>Column 2 (existing figure)</i>	<i>Column 3 (new figure)</i>
Schedule 4, Paragraph 9A(2)(a) (i)	£7.08	£6.91
Schedule 4, Paragraph 9A(2)(a) (i)	£2,524	£2,586
Schedule 4, Paragraph 9A(2)(a) (ii)	£6.89	£6.73
Schedule 4, Paragraph 9A(2)(a) (ii)	£2,594	£2,656
Schedule 4, Paragraph 9A(2)(a) (iii)	£6.94	£6.78
Schedule 4, Paragraph 9A(2)(a) (iii)	£2,575	£2,636
Schedule 4, Paragraph 9A(2)(a) (iv)	£7.01	£6.84
Schedule 4, Paragraph 9A(2)(a) (iv)	£2,549	£2,613
Schedule 4, Paragraph 9A(3)(a) (i)	£7.08	£6.91
Schedule 4, Paragraph 9A(3)(a) (ii)	£6.89	£6.73
Schedule 4, Paragraph 9A(3)(a) (iii)	£6.94	£6.78
Schedule 4, Paragraph 9A(3)(a) (iv)	£7.01	£6.84

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in England only, amend various instruments relating to financial support for students.

Part 2 of these Regulations amends the Education (Student Support) Regulations 2011 ([S.I. 2011/1986](#)) (“the Student Support Regulations”).

Part 3 of these Regulations amends seven related sets of Regulations (“the related Regulations”):

- the Education (Fees and Awards) (England) Regulations 2007 ([S.I. 2007/779](#)),



- the Education (Student Support) (European University Institute) Regulations 2010 (S.I. 2010/447),
- the Further Education Loans Regulations 2012 (S.I. 2012/1818),
- the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (S.I. 2016/606),
- the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189),
- the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), and
- the Higher Education Short Course Loans Regulations 2022 (S.I. 2022/349).

These Regulations come into force on 15th February 2024, however regulation 2 provides that some of the amendments made by these Regulations apply only in relation to new courses (beginning on or after 1st August 2024), or new academic years (beginning on or after 1st August 2024).

Part 2 amends the Student Support Regulations in order to:

- amend the definition of “person granted indefinite leave to remain as a victim of domestic violence or abuse” to align with changes made to the immigration rules, to include persons granted indefinite leave to enter as a result of being a victim of transnational marriage abandonment;
- amend the reference to the relevant paragraph in Appendix Afghan Relocation and Assistance Policy of the immigration rules to describe the way indefinite leave to enter or remain is given under that paragraph;
- remove obsolete references to qualified teacher and learning skills status and related provisions;
- make provision so that children granted indefinite leave to enter or remain on the basis that their parent has been granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or indefinite leave to remain as a bereaved partner are eligible for student support on that basis and have the same test of ordinary residence as their parent;
- provide for persons in the student eligibility categories set out in paragraphs 2, 2A and 9BB of Schedule 1 to the Student Support Regulations (which require a student to have settled status) to become eligible for student support when they acquire their settled status during the course of an academic year. The requirement to be settled in the United Kingdom on the first day of the first academic year of the course, or on the course start date as appropriate, is removed and the acquisition of settled status becomes an in-year qualifying event for access to student support for students in these categories;
- ensure that students who acquire British or Irish citizenship during the course of an academic year do not lose their status as students eligible for financial support;
- provide for students whose leave to remain expires but who are granted further leave to remain or who become British or Irish citizens remain able to access student support for the remainder of their course;
- include termination provisions so that persons who are granted student support under the long residence category but whose leave to enter or remain in the United Kingdom has expired and who have not been granted further leave to remain do not retain their status as students eligible for financial support;
- clarify references to part-time courses in regulations 144 and 157B of those Regulations;
- correct an error in regulation 159(16B) of those Regulations;
- make provision for British citizens of Chagossian descent to access student support;
- substitute new payment rates of financial support for students (the current and new figures are set out in the table in the Schedule).

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Part 3 makes corresponding amendments to the related Regulations. These amendments include amendments to the Education (Fee and Awards) (England) Regulations 2007 (S.I. 2007/779) and the Higher Education (Fee Limit Condition) Regulations 2017 (S.I. 2017/1189) to provide that students who acquire settled status during the course of an academic year have home fee status and fee caps (for the purpose of charging tuition fees) in that academic year and future years.

Part 4 amends the Higher Education (Fee Limit Condition) (England) Regulations 2017 to remove fee limits from postgraduate initial teacher training courses leading to qualified teacher status. It also amends regulation 2B(2) of the Student Support Regulations 2011 to ensure that students meeting the occupational standard for a learning and skills teacher is a required condition when the Secretary of State is forming a view as to whether a course should be listed as an initial further education teacher training course, rather than the only consideration. Part 4 also revokes legislation and related references relating to mandatory awards, which are now obsolete and makes additional minor amendments.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.