
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 1

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

SECTION 1

Introductory

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

19. The Education (Fees and Awards) (England) Regulations 2007(1) are amended as follows.

SECTION 2

Afghan locally employed staff

Afghan locally employed staff: fees and awards

20.—(1) In each of the regulations listed in sub-paragraphs (a) to (g)(2), in the appropriate place insert “, 5A”—

- (a) regulation 4(1)(a);
- (b) regulation 5(1)(b) and (c);
- (c) regulation 6(1)(b)(i) and (c)(i);
- (d) regulation 7(1) and (2);
- (e) regulation 8(1)(a) and (2)(a);
- (f) regulation 9(1)(a) and (2)(a);
- (g) regulation 9A(1) and (2).

(2) In Schedule 1—

- (a) in paragraph 1(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 —

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

(2) All of the provisions listed were amended by [S.I. 2021/127](#); regulation 9A was inserted by [S.I. 2018/1141](#).

- (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;
 - (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;”;
- (b) after paragraph 5, insert—

“Persons granted leave under the Afghan Relocations and Assistance Scheme

5A. 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.”.

SECTION 3

Students from British overseas territories

Persons resident in Gibraltar

- 21.**—(1) In regulation 4(1B)(3) for “9B and 9BA” substitute “9B, 9BA and 9E”.
- (2) In regulation 5(2) for “9B and 9BA” substitute “9B, 9BA and 9E”.
- (3) In regulation 6(1C) for “9B and 9BA” substitute “9B, 9BA and 9E”.
- (4) In regulation 7(3) for “9B and 9BA” substitute “9B, 9BA and 9E”.
- (5) In regulation 8(4) for “9B and 9BA” substitute “9B, 9BA and 9E”.
- (6) In regulation 9(4) for “9B and 9BA” substitute “9B, 9BA and 9E”.
- (7) In regulation 9A(4) for “9B and 9BA” substitute “9B, 9BA and 9E”.

Students from British overseas territories: fees and awards

22. In Schedule 1

- (a) in paragraph (1), in paragraph (e) of the definition of “family member”(4), for “paragraphs 9, 9B, 9C, 9D and 9E” substitute “paragraphs 9, 9B, 9E or for the purposes of paragraphs 9C and 9D in relation to a person settled in the United Kingdom”;
- (b) in paragraph 9C(1)(a)—
 - (i) in sub-paragraph (i), for “a United Kingdom national” substitute “a person who is settled in the United Kingdom”;

(3) The provisions amended by this regulation were all inserted by [S.I. 2021/127](#) and were amended by [S.I. 2021/929](#).

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

- (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 4

Ending of grace period

Omission of references to grace period: fees and awards

23. In Schedule 1—

(a) in paragraph 1(1)—

(i) omit the definition of “grace period”;

(ii) in the definition of “person with protected rights”, omit paragraph (a)(iii).

(b) omit paragraph 3(1)(a)(iii).

SECTION 5

Family members

Family members

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

SECTION 6

Persons granted Calais leave

Persons granted Calais leave

25. In Schedule 1, in paragraph 4D(b)(5), for “first granted such leave” substitute “granted such leave to remain”.

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

26. The Education (Student Support) (European University Institute) Regulations 2010(6) are amended as follows.

(5) Paragraph 4D was inserted by [S.I. 2020/48](#) and amended by [S.I. 2020/1203](#).

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

SECTION 2

Eligibility of Afghan locally employed staff

Eligibility of Afghan locally employed staff: European University Institute

27.—(1) In regulation 9—

- (a) in paragraph (2)(b)(i)(7), after “5” insert “, 5A”;
- (b) after paragraph (11B)(8) 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 person in connection with—
 - (i) an application for support for an earlier year of the current course, or
 - (ii) an application for support for a designated course at the Institute from which A’s status as an eligible student has been transferred to the current 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 student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

(2) In Schedule 1 (eligible students)—

- (a) in paragraph 1(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 —
 - (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;”;

- (b) after paragraph 5, insert—

(7) Paragraph (2)(b) was inserted by [S.I. 2021/127](#).

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

“Persons granted leave under the Afghan Relocations and Assistance Scheme

5A. A person granted leave under the Afghan Relocations and Assistance Scheme who is ordinarily resident in England on the relevant date.”.

SECTION 3

Ending of grace period

Omission of references to grace period: European University Institute

- 28.**—(1) In regulation 3(1)—
- (a) omit the definition of “grace period”;
 - (b) in the definition of “person with protected rights”, omit paragraph (a)(iii).
- (2) In regulation 9(11B)(a)—
- (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).

SECTION 4

Students from British overseas territories

Eligibility of students from British overseas territories

- 29.**—(1) In regulation 9(2)(b)(i)(9) after “9BA,” insert “9BB.”.
- (2) In regulation 17(2) 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).”.
- (3) In regulation 19(2), 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 22(3), 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 24(2), 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).”.
- (6) In Schedule 1—
- (a) in paragraph 1(1)—
 - (i) in paragraph (e) of the definition of “family member”**(10)** for “paragraphs 9, 9B, 9C and 9D” substitute “paragraphs 9, 9B and 9D, or for the purposes of paragraph 9C in relation to a person settled in the United Kingdom”;
 - (ii) after the definition of “Member State” insert—

(9) Regulations 9(2), 17(2), 19(2), 22(3) and 24(2) were amended by [S.I. 2021/929](#).

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

““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(7) substitute—

“(7) 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,

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

(c) for paragraph 1(8) substitute—

“(8) For the purposes of sub-paragraph (7), 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), 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, for sub-paragraph (1)(c), substitute—
 - “(c) has been ordinarily resident throughout the three-year period preceding the relevant date 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, for sub-paragraph (1)(b) substitute—
 - “(b) has been ordinarily resident throughout the three-year period preceding the relevant date 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.”;
- (g) in paragraph 9A—
 - (i) in sub-paragraph (1)(c)—
 - (aa) omit “Gibraltar.”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (ii) in sub-paragraph (1)(d)—
 - (aa) omit “Gibraltar.”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (iii) in sub-paragraph (2)—
 - (aa) omit “Gibraltar.”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (h) after paragraph 9BA(11) insert—
 - “**9BB.**—(1) A person—
 - (a) who is settled in the United Kingdom on the relevant date;
 - (b) who is ordinarily resident in England on the relevant date;

- (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the relevant date;
- (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 relevant date; and
- (e) 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 (e) 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(7).”;

(i) For paragraph 9D substitute—

“9D.—(1) A person—

- (a) who on the relevant date is—
 - (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;
 - (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 ordinarily resident in England on the relevant date;
- (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 relevant date; 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 on the relevant date 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 ordinarily resident in England on the relevant date;
- (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 relevant date; 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(7).”;

- (j) in paragraph 10ZA(d)(12)—
 - (i) omit “Gibraltar,”; and
 - (ii) for “and Switzerland” substitute “Switzerland and the overseas territories”;
- (k) in paragraph 11A, for sub-paragraph (c), substitute—
 - “(c) has been ordinarily resident throughout the three-year period preceding the relevant date 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.”;
- (l) in paragraph 12A, for sub-paragraph (d) substitute—
 - “(d) has been ordinarily resident throughout the three-year period preceding the relevant date 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.”.

SECTION 5

Family members

Family members

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

SECTION 6

Eligibility

Eligibility

31. In Schedule 1, for “first day of the first academic year of the course” substitute “relevant date” in paragraph 2A(1)(c)(13).

SECTION 7

Amendment of definition of person granted Calais leave

Persons granted Calais leave

32. In regulation 3(1), in paragraph (b) of the definition of “person granted Calais leave”, for “first granted such leave” substitute “granted such leave to remain”.

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

(13) Inserted by [S.I. 2021/127](#).

CHAPTER 3

Amendment of the Further Education Loans Regulations 2012

SECTION 1

Introductory

Amendment of the Further Education Loans Regulations 2012

33. The Further Education Loans Regulations 2012(14) are amended as follows.

SECTION 2

Eligibility of Afghan locally employed staff

Eligibility of Afghan locally employed staff: further education loans

- 34.**—(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 —
 - (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 3—
- (a) in paragraph (2)(a)(i), after “5,” insert “5A,”;
 - (b) after paragraph (8) insert—
 - “(8A) Where—
 - (a) the Secretary of State has determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) is an eligible student in connection with an application for a fee loan for a designated further education course; and
 - (b) as at the day before that course 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 student terminates immediately before the first day of the course.”.

(3) In regulation 7(15), move the terminal “or” from after paragraph (k) to after paragraph (l) and after that paragraph insert—

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

(4) In Schedule 1 (eligible students), after paragraph 5, insert—

“Persons granted leave under the Afghan Relocations and Assistance Scheme

5A. 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 designated further education course.”.

SECTION 3

Ending of grace period

Omission of references to grace period: further education loans

35.—(1) In regulation 2(1) of the Further Education Loans Regulations 2012—

(a) omit the definition of “grace period”;

(b) in the definition of “person with protected rights”, omit paragraph (a)(iii).

(2) In regulation 3(10)(a)(16)—

(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).

SECTION 4

Students from British overseas territories

Eligibility of students from British overseas territories

36.—(1) In regulation 3(2)(a)(i) after “9BA,” insert “9BB.”.

(2) In regulation 7(d)(17), for “or 9D(1)(a)” substitute “, 9D(1)(a) or (2)(a)”.

(3) In Schedule 1—

(a) in paragraph 1(1)—

(i) in paragraph (e) of the definition of “family member”(18) for “paragraphs 9, 9B, 9C and 9D” substitute “paragraphs 9, 9B and 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

(15) Regulation 7 has been amended including the insertion of paragraph 9I) by [S.I. 2020/1203](#).

(16) Paragraph (10) was substituted by [S.I. 2021/127](#).

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

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

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(5) substitute—

“(5) 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,

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

(c) for paragraph 1(6) substitute—

“(6) For the purposes of sub-paragraph (5), 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)—
- (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (e) in paragraph 6A(1)(c)—
- (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (f) in paragraph 7A(1)(b)—
- (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (g) in paragraph 9A(1)—
- (i) in paragraph (c)—
 - (aa) omit “Gibraltar”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (ii) in paragraph (d)—
 - (aa) omit “Gibraltar”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (h) in paragraph 9A(2)—
- (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (i) after paragraph 9BA(19) insert—
- “**9BB.** A person—
- (a) who is settled in the United Kingdom on the first day of the designated further education course;
 - (b) who is attending or undertaking a designated further education 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 designated further education 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 designated further education course;
 - (e) who did not move to England from the Islands for the purpose of undertaking the current course or a course which 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(5).”;

(j) for paragraph 9D(20) substitute—

“9D.—(1) A person—

(a) who is—

(i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;

(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 attending or undertaking a designated further education 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 designated further education 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 attending or undertaking a designated further education 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 designated further education 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(5).”;

(k) in paragraph 10A(d)—

(i) omit “Gibraltar”; and

(ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;

- (l) in paragraph 11A(c)—
 - (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (m) in paragraph 12A(d)—
 - (i) omit “Gibraltar”; and
 - (ii) for “and Turkey” substitute “, Turkey and the overseas territories”.

SECTION 5

Family members

Family members

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

SECTION 6

Amendment of definition of person granted Calais leave

Persons granted Calais leave

38. 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”.

SECTION 7

Long residence

Long residence

39. In Schedule 1, in paragraph 13(1)(b), at the end insert “on the first day of a designated further education course”.

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

40. The Education (Postgraduate Master’s Degree Loans) Regulations 2016(21) are amended as follows.

SECTION 2

Students in apprenticeship funding

Removal of eligibility for students in apprenticeships: Master's degrees

41. In regulation 3(3), after sub-paragraph (f)(22), insert—

“(fa) A is studying on a course as part of an apprenticeship;”.

SECTION 3

Eligibility of Afghan locally employed staff

Eligibility of Afghan locally employed staff: Master's degrees

42.—(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 —

- (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 in 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 3(2)(a)(23), after “5,” insert “5A,”.

(3) In regulation 8(24), move the terminal “or” 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.”.

(4) In Schedule 1 (eligible students) after paragraph 5, insert—

“Persons granted leave under the Afghan Relocations and Assistance Scheme

5A. 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.”.

(22) Sub-paragraph (f) was substituted by [S.I. 2018/599](#).

(23) Paragraph 3(2) was substituted by [S.I. 2021/127](#).

(24) Regulation 8 has been amended, including the insertion of paragraph (m) by [S.I. 2020/1203](#).

SECTION 4

Long residence

Eligibility on the basis of long residence: Master's degrees

43. 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”.

SECTION 5

Ending of grace period

Omission of references to grace period: Master's degrees

44.—(1) In regulation 2(1)—

- (a) omit the definition of “grace period”;
- (b) in the definition of “person with protected rights”, omit paragraph (a)(iii).

(2) In regulation 3(9)(a)—

- (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).

SECTION 6

Students from British overseas territories

Eligibility of students from British overseas territories

45.—(1) In regulation 3(2)(a) after “9BA,” insert “9BB,”.

(2) In regulation 8(d)(25), for “or 9D(1)(a)” substitute “, 9D(1)(a) or (2)(a)”.

(3) In Schedule 1—

(a) in paragraph 1(1)—

- (i) in paragraph (e) of the definition of “family member”(26), for “paragraphs 9, 9B, 9C and 9D” substitute “paragraphs 9, 9B and 9D and 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;”;

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

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

(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(5) substitute—

“(5) 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; or
- (c) 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 outside the area in question.”;

(c) for paragraph 1(6) substitute—

“(6) For the purposes of sub-paragraph (5), 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)—

- (i) omit “Gibraltar”; and
- (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;

(e) in paragraph 6A(1)(c)—

- (i) omit “Gibraltar”; and

- (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (f) in paragraph 7A(1)(b)—
 - (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (g) in paragraph 9A(1)—
 - (i) in paragraph (c)—
 - (aa) omit “Gibraltar”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (ii) in paragraph (d)—
 - (aa) omit “Gibraltar”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (h) in paragraph 9A(2)—
 - (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (i) after paragraph 9BA(27) 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 attending or undertaking a designated 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 designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated 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(5).”;

- (j) for paragraph 9D(28) substitute—

“**9D.**—(1) A person—

- (a) who is—

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

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

- (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;
 - (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 attending or undertaking a designated 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 attending or undertaking a designated 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(5).”;
- (k) in paragraph 10A(d)—
 - (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (l) in paragraph 11A(c)—
 - (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (m) in paragraph 12A(d)—
 - (i) omit “Gibraltar”; and
 - (ii) for “and Turkey” substitute “, Turkey and the overseas territories”.

SECTION 7

Family members

Family members

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

SECTION 8

Amendment of definitions

Definitions

47. In regulation 2(1)—

- (a) in paragraph (b) of the definition of “person granted Calais leave”, for “first granted such leave” substitute “granted such leave to remain”;
- (b) in paragraph (b) of the definition of “person granted section 67 leave” for “throughout the three-year period preceding the first day of the first academic year of the course” substitute “since the person was granted such leave”.

SECTION 9

Amounts of loan

Update of amount of loan

48. In regulation 12(1) and (2)(**29**) for “£11,570” substitute “£11,836”.

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(**30**) 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)”;

(29) Figures substituted by S.I. 2021/1203.

(30) S.I. 2017/1189.

- (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)(**31**), after “5E,” insert “5F,”.
- (3) In regulation 6(2)(**32**), 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—

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

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

“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.”.

SECTION 4

Students from British overseas territories

Persons resident in Gibraltar

52. In regulation 4(6)(33), 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”(34) 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)(35), in paragraph (ii) of the definition of “person granted Calais leave” for “first granted such leave” substitute “granted such leave to remain”.

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

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

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

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

56. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No 2) etc.) Regulations 2018(36) are amended as follows.

SECTION 2

Students in apprenticeship funding

Removal of eligibility for students in apprenticeships: Doctoral degrees

57. In regulation 3(3), after sub-paragraph (f), insert—

- “(fa) A is studying on a course as part of an apprenticeship;”.

SECTION 3

Eligibility of Afghan locally employed staff

Eligibility of Afghan locally employed staff: Doctoral degrees

58.—(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 —
- (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 3(2)(a)(37) after “6,” insert “6A.”
- (3) In regulation 8(38), 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.”
- (4) In Schedule 1 (eligible students), after paragraph 6, insert—

“Persons granted leave under the Afghan Relocations and Assistance Scheme

6A. 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.”

SECTION 4

Long residence

Eligibility on the basis of long residence: Doctoral degrees

59. In Schedule 1 (eligible students), in paragraph 14(1)(b), after “in England”, insert “on the first day of the first academic year of the course”.

SECTION 5

Ending of grace period

Omission of references to grace period: Doctoral degrees

- 60.**—(1) In regulation 2(1)—
- (a) omit the definition of “grace period”;
- (b) in the definition of “person with protected rights”, omit paragraph (a)(iii).
- (2) In regulation 3(12)(a)—
- (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).

SECTION 6

Students from British overseas territories

Eligibility of students from British overseas territories

- 61.**—(1) In regulation 3(2)(a) after “10BA,” insert “10BB.”
- (2) In regulation 8(d)(39), for “or 10D(1)(a)” substitute “, 10D(1)(a) or 10D(2)(a)”.
- (3) In Schedule 1—
- (a) in paragraph 1(1)—

(37) Paragraph (2) was substituted by [S.I. 2021/127](#).

(38) Regulation 8 has been amended, including the insertion of paragraph (m) by [S.I. 2021/1203](#).

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

- (i) in paragraph (e) of the definition of “family member”(40) for “paragraphs 10, 10B, 10C and 10D” substitute “paragraphs 10, 10B and 10D, and for the purposes of paragraph 10C in relation to persons 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(5) substitute—
- “(5) 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; or
- (c) 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 outside the area in question.”;
- (c) for paragraph 1(6) substitute—
- “(6) For the purposes of sub-paragraph (5), 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

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

- 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)—
- (i) omit “Gibraltar”; and
- (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (e) in paragraph 7A(1)(c)—
- (i) omit “Gibraltar”; and
- (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (f) in paragraph 8A(1)(b)—
- (i) omit “Gibraltar”; and
- (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (g) in paragraph 10A(1)—
- (i) in paragraph (c)—
- (aa) omit “Gibraltar”; and
- (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (ii) in paragraph (d)—
- (aa) omit “Gibraltar”; and
- (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (h) in paragraph 10A(2)—
- (i) omit “Gibraltar”; and
- (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (i) after paragraph 10BA(41) insert—
- “**10BB.**—(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 attending or undertaking a designated 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;

(41) Paragraph 10BA was inserted by [S.I. 2021/929](#).

- (e) who did not move to England from the Islands for the purpose of undertaking the designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated 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(5).”;

(j) for paragraph 10D(42) substitute—

“10D.—(1) A person—

- (a) who is—
 - (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;
 - (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 attending or undertaking a designated 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 attending or undertaking a designated 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(5).”;
- (k) in paragraph 11A(d)—
- (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (l) in paragraph 12A(c)—
- (i) omit “Gibraltar”; and
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (m) in paragraph 13A(d)—
- (i) omit “Gibraltar”; and
 - (ii) for “and Turkey” substitute “, Turkey and the overseas territories”.

SECTION 7

Family members

Family members

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

SECTION 8

Amendment of definitions

Definitions

- 63.** In regulation 2(1)—
- (a) in paragraph (b) of the definition of “person granted Calais leave” for “first granted such leave” substitute “granted such leave to remain”;
 - (b) in paragraph (b) of the definition of “person granted section 67 leave” for “throughout the three-year period preceding the first day of the first academic year of the course” substitute “since the person was granted such leave”.

SECTION 9

Amounts of loan

Amount of the postgraduate doctoral degree loan

64. In regulation 12(1)(a)(43) for “£27,265” substitute “£27,892”.

Payment of postgraduate doctoral degree loans

65. In regulation 13(4)(44) for “£11,570” substitute “£11,836”.

(43) Figure substituted by [S.I. 2020/1203](#).

(44) Figure substituted by [S.I. 2020/1203](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
