

This Statutory Instrument has been made in part to correct errors made in S.I. 2021/1348 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2022 No. 57

EDUCATION, ENGLAND

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022

<i>Made</i>	- - - -	<i>20th January 2022</i>
<i>Laid before Parliament</i>		<i>24th January 2022</i>
<i>Coming into force</i>	- -	<i>15th February 2022</i>

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

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- (1) 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 7 of Schedule 2 to the Education Act 1994 (c. 30); paragraph 57 of Schedule 37 to the Education Act 1996 (c. 56); paragraph 5 of Schedule 3 to the Teaching and Higher Education Act 1998 (c. 30); paragraph 11 of Schedule 9 to the Learning and Skills Act 2000 (c. 21); paragraph 5 of Schedule 21, and Part 3 of Schedule 22, 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); paragraph 33 of Schedule 14 to the Deregulation Act 2015 (c. 20); S.I. 2005/3238, S.I. 2010/1080 and S.I. 2010/1158. Section 2 was amended by paragraph 1 of Schedule 4 to the Teaching and Higher Education Act 1998.
- (2) 1998 c. 30. Section 22 was amended by section 146(2) of, and paragraph 1 of Schedule 11 to, the Learning and Skills Act 2000 (c. 21); paragraph 236 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1); section 147(3) of the Finance Act 2003 (c. 14); sections 42(1) and 43(2) and (3) of, and Schedule 7 to, the Higher Education Act 2004 (c. 8); section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); section 76(1) and (2)(a) of the Education Act 2011 (c. 21); section 88(2) to (5) of the Higher Education and Research Act 2017 (c. 29); and S.I. 2013/1881. Section 22 is also amended by section 86(2) to (7) of the Higher Education and Research Act 2017 but those amendments are not yet in force. Section 42 was amended by paragraph 9 of Schedule 12 to the Education Act 2002 (c. 32); paragraph 9 of Schedule 6 to the Higher Education Act 2004; and paragraph 15 of Schedule 2 to the Education Act 2011. See section 43(1) for the definitions of “prescribed” and “regulations”.
- (3) 2017 c. 29. See section 10(9) for the definition of “prescribed”.

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 and come into force on 15th February 2022.

(2) These Regulations extend to England and Wales.

(3) The amendments made by regulations 3 to 12, 16, 18, 20, 23, 26 and 28 apply in relation to the provision of support to a student in relation to a course which begins on or after 1st August 2022, whether or not anything done under these Regulations is done before, on, or after that date.

Commencement Information

I1 Reg. 1 in force at 15.2.2022, see [reg. 1\(1\)](#)

PART 2

Amendment of the Education (Student Support) Regulations 2011

CHAPTER 1

Introductory

Amendment of the Education (Student Support) Regulations 2011

2. The Education (Student Support) Regulations 2011(4) are amended as follows.

Commencement Information

I2 Reg. 2 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 2

Relocated Afghan citizens

Eligibility of relocated Afghan citizens

3. In regulation 2(1)—

(a) after the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(5), insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

(4) S.I. 2011/1986, amended by S.I. 2012/1653, 2013/235, 630, 1728 and 3106, 2014/1766, 2103 and 2765, 2015/1951, 2016/211, 270 and 584, 2017/52, 114 and 204, 2018/136, 137, 434, 443, 472 and 599, 2019/142, 983 and 1094, 2020/48, 1181 and 1203, 2021/127, 929 and 1348.

(5) The definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” was inserted by S.I. 2020/48.

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

- (a) who has—
 - (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971⁽⁶⁾, on the basis of the Afghan Citizens Resettlement Scheme; or
 - (ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”⁽⁷⁾—

- (i) in the opening words and in paragraph (a)(ii) and (iii), after “Assistance” insert “Policy”;
- (ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
- (iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.

4. In regulation 4(13C)⁽⁸⁾, in the opening words of sub-paragraph (a) and in sub-paragraph (b), for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

5. In regulation 17(n)⁽⁹⁾ for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

6. In regulation 85(2)(m)⁽¹⁰⁾ for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

7. In regulation 137(11C)⁽¹¹⁾, in the opening words of sub-paragraph (a) and in sub-paragraph (b), for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

8. In regulation 138(4)(o)⁽¹²⁾ for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

9. In regulation 138A(2)(m)⁽¹³⁾ for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

10. In regulation 159(16C)⁽¹⁴⁾, in the opening words of sub-paragraph (a) and in sub-paragraph (b), for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

11. In regulation 160(2)(m)⁽¹⁵⁾ for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

12. In Schedule 1, in paragraph 14 and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

⁽⁶⁾ 1971 c. 77 to which there are amendments not relevant to this instrument.

⁽⁷⁾ Definition inserted by S.I. 2021/1348.

⁽⁸⁾ Paragraph (13C) was inserted by S.I. 2021/1348.

⁽⁹⁾ Paragraph (n) was inserted by S.I. 2021/1348.

⁽¹⁰⁾ Sub-paragraph (m) was inserted by S.I. 2021/1348.

⁽¹¹⁾ Paragraph (11C) was inserted by S.I. 2021/1348.

⁽¹²⁾ Sub-paragraph (o) was inserted by S.I. 2021/1348.

⁽¹³⁾ Regulation 138A was inserted by S.I. 2018/472; paragraph (2) was amended by S.I. 2021/127 and S.I. 2021/1348.

⁽¹⁴⁾ Paragraph (16C) was inserted by S.I. 2021/1348.

⁽¹⁵⁾ Regulation 160(2) was amended by S.I. 2021/1348.

Commencement Information

- I3** Reg. 3 in force at 15.2.2022, see [reg. 1\(1\)](#)
I4 Reg. 4 in force at 15.2.2022, see [reg. 1\(1\)](#)
I5 Reg. 5 in force at 15.2.2022, see [reg. 1\(1\)](#)
I6 Reg. 6 in force at 15.2.2022, see [reg. 1\(1\)](#)
I7 Reg. 7 in force at 15.2.2022, see [reg. 1\(1\)](#)
I8 Reg. 8 in force at 15.2.2022, see [reg. 1\(1\)](#)
I9 Reg. 9 in force at 15.2.2022, see [reg. 1\(1\)](#)
I10 Reg. 10 in force at 15.2.2022, see [reg. 1\(1\)](#)
I11 Reg. 11 in force at 15.2.2022, see [reg. 1\(1\)](#)
I12 Reg. 12 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 3**Overpayments****Recovery of fee loans**

- 13.** In regulation 117(**16**), after paragraph (1A), insert—

“(1B) An academic authority must, if so required by the Secretary of State, repay any amount of a fee loan paid to the academic authority in respect of a student which for whatever reason exceeds the amount of a fee loan to which the student is entitled.”.

- 14.** In regulation 157(**17**), after paragraph (1A), insert—

“(1B) An academic authority must, if so required by the Secretary of State, repay any amount of a fee loan paid to the academic authority in respect of a student which for whatever reason exceeds the amount of a fee loan to which the student is entitled.”.

Commencement Information

- I13** Reg. 13 in force at 15.2.2022, see [reg. 1\(1\)](#)
I14 Reg. 14 in force at 15.2.2022, see [reg. 1\(1\)](#)

(16) Regulation 117 was amended by [S.I. 2015/1951](#) and [2020/1203](#).

(17) Regulation 157 was amended by [S.I. 2015/1951](#) and [2020/1203](#).

PART 3

Corresponding amendments to other Regulations

CHAPTER 1

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

SECTION 1

Introductory

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

15. The Education (Fees and Awards) (England) Regulations 2007(18) are amended as follows.

Commencement Information

I15 Reg. 15 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Relocated Afghan citizens: fees and awards

16. In Schedule 1(19)—

(a) in paragraph 1(1)—

(i) after the definition of “person granted humanitarian protection”(20), insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme; “person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(a) who has—

(i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or

(ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(ii) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—

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

(19) Each of the provisions amended by this regulation were inserted into [S.I. 2007/779](#) by [S.I. 2021/1348](#).

(20) The definition of “person granted humanitarian protection” was inserted by [S.I. 2011/87](#).

- (aa) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;
 - (bb) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
 - (cc) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”;
- (b) in paragraph 5A and the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I16 Reg. 16 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 2

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

SECTION 1

Introductory

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

17. The Education (Student Support) (European University Institute) Regulations 2010(21) are amended as follows.

Commencement Information

I17 Reg. 17 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Eligibility of relocated Afghan citizens

18.—(1) In regulation 9(11C)(22), in the opening words of sub-paragraph (a), and in sub-paragraph (b), for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes, as that expression is defined in paragraph 1(1) of Schedule 1”.

(2) In Schedule 1—

(a) in paragraph 1(1)—

(i) after the definition of “Member State”, insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(21) [S.I. 2010/447](#).

(22) Each of the provisions amended by this regulation was inserted into [S.I. 2010/447](#) by [S.I. 2021/1348](#).

- (a) who has—
 - (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or
 - (ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (ii) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—
 - (aa) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;
 - (bb) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
 - (cc) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”;
- (b) in paragraph 5A and the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I18 Reg. 18 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 3

Amendment of the Further Education Loans Regulations 2012

SECTION 1

Introductory

Amendment of the Further Education Loans Regulations 2012

19. The Further Education Loans Regulations 2012(23) are amended as follows.

Commencement Information

I19 Reg. 19 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Eligibility of relocated Afghan citizens: further education loans

20.—(1) In regulation 2(1)(24)—

(23) [S.I. 2012/1818](#).

(24) Each of the provisions amended by this regulation were inserted into [S.I. 2012/1818](#) by [S.I. 2021/1348](#).

- (a) after the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(25), insert—
- ““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;
- “person granted leave under the Afghan Citizens Resettlement Scheme” means a person—
- (a) who has—
- (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or
- (ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—
- (i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;
- (ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
- (iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.
- (2) In regulation 3(8A)(a) and (b), for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.
- (3) In regulation 7(m) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.
- (4) In paragraph 5A of Schedule 1 and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I20 Reg. 20 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 3

Overpayments

Recovery of fee loans

- 21.** In regulation 24, after paragraph (1) insert—

“(1A) A student must, if so required by the Secretary of State, repay any amount of a fee loan paid in respect of the student which for whatever reason exceeds the amount of a fee loan to which the student is entitled.

(25) The definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” was inserted by [S.I. 2020/48](#).

(1B) An institution must, if so required by the Secretary of State, repay any amount of a fee loan paid to the institution in respect of a student which for whatever reason exceeds the amount of a fee loan to which the student is entitled.”.

Commencement Information

I21 Reg. 21 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 4

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

SECTION 1

Introductory

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

22. The Education (Postgraduate Master’s Degree Loans) Regulations 2016(**26**) are amended as follows.

Commencement Information

I22 Reg. 22 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Eligibility of relocated Afghan citizens: Master’s degrees

23.—(1) In regulation 2(1)(**27**)—

(a) after the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(**28**), insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(a) who has—

(i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or

(ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(26) [S.I. 2016/606](#).

(27) Each of the provisions amended by this regulation were inserted into [S.I. 2016/606](#) by [S.I. 2021/1348](#).

(28) The definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” was inserted by [S.I. 2020/48](#).

- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—
- (i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;
- (ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;
- (iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.
- (2) In regulation 8(n) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.
- (3) In paragraph 5A of Schedule 1 and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I23 Reg. 23 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 3

Overpayments

Recovery of postgraduate master’s degree loans

24. In regulation 17, after paragraph (2), insert—

“(2A) An institution or third party must, if so required by the Secretary of State, repay any amount of a postgraduate master’s degree loan paid to the institution or third party in respect of a student which for whatever reason exceeds the amount of loan to which the student is entitled.”.

Commencement Information

I24 Reg. 24 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 5

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

SECTION 1

Introductory

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

25. The Higher Education (Fee Limit Condition) (England) Regulations 2017(29) are amended as follows.

Commencement Information

I25 Reg. 25 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Relocated Afghan citizens: fee limit condition

26.—(1) In regulation 2(**30**)—

(a) after paragraph (bba), insert—

“(bbaa) “person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

(bbab) “person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(i) who has—

(aa) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or

(bb) indefinite leave to enter or remain in the United Kingdom, outside those rules. as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(ii) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—

(i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;

(ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;

(iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.

(2) In regulation 6(2)(m) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

(3) In paragraph 5F of the Schedule and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I26 Reg. 26 in force at 15.2.2022, see [reg. 1\(1\)](#)

CHAPTER 6

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

SECTION 1

Introductory

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

27. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No 2) etc.) Regulations 2018⁽³¹⁾ are amended as follows.

Commencement Information

I27 Reg. 27 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 2

Relocated Afghan citizens

Relocated Afghan citizens: Doctoral degrees

28.—(1) In regulation 2(1)⁽³²⁾—

(a) after the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”⁽³³⁾, insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(a) who has—

- (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules as defined in section 33(1) of the Immigration Act 1971, on the basis of the Afghan Citizens Resettlement Scheme; or
- (ii) indefinite leave to enter or remain in the United Kingdom outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Scheme”—

⁽³¹⁾ [S.I. 2018/599](#).

⁽³²⁾ Each of the provisions amended by this regulation were inserted into [S.I. 2018/599](#) by [S.I. 2021/1348](#).

⁽³³⁾ The definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” was inserted by [S.I. 2020/48](#).

(i) in the opening words and in paragraph (a)(ii) and (iii) after “Assistance” insert “Policy”;

(ii) in paragraph (a)(i) for “276BB1(iv)” substitute “276BB1(iii)(a)”;

(iii) in paragraph (a)(iv) for “276BJ1 or 276BO1” substitute “276BJ2 or 276BO2”.

(2) In regulation 8(n) for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

(3) In paragraph 6A of Schedule 1 and in the heading to that paragraph, for “the Afghan Relocations and Assistance Scheme” substitute “one of the Afghan Schemes”.

Commencement Information

I28 Reg. 28 in force at 15.2.2022, see [reg. 1\(1\)](#)

SECTION 3

Overpayments

Recovery of postgraduate doctoral degree loans

29. In regulation 17, after paragraph (2), insert—

“(2A) An institution or third party must, if so required by the Secretary of State, repay any amount of a postgraduate doctoral degree loan paid to the institution or third party in respect of a student which for whatever reason exceeds the amount of loan to which the student is entitled.”.

Commencement Information

I29 Reg. 29 in force at 15.2.2022, see [reg. 1\(1\)](#)

Michelle Donelan
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, amend seven 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 6 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](#)) and
- the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 ([S.I. 2018/599](#)).

Regulations 3 to 12 amend the Student Support Regulations for courses which begin on or after 1st August 2022 so that arrivals from Afghanistan under the Afghan Citizens Resettlement Scheme become entitled to support. They also make minor changes to the definition of Afghan Relocations and Assistance Scheme.

Regulations 13 and 14 clarify the existing right to recovery of overpaid fee loans from academic authorities under the Student Support Regulations.

Part 3 makes corresponding changes to the related Regulations.

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.

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022.