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STATUTORY INSTRUMENTS

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**2021 No. 1348**

The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021

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(1) are amended as follows.

CHAPTER 2

Students eligible for benefits

**Qualifying conditions for the special support grant**

3. In regulation 61, omit the terminal “or” after paragraph (2)(b), and after that paragraph insert—  
“(ba) satisfies one of sub-paragraphs (b)(2) to (e) of regulation 14(1) of the Universal Credit Regulations 2013; or”.

CHAPTER 3

2008 cohort students

**Omission of references to 2008 cohort students**

- 4.—(1) In regulation 2(1)—  
(a) omit the definition of “2008 cohort student”;  
(b) in the definition of “2009 cohort student”, in paragraph (a), omit “and is not a 2008 cohort student”;  
(c) in the definition of “2012 cohort student”, in paragraph (a), omit “2008.”;  
(d) in the definition of “2016 cohort student”, in paragraph (b), omit “2008.”  
(2) Omit regulation 57.  
(3) In regulation 60—  
(a) in the heading to the regulation, omit “2008.”;

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(1) 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 and 929.  
(2) S.I. 2013/376; sub-paragraph (b) is substituted by S.I. 2021/1224.

- (b) in paragraph (1), omit “2008,”;
- (c) in paragraph (5), omit “2008,”.
- (4) Omit regulation 62.
- (5) In regulation 65—
  - (a) in the heading to the regulation, omit “2008,”;
  - (b) in paragraph (1), omit “2008,”;
  - (c) in paragraph (5), omit “2008,”.
- (6) In regulation 71(1)—
  - (a) omit sub-paragraph (a);
  - (b) in sub-paragraph (d), omit “2008,”.
- (7) Omit regulation 72.
- (8) In regulation 77—
  - (a) in the heading to the regulation, omit “2008,”;
  - (b) in paragraph (1), omit “2008,”.
- (9) In regulation 81—
  - (a) in paragraph (1), omit “2008,”;
  - (b) in paragraph (3), omit “2008,”;
  - (c) in paragraph (4), omit “2008,”.
- (10) In regulation 87(1), omit “2008,”.
- (11) In regulation 88—
  - (a) in paragraph (1), omit “2008,”;
  - (b) in paragraph (2), omit “2008,”.
- (12) In regulation 100—
  - (a) in the heading to the regulation, omit “2008,”;
  - (b) omit “2008,”.
- (13) In regulation 101—
  - (a) in the heading to the regulation, omit “2008,”;
  - (b) omit “2008,”.
- (14) In regulation 103, in the heading to the regulation, omit “2008,”.
- (15) In Schedule 4 (financial assessment), in paragraph 9(1A), omit “2008,”.

## CHAPTER 4

### Dual degree eligibility

#### **Removal of eligibility for UK dual degree programmes**

- 5.—(1) In regulation 2(1), at the appropriate place in the alphabetical order, insert—
- ““UK dual degree programme” means a single course of study offered by an institution in the United Kingdom leading to the award by that institution of two first degrees, other than a full-time course leading to a qualification as a—
- (a) medical doctor;
  - (b) dentist;

- (c) veterinary surgeon;
  - (d) architect;
  - (e) landscape architect;
  - (f) landscape designer;
  - (g) landscape manager;
  - (h) town planner; or
  - (i) town and country planner;”.
- (2) In regulation 5—
- (a) in paragraph (1), in the opening words(3), for “and (6)” substitute “, (6) and (6A),”;
  - (b) after paragraph (6), insert—  
“(6A) A UK dual degree programme is not a designated course.”.
- (3) In regulation 139—
- (a) in paragraph (1), in the opening words(4), for “and (5)” substitute “, (5), (5A) and (5B)”;
  - (b) after paragraph (5A), insert—  
“(5B) A UK dual degree programme is not a designated part-time course.”.

## CHAPTER 5

### Students in apprenticeships

#### **Non-eligibility for students undertaking apprenticeships**

- 6.—(1) In regulation 4(3), before sub-paragraph (a), insert—  
“(za) A is studying on a course as part of an apprenticeship;”.
- (2) In regulation 137(3), before sub-paragraph (a), insert—  
“(za) A is studying on a course as part of an apprenticeship;”.
- (3) In regulation 159, after paragraph (4)(aa), insert—  
“(ab) A is studying on a course as part of an apprenticeship;”.

## CHAPTER 6

### Courses for initial training of teachers

#### **Revised definition of “course for the initial training of teachers” and entitlement to fee loans**

- 7.—(1) In regulation 2(1)—
- (a) for the definition of “course for the initial training of teachers”, substitute—  
““course for the initial training of teachers” means—
    - (a) a course of initial teacher training—
      - (i) undertaken in England and leading to the recommendation of qualified teacher status in England;
      - (ii) undertaken in Wales and accredited as initial teacher training by the Education Workforce Council(5);

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(3) Relevant amendments were made to paragraph (1) by S. I. 2018/136, 137>, 434 and 443.

(4) A relevant amendment was made to paragraph (1) by S.I. 2018/472.

(5) See section 2 of the Education (Wales) Act 2014 (anaw 5).

- (iii) undertaken in Scotland and accredited as initial teacher training by the General Teaching Council for Scotland<sup>(6)</sup>;
  - (iv) undertaken in Northern Ireland and accredited as initial teacher training by the General Teaching Council for Northern Ireland<sup>(7)</sup>; or
- (b) a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education, and includes such a course leading to a first degree unless otherwise indicated but excludes an employment-based teacher training scheme;”;
- (b) after the definition of “qualified teacher” insert—
  - ““qualified teacher learning and skills status” means the status held by a person who is outside the definition of “qualified teacher” in this regulation by virtue of that person falling within the proviso described in paragraphs (a) and (b) of that definition;”.
- (2) In regulation 12—
  - (a) in paragraph (4)(b), omit the words from “where the current course” to the end (but not the terminal “and”);
  - (b) after paragraph (4), insert—
    - “(4ZA) Paragraph (4) does not apply where—
      - (a) the current course is a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education; and
      - (b) the student already holds qualified teacher learning and skills status.”.
- (3) In regulation 13—
  - (a) in paragraph (2)(b), omit the words from “where the current course” to the end (but not the terminal “and”);
  - (b) after paragraph (2), insert—
    - “(2ZA) Paragraph (2) does not apply where—
      - (a) the current course is a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education; and
      - (b) the student already holds qualified teacher learning and skills status.”.
- (4) In regulation 14—
  - (a) in paragraph (6)(a), omit “which started on or after 1st September 2012”;
  - (b) after paragraph (6) insert—
    - “(6A) Paragraph (6) does not apply where—
      - (a) the current course is a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education; and

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(6) See article 4 of [S.S.I. 2011/215](#).

(7) Established by article 34 of the Education (Northern Ireland) Order 1998 ([S.I. 1998/1759](#)).

- (b) the student already holds qualified teacher learning and skills status.”.

## CHAPTER 7

### Loan support following an error

#### **Support following an error in applying the rules on equivalent or lower qualifications and previous study**

**8.—(1)** In regulations 13(3A)(c)(8) and 69(2A)(c), for “an academic year of the current course”, and in regulations 144(8)(c) and 157B(8)(c), for “the current part-time course” substitute—

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- (i) the first academic year of the current course, where the determination by the Secretary of State is made before the first day of the first academic year of the current course;
- (ii) the academic year of the current course during which the determination by the Secretary of State is made; or
- (iii) an academic year of the current course in respect of which the determination of the Secretary of State is made, which the student has completed before the making of that determination”.

(2) In regulation 19(9)—

(a) in paragraph (9A)—

(i) in the opening words, for “paragraphs (9B) to (9E)” substitute “this paragraph and paragraphs (9D) and (9E)”;

(ii) in sub-paragraph (b)(iii) for “an academic year of the current course”, substitute—

“\_\_

(aa) the first academic year of the current course, where the determination by the Secretary of State is made before the first day of the first academic year of the current course;

(bb) the academic year of the current course during which the determination by the Secretary of State is made;

(cc) an academic year of the current course in respect of which the determination of the Secretary of State is made, which the student has completed before the making of that determination”;

(b) omit paragraphs (9B) and (9C);

(c) in paragraph (9D) for “Paragraphs (9B) and (9C) do” substitute “Paragraph (9A)(b)(iii) does”.

## CHAPTER 8

### Eligibility of Afghan locally employed staff

#### **Eligibility of Afghan locally employed staff**

**9.—(1)** In regulation 2(1), at the appropriate place in the alphabetical order, insert—

““person granted leave under the Afghan Relocations and Assistance Scheme” means a person—

(a) who has —

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(8) Regulations 13, 19, 69 and 141 were all amended by [S.I. 2014/2765](#) which inserted the provisions amended by this regulation.

(9) Relevant amendments made by [S.I. 2014/2765](#) and [2018/137](#).

- (i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iv) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971<sup>(10)</sup>;
  - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Scheme;
  - (iii) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance Scheme; or
  - (iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ1 or 276BO1 of those rules;
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (2) In regulation 4—
- (a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;
  - (b) after paragraph (13B)<sup>(11)</sup>, insert—
    - “(13C) Where—
      - (a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) was—
        - (i) an eligible student in connection with an application for support for—
          - (aa) an earlier year of the current course;
          - (bb) an application for support for a course in relation to which the current course is an end-on course; or
          - (cc) 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; or
        - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A’s status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and
      - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,
- A’s status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (3) In regulation 17<sup>(12)</sup>, move the terminal “or” from after paragraph (l) to after paragraph (m) and after that paragraph insert—
- “(n) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”

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<sup>(10)</sup> 1971 c. 77 to which there are amendments not relevant to this instrument.

<sup>(11)</sup> Paragraph (13B) was inserted by S.I. 2021/127.

<sup>(12)</sup> Regulation 17 has been amended, including the insertion of paragraph (m) by S.I. 2021/127.

(4) In regulation 85(2)(13), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that sub-paragraph insert—

“(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(5) In regulation 137—

(a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (11B)(14), insert—

“(11C) Where—

(a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, 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 part-time student or eligible 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 the person granted leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

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.”.

(6) In regulation 138(4)(15), move the terminal “or” from after sub-paragraph (m) to after sub-paragraph (n) and after that sub-paragraph insert—

“(o) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(7) In regulation 138A(2)(16), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that sub-paragraph insert—

“(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(8) In regulation 159—

(a) in paragraph (3)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (16B)(17), insert—

“(16C) Where—

(a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, 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

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(13) Regulation 85(2) has been amended, including the insertion of sub-paragraph (l) by [S.I. 2021/127](#).

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

(15) Regulation 138(4) has been amended, including the insertion of sub-paragraph (m) by [S.I. 2021/127](#).

(16) Regulation 138A was inserted by [S.I. 2018/472](#); paragraph (2) has been amended, including the insertion of sub-paragraph (l) by [S.I. 2021/127](#).

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

- (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 the person granted leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

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.”.

(9) In regulation 160(2)(18), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that sub-paragraph insert—

“(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(10) In Schedule 1 (eligible students), after paragraph 13, insert—

**“Persons granted leave under the Afghan Relocations and Assistance Scheme**

**14.** A person granted leave under the Afghan Relocations and Assistance Scheme, who is ordinarily resident in England on the first day of the first academic year of the course.”.

**CHAPTER 9**

**Long residence**

**Eligibility on the basis of long residence**

**10.** In Schedule 1 (eligible students), in paragraph 13(1)(b), after “in England”, insert “on the first day of the first academic year of the course”.

**CHAPTER 10**

**Students from British overseas territories**

**Eligibility of students from British overseas territories**

**11.**—(1) In regulation 4(2)(a)(19), after “9BA,” insert “9BB,”.

(2) In regulation 17(d)(20), for “or 9D(1)(a)” substitute “, 9D(1)(a) or 9D(2)(a)”.

(3) In regulation 38(3)(21), for the words from “paragraphs 2A” to the end substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”.

(4) In regulation 69(3)(a)(22), for the words from “paragraphs 2A” to the end, substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”.

(5) In regulation 137(2)(a)(23), after “9BA,” insert “9BB,”.

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(18) Regulation 160(2) has been amended, including the insertion of sub-paragraph (l) by [S.I. 2021/127](#).

(19) Paragraph (2) of regulation 4 was substituted, and paragraph (2B) inserted, by [S.I. 2021/127](#) and it was amended by [S.I. 2021/929](#).

(20) Paragraph (d) was substituted by [S.I. 2021/127](#).

(21) Paragraph (3) of regulation 38 was amended by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#).

(22) Paragraph (3) of regulation 69 was amended by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#).

(23) Paragraph (2) of regulation 137 was substituted, and paragraph (2B) inserted, by [S.I. 2021/127](#) and both paragraphs were amended by [S.I. 2021/929](#).



(6) In regulation 138(4)(d)(**24**), for “or 9D(1)(a)” substitute “, 9D(1)(a) or 9D(2)(a)”.

(7) In regulation 147(2)(a)(**25**), for the words from “paragraphs 2A” to the end, substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”

(8) In regulation 157B(2)(a)(**26**), for the words from “paragraphs 2A” to the end, substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”

(9) In regulation 159(8)(**27**), for the words from “paragraphs 2A” to the end, substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10ZA(d)(ii), 11A(c)(ii) and 12A(d)(ii).”

(10) In Schedule 1—

(a) in paragraph 1(1)—

(i) in paragraph (e) of the definition of “family member”(**28**), for “paragraphs 9, 9B, 9C and 9D” substitute “paragraphs 9, 9B, 9D or for the purposes of paragraph 9C in relation to a person settled in the United Kingdom”;

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

““overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Mayotte; Greenland; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Barthélemy; St Helena and Dependencies (Ascension Island and Tristan da Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands; and Wallis and Futuna;”;

(iii) after the definition of “settled”, insert—

““specified British overseas territories” means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan da Cunha); and Turks and Caicos Islands;”;

(b) for paragraph 1(4) substitute—

“(4) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in an area if 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,

(24) Sub-paragraph (d) was substituted by [S.I. 2021/127](#).

(25) Paragraph (2)(a) of regulation 147 was substituted by [S.I. 2021/127](#) and was amended by [S.I. 2021/929](#).

(26) Regulation 157B was inserted by [S.I. 2018/472](#) and paragraph (2)(a) was substituted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#).

(27) Paragraph (3) of regulation 159 was substituted, paragraph (3B) inserted, and paragraph (8) amended, by [S.I. 2021/127](#) and all those paragraphs were amended by [S.I. 2021/929](#).

(28) Paragraph (e) of the definition of “family member” was amended by [S.I. 2021/127](#).

is or was temporarily employed outside the area in question.”;

(c) for paragraph 1(5) substitute—

“(5) For the purposes of sub-paragraph (4), temporary employment outside the area in question includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of a specified British overseas territory, any period which they serve outside the territory comprising the United Kingdom and the specified British overseas territories as members of such forces;
- (c) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;
- (d) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland as members of such forces;
- (e) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey as members of such forces; and
- (f) in the case of members of the regular armed forces of an EU overseas territory, any period which they serve outside the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories.”;

(d) in paragraph 3(1)(d)(**29**), for the words from “ordinarily resident” to the end substitute—

“ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—

- (i) the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
- (ii) the overseas territories.”.

(e) in paragraph 6A(**30**), for sub-paragraph (1)(c) substitute—

“(c) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—

- (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
- (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories, where at least part of that ordinary residence was in the overseas territories.”;

(f) in paragraph 7A(**31**), for sub-paragraph (1)(b) substitute—

“(b) has been ordinarily resident throughout the three-year period preceding the first academic year of the course either—

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(**29**) Paragraph 3(1)(d) was amended by [S.I. 2020/1181](#).

(**30**) Paragraph 6A was inserted by [S.I. 2021/127](#).

(**31**) Paragraph 7A was inserted by [S.I. 2021/127](#).

- (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
  - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories;”;
- (g) in paragraph 9A(1)(32)—
  - (i) in paragraph (c)—
    - (aa) omit “Gibraltar,”;
    - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
  - (ii) in paragraph (d)—
    - (aa) omit “Gibraltar,”;
    - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (h) in paragraph 9A(2)—
  - (i) omit “Gibraltar,”;
  - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (i) after paragraph 9BA(33) insert—
  - “**9BB.**—(1) A person—
    - (a) who is settled in the United Kingdom on the first day of the first academic year of the course;
    - (b) who is—
      - (i) attending or undertaking a designated course in England; or
      - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
    - (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the first day of the first academic year of the course;
    - (d) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories throughout the three-year period preceding the first day of the first academic year of the course;
    - (e) who did not move to England from the Islands for the purpose of undertaking the current course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course; and
    - (f) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the specified British overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.
  - (2) Paragraph (f) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories in accordance with paragraph 1(4).”.
- (j) for paragraph 9D substitute—

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

(33) Paragraph 9BA was inserted by [S.I. 2021/929](#).

- “9D.—(1) A person—
- (a) who is—
    - (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar; or
    - (ii) a family member of a United Kingdom national where that family member has resident status in Gibraltar granted by the Government of Gibraltar;
  - (b) who is —
    - (i) attending or undertaking a designated course in England; or
    - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
  - (c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
  - (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (2) A person—
- (a) who is—
    - (i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or
    - (ii) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement;
  - (b) who is —
    - (i) attending or undertaking a designated course in England; or
    - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
  - (c) who has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
  - (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 1(4).”
- (k) in paragraph 10ZA(d)(34), for the words from “ordinarily resident” to the end substitute—
- “ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—

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(34) Paragraph 10ZA was inserted by [S.I. 2021/127](#).

- (i) the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
- (ii) the overseas territories.”;
- (l) in paragraph 11A**(35)**—
  - (i) for sub-paragraph (c), substitute—
    - “(c) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
      - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
      - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories;”;
- (m) in paragraph 12A**(36)**, for sub-paragraph (d) substitute—
  - “(d) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
    - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey; or
    - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories where at least part of that ordinary residence was in the overseas territories.”.

## CHAPTER 11

### Ending of grace period

#### Omission of references to grace period

- 12.—(1) In regulation 2(1)—
  - (a) omit the definition of “grace period”;
  - (b) in the definition of “person with protected rights”, omit paragraph (1)(a)(iii).
- (2) In regulations 4(13B)(a), 137(11B)(a) and 159(16B)(a)**(37)**—
  - (a) in paragraph (i), omit “(iii),”;
  - (b) in paragraph (ii), omit “(iii) or”.
- (3) In Schedule 1 (eligible students), omit paragraph 3(1)(a)(iii).

## CHAPTER 12

### Designation of courses

#### Designation of courses

- 13. In regulation 5(1)(e), in the opening words, for “7 or 8” substitute “7, 8, 9, 10 or 11”**(38)**.

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

**(36)** Paragraph 12A was inserted by [S.I. 2021/127](#).

**(37)** Paragraph (13B) was inserted into regulation 4, paragraph (11B) was inserted into regulation 137, and paragraph (16B) was inserted into regulation 159, by [S.I. 2021/127](#); relevant amendments were made by [S.I. 2021/929](#).

**(38)** Paragraph 9 was inserted into Schedule 2 by [S.I. 2018/443](#); paragraphs 10 and 11 were inserted into Schedule 2 by [S.I. 2020/1203](#).

## CHAPTER 13

### Family members

#### Family members

14. In Schedule 1, in paragraph 9C(1)(a), for “a United Kingdom national” substitute “settled in the United Kingdom”.

## CHAPTER 14

### Spent provisions

#### Omission of spent provisions

- 15.—(1) In regulation 4, omit paragraph (14).
- (2) In regulation 90(39), omit “Subject to regulation 90A,”.
- (3) Omit regulation 90A.
- (4) In regulation 157F(4), omit “Subject to regulation 157FA”.
- (5) Omit regulation 157FA.

## CHAPTER 15

### Amendment of definition of person granted Calais leave

#### Persons granted Calais leave

16. In regulation 2(1), in paragraph (b) of the definition of “person granted Calais leave”, for “first granted such leave” substitute “granted such leave to remain”.

## CHAPTER 16

### Students treated as attending a course and payments of loans for living costs

#### Students treated as attending a course and payment of loans for living costs

- 17.—(1) In regulation 18(2)(40)—
- (a) in sub-paragraph (a), for “student undertaking an intensive course” substitute “compressed degree student”;
- (b) in sub-paragraph (b)(i), for “student undertaking an intensive course” substitute “compressed degree student”.
- (2) In regulation 39(2)—
- (a) in sub-paragraph (a), for “student undertaking an intensive course” substitute “compressed degree student”;
- (b) in sub-paragraph (c)(i), for “student undertaking an intensive course” substitute “compressed degree student”.
- (3) In regulation 82(2)(a), for “student undertaking an intensive course” substitute “compressed degree student”.
- (4) In regulation 86(2)—

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(39) Regulations 90A and 157FA were inserted by [S.I. 2021/268](#).

(40) Relevant amendments were made to regulations 18, 39 and 86 by [S.I. 2019/142](#).

- (a) in sub-paragraph (a), for “student undertaking an intensive course” substitute “compressed degree student”;
- (b) in sub-paragraph (c)(i), for “student undertaking an intensive course” substitute “compressed degree student”.

## CHAPTER 17

### Update of amounts specified in Regulations

**18.** The Schedule to these Regulations makes provision to update amounts specified in the Education (Student Support) Regulations 2011.