
STATUTORY INSTRUMENTS

2023 No. 74

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023

PART 2

Amendment of the Education (Student Support) Regulations 2011

CHAPTER 2

Definitions

Insertion of definition of “the course start date”

5. In regulation 2(1) (interpretation), after the definition of “course for the initial training of teachers” insert—

““the course start date” means the day on which the first term of the first academic year of a course actually begins;”.

6. In Part 2 of Schedule 1 (eligible students: categories)(1)—

- (a) paragraph 2A(1)(a) (persons who are settled in the United Kingdom), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
- (b) in paragraph 8(1)(c) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”;
- (c) in paragraph 8A(1)(d) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), for “the day on which the first term of the first academic year actually begins” substitute “the course start date”.

Commencement Information

I1 Reg. 5 in force at 16.2.2023, see [reg. 1](#)

I2 Reg. 6 in force at 16.2.2023, see [reg. 1](#)

Insertion of definition of “immigration rules”

7. In regulation 2(1) (interpretation)(2)—

- (a) after the definition of “household income”, insert—

(1) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#). There are amendments to paragraph 8, but none is relevant. Paragraph 8A was inserted by [S.I. 2021/127](#).

(2) Relevant amending instruments are [S.I. 2018/137](#), [2019/142](#), [2020/48](#), [2020/1203](#), [2021/1348](#), [2022/57](#) and [2022/534](#).

- ““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971(3);”;
- (b) in the definition of “person granted Calais leave”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
 - (c) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
 - (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
 - (e) in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
 - (f) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
 - (g) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
 - (i) for “Immigration Rules”, in the first place it appears, substitute “immigration rules”;
 - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
 - (h) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
 - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
 - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
 - (i) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a), omit “as defined in section 33(1) of the Immigration Act 1971”;
 - (j) in the definition of “person granted leave under the Ukraine Family Scheme”—
 - (i) in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
 - (ii) in paragraph (a)(ii) omit “as defined in section 33(1) of the Immigration Act 1971”;
 - (k) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.
- 8.** In Part 2 of Schedule 1 (eligible students: categories)(4)—
- (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
 - (b) in paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

Commencement Information

- I3** Reg. 7 in force at 16.2.2023, see [reg. 1](#)
- I4** Reg. 8 in force at 16.2.2023, see [reg. 1](#)

(3) 1971 c. 77.

(4) Paragraph 3(2) was inserted by S.I. 2021/127. Paragraph 4A was inserted by S.I. 2018/137 and amended by S.I. 2020/1203.

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

9. In Part 1 of Schedule 1 (eligible students: interpretation)(5), in paragraph 1(1)—
- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
 - (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

Commencement Information

I5 Reg. 9 in force at 16.2.2023, see [reg. 1](#)

Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

10. In regulation 2(1) (interpretation) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 7 of these Regulations)—

- (a) in paragraph (a), after sub-paragraph (i) insert—
 - “(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
- (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

Commencement Information

I6 Reg. 10 in force at 16.2.2023, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023, CHAPTER 2.