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STATUTORY INSTRUMENTS

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**2018 No. 137**

**The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018**

**PART 3**

**AMENDMENT OF THE EDUCATION (POSTGRADUATE MASTER'S DEGREE LOANS) REGULATIONS 2016**

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

**10.** The Education (Postgraduate Master's Degree Loans) Regulations 2016(1) are amended in accordance with regulations 11 to 15.

**Amendments relating to support available to members of the armed forces and their families and dependants**

**11.** In regulation 3(2) (eligible students), after paragraph (4), insert—

“(4A) For the purposes of paragraph (4), a person (“A”) is to be treated as being ordinarily resident in England for any period during which A would have been so resident but for the fact that—

- (a) A,
- (b) A's spouse or civil partner,
- (c) A's parent, or
- (d) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,

is or was temporarily employed in Wales, Scotland or Northern Ireland as a member of the regular naval, military or air forces of the Crown.”.

**Amendments relating to the amount of the postgraduate master's degree loan**

**12.** In regulation 12(3) (amount of the postgraduate master's degree loan), in paragraphs (1) and (2), for “£10,280”, substitute “£10,609”.

**Amendments relating to designated distance learning courses**

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

- (a) in paragraph (3)(f), omit “, 122 (designated distance learning course)”; and
- (b) in paragraph (4), after “first day of”, insert “the first academic year of”.

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(1) [S.I. 2016/606](#), amended by [S.I. 2016/668](#), [2017/594](#) and [2017/831](#).

(2) Regulation 3 was amended by [S.I. 2017/594](#).

(3) Regulation 12 was amended by [S.I. 2017/594](#) and [2018/136](#).

## **Amendments relating to support available to persons granted stateless leave and their families**

**14.**—(1) In regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, insert—

““person granted stateless leave” means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”.

(2) In regulation 8(b) (events), after “becomes”, insert “a person granted stateless leave or”.

(3) In Schedule 1(4) (eligible students), Part 2 (categories), after paragraph 4, insert—

### **“Persons granted stateless leave and their family members**

**4A.**—(1) A person granted stateless leave who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—
  - (i) is the spouse or civil partner of a person granted stateless leave; and
  - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who is ordinarily resident in England on the first day of the first academic year of the course; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) A person—

- (a) who—
  - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
  - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) was under 18 on the leave application date;
- (c) is ordinarily resident in England on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).”.

**Amendments relating to support available to persons granted humanitarian protection and their families**

**15.** In Schedule 1 (eligible students), Part 2 (categories), in paragraph 5(1)(a), (2)(c) and (3)(d), for “the United Kingdom”, substitute “England”.