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STATUTORY INSTRUMENTS

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**2023 No. 74**

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

**PART 2**

**Amendment of the Education (Student Support) Regulations 2011**

**CHAPTER 1**

**Introductory**

**Amendment of the Education (Student Support) Regulations 2011**

4. The Education (Student Support) Regulations 2011(1) are amended in accordance with this Part.

**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)(2)—

- (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”.

**Insertion of definition of “immigration rules”**

7. In regulation 2(1) (interpretation)(3)—

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

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(1) [S.I. 2011/1986](#).

(2) 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](#).

(3) 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(4);”;
- (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)(5)—
- (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)”.

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

9. In Part 1 of Schedule 1 (eligible students: interpretation)(6), 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”;

(4) 1971 c. 77.

(5) 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.

(6) Definitions inserted by S.I. 2021/1348.

- (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”.

### **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”.

## CHAPTER 3

Eligible students, eligible part-time students and eligible postgraduate students

### **Amendments relating to the ordinary residence requirements for students in existing protected categories**

**11.**—(1) Part 2 of Schedule 1 (eligible students: categories)(7) is amended as follows.

- (2) In paragraph 4 (refugees and their family members)—
  - (a) in sub-paragraph (1)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.
- (3) In paragraph 4A (persons granted stateless leave and their family members)—
  - (a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (b) in sub-paragraph (2)(c), for “the first day of the first academic year of the course” substitute “the course start date”;
  - (c) in sub-paragraph (3)(d), for “the first day of the first academic year of the course” substitute “the course start date”.
- (4) In paragraph 4B (persons granted section 67 leave), for “the first day of the first academic year of the course” substitute “the course start date”.
- (5) In paragraph 4C (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), for “the first day of the first academic year of the course” substitute “the course start date”.

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(7) Paragraph 4A was inserted by [S.I. 2018/137](#) and amended by [S.I. 2020/1203](#). Paragraph 4B was substituted by [S.I. 2020/1203](#). Paragraph 4C was inserted by [S.I. 2020/48](#). Paragraph 4D was substituted by [S.I. 2020/1203](#). Paragraph 4E was inserted by [S.I. 2020/1203](#). Paragraph 5 was amended by [S.I. 2020/1203](#). Paragraph 14 was inserted by [S.I. 2021/1483](#) and amended by [S.I. 2022/57](#). Paragraph 15 was inserted by [S.I. 2022/534](#).

(6) In paragraph 4D (persons granted Calais leave), for “the first day of the first academic year of the course” substitute “the course start date”.

(7) In paragraph 4E (persons granted indefinite leave to remain as a bereaved partner), for “the first day of the first academic year of the course” substitute “the course start date”.

(8) In paragraph 5 (persons granted humanitarian protection and their family members)—

(a) in sub-paragraph (1), for “the first day of the first academic year of the course” substitute “the course start date”;

(b) in sub-paragraph (2)(d), for “the first day of the first academic year of the course” substitute “the course start date”;

(c) in sub-paragraph (3)(e), for “the first day of the first academic year of the course” substitute “the course start date”.

(9) In paragraph 14 (persons granted leave under one of the Afghan Schemes), for “the first day of the first academic year of the course” substitute “the course start date”.

(10) In paragraph 15 (evacuated or assisted British Nationals from Afghanistan), for “the first day of the first academic year of the course” substitute “the course start date”.

#### **Amendments relating to students becoming eligible for student support in the course of an academic year**

12. In regulation 2 (interpretation)(8)—

(a) in the heading, after interpretation insert “: general”;

(b) in paragraph (1)—

(i) after the definition of “contribution” insert—

““course designation event” has the meaning given in regulation 2A(5);”;

(ii) after the definition of “intensive course” insert—

““in-year qualifying event” has the meaning given in regulation 2A(2);”;

(iii) after the definition of “ordinary duration” insert—

““part-time course designation event” has the meaning given in regulation 2A(6);”;

(iv) after the definition of “person with protected rights” insert—

““postgraduate course designation event” has the meaning given in regulation 2A(7);”;

(v) after the definition of “private institution” insert—

““protected category event” has the meaning given in regulation 2A(3);”;

(vi) after the definition of “Scottish healthcare allowance” insert—

““settled status event” has the meaning given in regulation 2A(4);”.

13. After regulation 2 insert—

#### **“Meaning of “in-year qualifying event”, “protected category event”, “settled status event”, “course designation event” etc. and related matters**

2A.—(1) This regulation defines “in-year qualifying event”, “protected category event” “settled status event”, “course designation event”, “part-time course designation event” and

“postgraduate course designation event” and makes related provision for the purposes of these Regulations.

- (2) “In-year qualifying event”, in relation to a student, means—
  - (a) a protected category event which occurs after the course start date;
  - (b) a settled status event;
  - (c) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;
  - (d) where regulation 4(2A), 137(2A) or 159(3A) applies, the student becomes a person described in paragraph 12(a) of Schedule 1;
  - (e) the student becomes a person described in paragraph 6A(1)(a) of Schedule 1, or where regulation 4(2A), 137(2A) or 159(3A) applies, in paragraph 6(1)(a) of Schedule 1;
  - (f) the student becomes a person described in paragraph 11A(a) of Schedule 1 or, where regulation 4(2A), 137(2A) or 159(3A) applies, in paragraph 11(1)(a) of Schedule 1; or
  - (g) the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 1.
- (3) “Protected category event”, in relation to a student, means—
  - (a) the student or the student’s spouse, civil partner or parent is recognised as a refugee;
  - (b) the student or the student’s spouse, civil partner or parent becomes a person granted stateless leave;
  - (c) the student or the student’s spouse, civil partner or parent becomes a person granted humanitarian protection;
  - (d) the student becomes a person granted section 67 leave;
  - (e) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
  - (f) the student becomes a person granted Calais leave;
  - (g) the student becomes a person granted indefinite leave to remain as a bereaved partner;
  - (h) the student becomes a person granted leave under one of the Afghan Schemes; or
  - (i) the student becomes a person granted leave under one of the Ukraine Schemes.
- (4) “Settled status event”, in relation to a student. means the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1.
- (5) “Course designation event”, in relation to a course, means—
  - (a) the course is designated under regulation 5(10);
  - (b) the English higher education provider which is providing the course, or on whose behalf the course is being provided, becomes a registered provider;
  - (c) the course becomes a Northern Irish designated full-time course, a Scottish designated full-time course or a Welsh designated full-time course.
- (6) “Part-time course designation event”, in relation to a course, means—
  - (a) the course is designated under regulation 139(7);
  - (b) the English higher education provider which is providing the course, or on whose behalf the course is being provided, becomes a registered provider;
  - (c) the course becomes a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course.

- (7) “Postgraduate course designation event”, in relation to a course, means—
- (a) the course is designated under regulation 139(7);
  - (b) the English higher education provider which is providing the course, or on whose behalf the course is being provided, becomes a registered provider; or
  - (c) the course becomes a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course.

(8) Where a protected category event occurs in relation to a student after the course start date, paragraph (9) applies for the purposes of determining whether that event results in the student becoming an eligible student, eligible part-time student or eligible postgraduate student.

(9) The student is to be treated, for the purposes of determining whether the student satisfies any requirement in Schedule 1 to be ordinarily resident in England on the course start date, as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”.

**14.** In regulation 9(2)(a) (time limits), for “one of the events listed in regulation 17” substitute “an in-year qualifying event”.

**15.—(1)** For regulation 16 (other than the heading) (students becoming eligible during the course of an academic year) substitute—

“**16.—(1)** Where—

- (a) a course designation event which results in a student’s course becoming a designated course occurs in the course of an academic year;
- (b) a protected category event which results in a student becoming an eligible student occurs—
  - (i) in the course of the first academic year of a course; and
  - (ii) on or before the course start date; or
- (c) an in-year qualifying event which results in a student becoming an eligible student occurs within the first three months of an academic year,

the student may qualify for a fee loan in accordance with this Part in respect of that academic year.

(2) But a fee loan is not available in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**16.** Omit regulation 17 (events).

**17.** In regulation 38 (general qualifying conditions for grants for living and other costs)(9), for paragraph (8) substitute—

“(8) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for a particular grant in accordance with this Part in respect of that academic year.

(8A) Subject to paragraph (8B), where—

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(9) Regulation 38 was amended by S.I. 2013/235, 2013/1728, 2014/2756, 2015/1951, 2021/127, 2021/1348 and 2022/634. There are other amending instruments but none is relevant.

- (a) a course designation event which results in a student's course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for a particular grant in accordance with this Part in respect of part of that academic year.

(8B) A student does not qualify for such a grant in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**18.** In regulation 41 (amount of disabled students' allowance)(**10**), for paragraph (8) substitute—

“(8) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for the disabled students' allowance in respect of the four quarters of that academic year.

(8A) Where—

- (a) a course designation event which results in a student's course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for the disabled students' allowance in respect of the qualifying quarters.

(8B) For the purposes of paragraph (8A) “the qualifying quarters” means—

- (a) the quarter in which the relevant event occurs; and
- (b) if relevant, such other quarters as begin after the relevant event occurs.”.

**19.** In regulation 45 (childcare grant)(**11**), for paragraph (11) substitute—

“(11) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for a childcare grant in respect of the four quarters of that academic year.

(11A) Where—

- (a) a course designation event which results in student's course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for a childcare grant in respect of such quarters of the academic year as begin after the event in question occurs.”.

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(10) Regulation 41 was amended by S.I. 2012/1653, 2014/2765, 2017/114, 2020/1203 and 2021/1348. There are other amending instruments but none is relevant.

(11) Regulation 45 was amended by S.I. 2012/1653, 2013/630, 2014/2103, 2014/2765, 2015/1951, 2017/114, 2019/142 and 2021/1348. There are other amending instruments but not is relevant.

**20.** In regulation 47(8)(d) (calculations)(**12**) for “an event referred to in regulation 17” substitute—

“—

- (i) a course designation event, or
- (ii) an in-year qualifying event (other than a settled status event)”.

**21.** For regulation 49A (quarters in respect of which grant for travel is payable)(**13**) substitute—

“**49A.**—(1) Subject to paragraphs (2) and (3), a grant for travel is payable in respect of the four quarters of the academic year.

(2) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for a grant for travel in respect of the four quarters of the first academic year of the course.

(3) Where—

- (a) a course designation event which results in a student’s course becoming a designated course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible student occurs in the course of an academic year,

the student may qualify for a grant for travel in respect of such quarters of the academic year as begin after the event in question occurs.”.

**22.** In regulation 56 (qualifying conditions for maintenance grants)(**14**), for paragraph (6) substitute—

“(6) Where any of the following events occur in the course of an academic year, a student may qualify for a maintenance grant in respect of such quarters of the academic year as begin after the relevant event occurs—

- (a) a course designation event which results in the student’s course becoming a designated course; or
- (b) an event falling within regulation 2A(2)(c), (d), (e) or (f), or 2A(3)(a), (b) or (c), which results in the student becoming an eligible student.”.

**23.** In regulation 61 (qualifying conditions for special support grant)(**15**), for paragraph (6) substitute—

“(6) Where any of the following events occur in the course of an academic year, a student may qualify for a special support grant in respect of such quarters of the academic year as begin after the relevant event occurs—

- (a) a course designation event which results in the student’s course becoming a designated course; or
- (b) an event falling within regulation 2A(2)(c), (d), (e) or (f), or 2A(3)(a), (b) or (c), which results in the student becoming an eligible student.”.

(12) Regulation 47(8) was amended by S.I. 2019/142.

(13) Regulation 49A was inserted by S.I. 2012/1653.

(14) Relevant amending instruments are S.I. 2012/1653, 2013/1728 and 2015/1951.

(15) Regulation 61 was amended by S.I. 2012/1653, 2013/630, 2013/1728, 2015/1951, 2021/127 and 2021/1348.



**24.**—(1) In regulation 85 (students becoming eligible in the course of an academic year: loans for living costs)(**16**) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Where any of the following events occur in the course of an academic year, a student may qualify for a loan for living costs in respect of which such a loan is payable as begin after the event in question occurs—

- (a) a course designation event which results in the student’s course becoming a designated course; or
- (b) an in-year qualifying event (other than a settled status event) which results in the student becoming an eligible student.

(1A) Where a protected category event which results in a student becoming an eligible student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on before the course start date,

the student may qualify for a loan for living costs in respect of all quarters of that academic year in respect of which a loan for living costs is payable.”.

(3) Omit paragraph (2).

**25.** For regulation 138 (other than the heading) (students becoming eligible for support under Part 11A during the course of the academic year) substitute—

“**138.**—(1) Where—

- (a) a part-time course designation event which results in a student’s course becoming a designated part-time course occurs in the course of an academic year;
- (b) a protected category event which results in a student becoming an eligible part-time student occurs—
  - (i) in the course of the first academic year or a course; and
  - (ii) on or before the course start date; or
- (c) an in-year qualifying event occurs within the first three months of an academic year which results in a student becoming an eligible part-time student,

the student may qualify for a fee loan in accordance with this Part in respect of that academic year.

(2) But a fee loan is not available in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**26.** For regulation 138A (other than the heading) (students becoming eligible for support under Part 11B during the course of an academic year)(**17**) substitute—

“**138A.**—(1) Where—

- (a) a part-time course designation event which results in a student’s course becoming a designated part-time course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other a settled status event) which results in a student becoming an eligible student occurs within the first three months of an academic year,

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(16) Regulation 85 was amended by [S.I. 2018/137](#), [2019/142](#), [2020/48](#), [2020/1181](#), [2020/1203](#), [2021/127](#), [202/1348](#), [2022/57](#) and [2022/534](#).

(17) Regulation 138A was inserted by [S.I. 2018/472](#).

the student may qualify for a loan for living costs in respect of such quarters in respect of which a loan for living costs is payable as begin after the event in question occurs.

(2) Where a protected category event which results in a student becoming an eligible part-time student occurs—

- (a) in the course of the first academic year of the course; and
- (b) on or before the course start date,

the student may qualify for a loan for living costs in respect of all quarters of that academic year in respect of which a loan for living costs is payable.”.

**27.** In regulation 147 (disabled part-time students’ allowance)(**18**), for paragraph (8) substitute—

“(8) Where—

- (a) a part-time course designation event which results in a student’s course becoming a designated part-time course occurs in the course of an academic year; or
- (b) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible part-time student occurs in the course of an academic year,

the student may qualify for the grant under this regulation in respect of the qualifying quarters.

(8A) For the purposes of paragraph (8), “the qualifying quarters” means—

- (a) the quarter in which the relevant event occurs; and
- (b) if relevant, such other quarters as begin after the relevant event occurs.

(8B) Where a protected category event which results in a student becoming an eligible part-time student occurs—

- (a) in the course of the first academic year of a course; and
- (b) on or before the course start date,

the student may qualify for the grant under this regulation in respect of the four quarters of that academic year.”.

**28.** In regulation 148(6)(a) (applications for support)(**19**), for “one of the events listed in paragraph (4) of regulation 138” substitute “an event falling within regulation 138(1)”.

**29.** In regulation 157C(6)(a) (applications for a loan for living costs)(**20**) for “one of the events listed in paragraph (4) of regulation 138” substitute “an event falling within regulation 138(1)”.

**30.** For regulation 160 (other than the heading) (postgraduate students becoming eligible for support in the course of an academic year) substitute—

“**160.**—(1) Where—

- (a) a postgraduate course designation event which results in a student’s course becoming a designated postgraduate course occurs in the course of an academic year;
- (b) a protected category event which results in a student becoming an eligible postgraduate student occurs—
  - (i) in the course of the first academic year of a course; and

**(18)** Regulation 147 was amended by [S.I. 2012/1653](#), [2014/2765](#), [2017/114](#), [2020/1203](#), [2021/127](#) and [2021/1348](#). There are other amending instruments but none is relevant.

**(19)** Regulation 148(6)(a) was amended by [S.I. 2020/1203](#).

**(20)** Regulation 157C was inserted by [S.I. 2018/472](#).

- (ii) on or before the course start date; or
- (c) an in-year qualifying event (other than a settled status event) which results in a student becoming an eligible postgraduate student occurs in the course of an academic year,

the student may qualify for the grant under this Part in respect of that academic year in accordance with this Part.

(1B) But a grant of a kind available under this Part is not available in respect of any academic year beginning before the academic year in which the event in question occurs.”.

**31.**—(1) Regulation 166 (amount of grant)(**21**) is amended as follows.

(2) In paragraph (5) for “one of the events listed in regulation 160(2)” substitute “an event falling within regulation 160(1)(a) or (c)”.

(3) After paragraph (5) insert—

“(6) Where an event falling within regulation 160(1)(b) occurs, a student may qualify for a grant under this Part in respect of the four quarters of the first academic year.”.

**32.** In Part 1 of Schedule 1 (eligible students: interpretation)(**22**), in paragraph 1(2A), after “place”, in the second place it occurs, insert “(but see also regulation 2A(8) and (9))”.

#### **Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes**

**33.**—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme” (as amended by regulation 7 of these Regulations), in paragraph (a)—

(i) at the end of sub-paragraph (i), for “or” substitute “and”;

(ii) omit sub-paragraph (ii) (other than “and” at the end of that sub-paragraph);

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 10 of these Regulations), in paragraph (a)—

(i) at the end of sub-paragraph (ii) insert “or”;

(ii) at the end of sub-paragraph (iii), for “or” substitute “and”;

(iii) omit sub-paragraph (iv).

(3) In regulation 2A(3) (as inserted by regulation 13 of these Regulations)—

(a) in sub-paragraph (h), after “student” insert “or the student’s spouse, civil partner or parent”;

(b) in sub-paragraph (i), after “student” insert “or the student’s spouse, civil partner or parent”.

**34.** In regulation 4 (eligible students)(**23**)—

(a) in paragraph (13C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;

(b) in paragraph (13D)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of such a person”.

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(21) Regulation 166 was amended by [S.I. 2012/1653](#), [2014/2765](#), [2020/1203](#) and [2021/1348](#).

(22) Paragraph 1(2A) was inserted by [S.I. 2012/1653](#). Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#). There are no relevant amendments to paragraph 8. Paragraph 8A was inserted by [S.I. 2021/127](#).

(23) Paragraph (13C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (13D) was inserted by [S.I. 2022/534](#).

- 35.** In regulation 137 (eligible part-time students)(**24**)—
- (a) in paragraph (11C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
  - (b) in paragraph (11D)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of such a person”.
- 36.** In regulation 159 (eligible postgraduate students)(**25**)—
- (a) in paragraph (16C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
  - (b) in paragraph (16D)(a), after “Ukraine Schemes” insert “or the spouse, civil partner, child or step-child of such a person”.
- 37.**—(1) Part 2 of Schedule 1 (eligible students: categories) is amended as follows.
- (2) In paragraph 14 (as amended by regulation 11(**9**) of these Regulations)—
- (a) for the heading substitute—
    - “*Persons granted leave under one of the Afghan Schemes and their family members*”;
  - (b) the existing text becomes sub-paragraph (1);
  - (c) after that sub-paragraph insert—
    - “(2) A person who—
      - (a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
      - (b) on the leave application date, was the spouse or civil partner of that person;
      - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
      - (d) is ordinarily resident in England on the course start date.
  - (3) A person who—
    - (a) is—
      - (i) the child of a person granted leave under one of the Afghan Schemes; or
      - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
    - (b) on the leave application date, was—
      - (i) the child of the person granted leave under one of the Afghan Schemes; or
      - (ii) the child of a person who was the spouse or civil partner of the person granted leave under one of the Afghan Schemes on that date;
    - (c) was under 18 on the leave application date;
    - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
    - (e) is ordinarily resident in England on the day on the course start date.

(24) Paragraph (11C) was inserted by S.I. 2021/1348 and amended by S.I. 2022/57. Paragraph (11D) was inserted by S.I. 2022/534.

(25) Paragraph (16C) was inserted by S.I. 2021/1348 and amended by S.I. 2022/57. Paragraph (16D) was inserted by S.I. 2022/534.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”.

(3) For paragraph 16 (including the heading)(26) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**16.**—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the course start date.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in England on the course start date.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of a person who was the spouse or civil partner of the person granted leave under one of the Ukraine Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the course start date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

## CHAPTER 4

### Designated courses and designated part-time courses

#### **Designation of courses for higher technical qualifications**

**38.** In regulation 2(1) (interpretation)(27)—

- (a) after the definition of “allied health profession subject” insert—

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(26) Paragraph 16 was inserted by [S.I. 2022/534](#).

(27) Definition inserted by [S.I. 2017/114](#).

““approved HTQ” means an approved technical education qualification (within the meaning of Chapter A1 of Part 1 of the Apprenticeships, Skills, Learning and Children Act 2009(28) (see section A12(1) of that Act)) which is—

- (a) included in the list of qualifications maintained by the Institute for Apprenticeships and Technical Education(29) in accordance with section A2HA of the Apprenticeships, Skills, Learning and Children Act 2009 (list of technical education qualifications); and
- (b) at level 4 or 5—
  - (i) on the Framework for Higher Education Qualifications of UK-Degree Awarding Bodies(30), as amended from time to time; or
  - (ii) as described in the Ofqual Handbook: General Conditions of Recognition(31), as amended from time to time;”;

(b) for the definition of “preliminary course” substitute—

““preliminary course” means—

- (a) a course mentioned in paragraph 2 to 4 of Schedule 2, or overseas equivalent, that is taken before a full-time degree course (other than a first degree course for the initial training of teachers);
- (b) a course mentioned in paragraph 12 of Schedule 2 that is taken before a full-time degree course; or
- (c) a foundation degree course, or overseas equivalent, taken before a full-time honours degree course;”.

**39.**—(1) In regulation 22 (standard entitlement of current system students on certain degree courses etc)(32)—

(a) in paragraph (2)(a), for the words from “mentioned in paragraph” to “intensive course” substitute “specified in paragraph (2A)”;

(b) after paragraph (2) insert—

“(2A) The courses mentioned in paragraph (2)(a) are—

- (a) an intensive course;
- (b) a course mentioned in paragraph 2, 3 or 4 of Schedule 2 or overseas equivalent;
- (c) a course mentioned in paragraph 12 of Schedule 2;
- (d) a foundation degree course or overseas equivalent.

(2B) For the purposes of paragraph (2)(a) it does not matter whether a course specified in paragraph (2A)(b), (c) or (d) was completed on a full-time, part-time or full-time distance learning basis.”.

(28) 2009 c. 22. Chapter A1 of Part 1 was inserted by paragraph 1 of Schedule 1 to the Deregulation Act 2015 (c. 20). It was amended by paragraphs 4 to 6 of Schedule 4 to the Enterprise Act 2016 (c. 12) (“the 2016 Act”), by section 1(2) of, and paragraphs 1 to 24 of Schedule 1 to, the Technical and Further Education Act 2017 (c. 19) (“the 2017 Act”) and by sections 7, 8, 9, 12 and 13 of the Skills and Post-16 Education Act 2022 (c. 21). There are other amendments to Chapter A1 of Part 1 not relevant to these Regulations.

(29) The Institute for Apprenticeships and Technical Education is established by section ZA1 of the Apprenticeships, Skills, Learning and Children Act 2009. Section ZA1 was inserted by paragraph 2 of Schedule 4 to the 2016 Act and amended by section 1(2)(d) of the 2017 Act.

(30) Copies of the Framework are available here: <https://www.qaa.ac.uk/the-quality-code/qualifications-frameworks> or from the Quality Assurance Agency for Higher Education, Southgate House, Southgate Street, Gloucester GL1 1UB.

(31) Copies of the Handbook is available here: <https://www.gov.uk/guidance/ofqual-handbook> or from Ofqual, Earlsdon Park, 53 to 55 Butts Road, Coventry CV1 3BH.

(32) Regulation 22 was amended by S.I. 2012/1653, 2013/1728, 2013/3106, 2015/1951 and 2019/142.

40. In regulation 139(2A) (designated part-time courses)(33), after sub-paragraph (c) insert—  
“(ca) a course which leads to an approved HTQ;”.

41. In Schedule 2 (designated courses), after paragraph 11 insert—  
“12. A course for an approved HTQ.”.

### **Amendments relating to courses for initial further education teacher training**

42.—(1) Regulation 2 (interpretation)(34) is amended as follows.

(2) In paragraph (1)—

(a) for the definition of “course for the initial training of teachers” substitute—

““course for the initial training of teachers” has the meaning given in paragraph (1ZA);”;

(b) after the definition of “quarter” insert—

““recognised initial further education teacher training course” means a course included in the list maintained by the Secretary of State in accordance with regulation 2B;”;

(3) After paragraph (1) insert—

“(1ZA) “Course for the initial training of teachers” means any of the following courses other than an employment-based teaching training scheme—

- (a) a course of initial teacher training undertaken in England and leading to the recommendation of qualified teacher status in England;
- (b) a course of initial teacher training undertaken in Wales and accredited as initial teacher training by the Education Workforce Council(35);
- (c) a course of initial teacher training undertaken in Scotland and accredited as initial teacher training by the General Teaching Council for Scotland(36);
- (d) a course of initial teacher training undertaken in Northern Ireland and accredited as initial teacher training by the General Teaching Council for Northern Ireland(37);
- (e) a course for the initial training of teachers in further education undertaken in England leading to a Diploma in Education and Training awarded by a recognised body, or with content equivalent to a Diploma in Education and Training and leading to a qualification awarded by a relevant provider, which—
  - (i) is not a recognised initial further education teacher training course; and
  - (ii) begins before 1st September 2024;
- (f) a recognised initial further education teacher training course undertaken in England;
- (g) a course for the initial training of teachers in further education which is undertaken in Wales and leads to a qualification the standard of which is at least equivalent to a Diploma in Higher Education;

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(33) Paragraph (2A) was inserted by [S.I. 2018/472](#); there are amendments to that paragraph but none is relevant to these Regulations.

(34) Paragraph (1A) was inserted by [S.I. 2021/127](#). There are other amending instruments but none is relevant.

(35) See section 2 of the Education (Wales) Act 2014 ([anaw 5](#)).

(36) See article 4 of the Public Services Reform (General Teaching Council for Scotland) Order 2011 ([S.S.I. 2011/215](#)).

(37) Established by article 34 of [S.I. 1998/1759](#).

- (h) a course for the Teaching Qualification in Further Education which is undertaken in Scotland;
- (i) a course for the initial training of teachers in further education undertaken in Northern Ireland which leads to a qualification which is approved by the Department for the Economy as a qualification which entitles a person to work as a full-time, associate or essential skills lecturer in a further education college in Northern Ireland.

(1ZB) For the purposes of paragraph (1ZA)—

- (a) a course mentioned in sub-paragraph (a), (b), (c), (d), (g), (h) or (i) of that paragraph includes a course leading to a first degree;
- (b) “recognised body” means an awarding body (within the meaning of section 132 of the Apprenticeships, Skills, Children and Learning Act 2009) which is recognised by the Office of Qualifications and Examinations Regulation<sup>(38)</sup> in accordance with that section;
- (c) “relevant provider” means an English higher education provider which has been granted degree awarding powers by a Royal Charter or by or under an Act of Parliament.”.

**43.** In regulation 2A (as inserted by regulation 13 of these Regulations)—

- (a) in paragraph (5) (definition of “course designation event”), at the end of sub-paragraph (c) insert—
  - “; or
  - (d) the course becomes a recognised initial further education teacher training course.”;
- (b) in paragraph (6) (definition of “part-time course designation event”), at the end of sub-paragraph (c) insert—
  - “; or
  - (d) the course becomes a recognised initial further education teacher training course.”.

**44.** After regulation 2A insert—

**“Recognition of initial further education teacher training courses**

**2B.**—(1) The Secretary of State must—

- (a) publish in such manner as the Secretary of State considers appropriate; and
- (b) maintain,

a list of courses which are, in the opinion of the Secretary of State, initial further education teacher training courses.

(2) For the purposes of this regulation, a course is an initial further education teacher training course if successful completion of the course means that a person meets the occupational standard for a learning and skills teacher as determined by the Institute for Apprenticeships and Technical Education from time to time<sup>(39)</sup>.”.

<sup>(38)</sup> The Office of Qualifications and Examinations Regulation was established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009.

<sup>(39)</sup> Copies of the current version of the occupational standard for a “learning and skills teacher” are available at <https://www.instituteforapprenticeships.org/apprenticeship-standards/learning-and-skills-teacher-v1-1>.



**45.** In regulation 12(4ZA) (previous course)(**40**), for sub-paragraph (a) (other than “and” at the end of that sub-paragraph) substitute—

“(a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i).”

**46.** In regulation 13(2ZA) (miscellaneous)(**41**), for sub-paragraph (a) (other than “and” at the end of that sub-paragraph) substitute—

“(a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i).”

**47.** In regulation 144(6A) (fee loans for designated part-time courses beginning on or after 1st September 2012)(**42**), for sub-paragraph (a) (other than “and” at the end of that sub-paragraph) substitute—

“(a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i).”

## CHAPTER 5

### Other minor amendments

#### **Omission of references to “qualifying courses” and “qualifying students”**

**48.** In regulation 2(1) (interpretation) omit the definition of “qualifying course”.

**49.**—(1) Regulation 4 (eligible students)(**43**) (as amended by regulation 34 of these Regulations) is amended as follows.

(2) In paragraph (12)—

- (a) at the end of sub-paragraph (a)(i), for “or” substitute “and”;
- (b) omit sub-paragraph (a)(ii) (including “and” at the end);
- (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.

(3) In paragraph (13)—

- (a) at the end of sub-paragraph (a)(i), for “or” substitute “and”;
- (b) omit sub-paragraph (a)(ii) (including “and” at the end);
- (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.

(4) In paragraph (13C)—

- (a) at the end of sub-paragraph (a)(i)(cc), for “or” substitute “and”;
- (b) omit sub-paragraph (a)(ii) (including “and” at the end);
- (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.

(5) In paragraph (13D)—

- (a) at the end of sub-paragraph (a)(i)(cc), for “or” substitute “and”;
- (b) omit sub-paragraph (a)(ii) (including “and” at the end);

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(40) Paragraph (4ZA) was inserted by [S.I. 2021/1348](#).

(41) Paragraph (2ZA) was inserted by [S.I. 2021/1348](#).

(42) Paragraph (6A) was inserted by [S.I. 2021/1348](#).

(43) Paragraphs (12) and (13) were amended by [S.I. 2018/137](#). Paragraph (13C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (13D) was inserted by [S.I. 2022/534](#).

- (c) in the words after sub-paragraph (b), for “eligible or qualifying student” substitute “eligible student”.

**50.** In regulation 56(5) (qualifying conditions for the maintenance grant) for “qualifying student” substitute “current system student”.

**51.** In regulation 111 (provision of national insurance number)—

- (a) in paragraph (1), for “eligible or qualifying student” substitute “eligible student”;
- (b) in paragraph (2), for “eligible or qualifying student” substitute “eligible student”;
- (c) in paragraph (3), for “eligible or qualifying student”, in both places it occurs, substitute “eligible student”.

**52.** In regulation 112 (information requirements)—

- (a) in paragraph (1), for “, eligible student or qualifying student” substitute “or eligible student”;
- (b) in paragraph (2), for “, eligible student or qualifying student” substitute “or eligible student”;
- (c) in paragraph (3), for “, eligible student or qualifying student” substitute “or eligible student”.

## CHAPTER 6

### New payment rates

#### **Amendments relating to new payment rates for student support**

**53.** The Schedule contains amendments relating to payment rates for student support.