
STATUTORY INSTRUMENTS

2021 No. 1348

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

PART 3

Corresponding amendments to other Regulations

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

49. The Higher Education (Fee Limit Condition) (England) Regulations 2017⁽¹⁾ are amended as follows.

SECTION 2

Courses for initial training of teachers

Courses for initial training of teachers: qualifying persons

50. In regulation 5—

(a) in paragraph (2)(a)(i), omit “(including such a course leading to a first degree)”;

(b) after paragraph (2), insert—

“(2A) Paragraph (2)(a) 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.”.

(c) after paragraph (3)(e), insert—

“(f) “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 (i) and (ii) of that definition;

- (g) “course for the initial training of teachers” has the same meaning as in regulation 2(1) of the Education (Student Support) Regulations 2011.”.

SECTION 3

Afghan locally employed staff

Afghan locally employed staff: qualifying persons

51.—(1) In regulation 2, 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 —

- (i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of 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;
- (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(4)(a)(2), after “5E,” insert “5F,”.

(3) In regulation 6(2)(3), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that paragraph insert—

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

(4) In the Schedule (qualifying persons), after paragraph 5E, insert—

“Persons granted leave under the Afghan Relocations and Assistance Scheme

5F. A person granted leave under the Afghan Relocations and Assistance Scheme who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

(2) Paragraph (4) was substituted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#).

(3) Regulation 6(2) has been amended including the insertion of sub-paragraph (l) by [S.I. 2020/1203](#).

SECTION 4

Students from British overseas territories

Persons resident in Gibraltar

52. In regulation 4(6)(4), for “9A, 10B and 10BA” substitute “9A, 10B, 10BA and 10E”.

Students from British overseas territories: qualifying persons

53. In the Schedule—

- (a) in paragraph 1(1), in paragraph (e) of the definition of “family member”**(5)** for “paragraphs 10, 10B, 10C, 10D and 10E” substitute “paragraphs 10, 10B and 10E and for the purposes of paragraphs 10C and 10D in relation to persons settled in the United Kingdom”
- (b) in paragraph 10C(1)(a)—
 - (i) in sub-paragraph (i), for “a United Kingdom national” substitute “a person who is settled in the United Kingdom”;
 - (ii) in sub-paragraph (ii), at the end insert “, or who would be such a person if they were ordinarily resident in the United Kingdom”.

SECTION 5

Family members

Family members

54. In the Schedule, in paragraph 10D(1)(a) for “a United Kingdom national” substitute “settled in the United Kingdom”.

SECTION 6

Amendment to definition of person granted Calais leave

Persons granted Calais leave

55. In regulation 2(bbb)(6), in paragraph (ii) of the definition of “person granted Calais leave” for “first granted such leave” substitute “granted such leave to remain”.

(4) Regulation 4(6) was inserted by [S.I. 2021/127](#).

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

(6) Definition inserted by [S.I. 2020/48](#).