
STATUTORY INSTRUMENTS

2024 No. 85

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

PART 3

Corresponding amendments to other subordinate legislation

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⁽¹⁾ are amended in accordance with this Chapter.

Victims of domestic abuse

39.—(1) In regulation 2 (interpretation), in paragraph (bba)⁽²⁾ (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⁽³⁾ 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—

(1) [S.I. 2017/1189](#); relevant amending instruments are [S.I. 2018/903](#), [2020/48](#), [2021/1348](#), [2022/57](#), [2022/534](#) and [2023/74](#).
(2) Paragraph (bba) was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).
(3) 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)(4);

(c) in paragraph (3), omit sub-paragraph (f)(5).

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—

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

(5) 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)(6), 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)(7), 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)(8), 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(9) (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

(6) 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](#).
(7) Paragraph 3A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2023/74](#).
(8) 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](#).
(9) 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.”.