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STATUTORY INSTRUMENTS

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**2023 No. 74**

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

**PART 3**

Corresponding amendments to other subordinate legislation

**CHAPTER 1**

The Education (Fees and Awards) (England) Regulations 2007

*SECTION 2*

*Definitions*

**Insertion of definition of “the course start date”**

**55.** In regulation 2 (interpretation), after the definition of “award” insert—

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

**56.**—(1) Schedule 1 (eligible students)(1) is amended as follows.—

(2) In paragraph 2A(1) (persons who are settled in the United Kingdom)—

(a) in sub-paragraph (a), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”;

(b) in sub-paragraph (b), for “the day on which the first term of the first academic year of the course actually begins” substitute “the course start date”.

(3) 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 of the course actually begins” substitute “the course start date”.

(4) 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 of the course actually begins” substitute “the course start date”.

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

**57.**—(1) Schedule 1 (eligible students) is amended as follows.

(2) In paragraph 1(1) (interpretation)(2)—

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

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(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. 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;”;
- (b) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (c) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a)(i) omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (d) 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 occurs, substitute “immigration rules”;
    - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (e) 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”;
  - (f) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (g) in the definition of “person granted leave under the Ukraine Family 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”;
  - (h) 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)”.
- (3) In paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”.
  - (4) In paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.
  - (5) In paragraph 4C omit “, as defined in section 33(1) of the Immigration Act 1971”.
  - (6) In paragraph 4D omit “, as defined in section 33(1) of the Immigration Act 1971”.
  - (7) In paragraph 4E(a) omit “, as defined in section 33(1) of the Immigration Act 1971”.

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

**58.** In regulation 2(1) (interpretation)(3)—

- (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”;

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(3) The definition of “overseas territories” was amended by [S.I. 2012/1653](#) and [2020/1181](#). The definition of “specified British overseas territories” was inserted by [S.I. 2021/127](#).

- (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”**

**59.** In Schedule 1 (eligible students)(4), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

- (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”.

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(4) Definition inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#).