
STATUTORY INSTRUMENTS

2024 No. 85

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024

PART 3

Corresponding amendments to other subordinate legislation

CHAPTER 1

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

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

13. The Education (Fees and Awards) (England) Regulations 2007(1) are amended in accordance with this Chapter.

Students settled in the United Kingdom

- 14.**—(1) In regulation 4 (fee charging), in paragraph (2)(a), for “8 or 8A” substitute “8, 8A or 9C”.
- (2) In Schedule 1—
- (a) in paragraph 2(1)(a), in the opening words, omit “on the first day of the first academic year of the course”;
 - (b) in paragraph 2(1)(a)(ii), after “United Kingdom” insert “on the first day of the first academic year of the course”;
 - (c) in paragraph 2A(1)(a)(2) omit “on the course start date”;
 - (d) in paragraph 9C(1)(a)(i)(3) omit “on the first day of the first academic year of the course”.

Eligibility for home fee status in certain circumstances where leave to remain expired

- 15.** In regulation 4 (fee charging), after paragraph (2) insert—
- “(2ZA) For the purposes of this regulation, where—
- (a) a person becomes, after the course start date or on the first day of an academic year of the course, a person who no longer falls within a paragraph of Schedule 1 as a result of that person’s leave to remain, or the leave to remain of that person’s spouse, civil partner or parent, as the case may be, having expired; and
 - (b) further leave to remain has been granted or the person whose leave to remain has expired has become a British or Irish citizen,

(1) [S.I. 2007/779](#); relevant amendments were made by [S.I. 2010/1174](#), [2019/1027](#), [2021/127](#), [2021/929](#), [2021/1348](#), [2022/534](#) and [2023/74](#).

(2) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2023/74](#).

(3) Paragraph 9C was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/1348](#).

the person who would otherwise no longer fall within a paragraph of Schedule 1 is to be treated as falling within the paragraph of Schedule 1 in which they previously fell for the remainder of the duration of the course.”.

Victims of domestic abuse

16.—(1) In both regulation 4(2C)(c) and (2D)(e)(4) (fee charging) and paragraph 4C(5) of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

(2) In paragraph 4C of Schedule 1, in paragraph (1)(a)(6) for sub-paragraphs (i) to (iii), substitute—

- “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; or
- (ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner

17.—(1) In regulation 4 (fee charging), in paragraph (2C)(c) and (e), after “the person” insert “or the person’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

(4) Paragraphs (2C) and (2D) of regulation 4 were inserted by [S.I. 2023/74](#).

(5) Paragraph 4C was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

(6) Paragraph 4C(1) as renumbered by regulation 17(2)(b).

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(7), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—
 - “(2) A person—
 - (a) granted indefinite leave to remain;
 - (b) who—
 - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
 - (c) who was under 18 on the leave application date;
 - (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
 - (e) who is ordinarily resident in the United Kingdom on the course start date.
 - (3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

Afghan Relocations and Assistance Policy Scheme

18. In Schedule 1, in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for paragraph (a)(ia), substitute—

- “(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

British citizens of Chagossian descent

19. In Schedule 1, in paragraph 9C—

- (a) in sub-paragraph (1)—
 - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
 - (ii) after paragraph (a)(i), omit “or”;
 - (iii) after paragraph (a)(ii), insert—
 - “or
 - (iii) a person who is a British citizen and who—
 - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
 - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;
- (b) after sub-paragraph (2), insert—

(7) Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

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

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(iii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraph (e) of sub-paragraph (1) does not apply to a person mentioned in paragraph (a)(iii) of that sub-paragraph.”.