STATUTORY INSTRUMENTS

2018 No. 182

EDUCATION, ENGLAND

The Further Education Loans (Amendment) Regulations 2018

Made - - - -	*5th February 2018*
Laid before Parliament	*12th February 2018*
Coming into force - -	*1st April 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(1) and (2) and 42(6) of the Teaching and Higher Education Act 1998(**1**).

Citation and commencement

1. These Regulations may be cited as the Further Education Loans (Amendment) Regulations 2018 and come into force on 1st April 2018.

Amendment of the Further Education Loans Regulations 2012

2. The Further Education Loans Regulations 2012(**2**) (the "2012 Regulations") are amended as follows.

Amendments relating to fee loans available to persons granted stateless leave and their families

3.—(1) In regulation 2 (interpretation), after the definition of "person granted humanitarian protection", insert—

""person granted stateless leave" means a person who—

(a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971(**3**)); and

(b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;".

(2) In regulation 3 (eligible students), after paragraph (7), insert—

(**1**) 1998 c. 30. Section 22(1) and (2) were amended by section 146(1) and (2) of, and Schedule 11 to, the Learning and Skills Act 2000 (c. 21); and section 43(1) and (2) of the Higher Education Act 2004 (c. 8). Section 22(1) and (2) are also amended by section 86(1) to (3) and section 88(1) to (3) of the Higher Education and Research Act 2017 (c. 29) but those amendments are not yet in force. Section 43(1) of the Teaching and Higher Education Act 1998 defines "prescribed" and "regulations".

(**2**) S.I. 2012/1818, amended by S.I. 2014/290, 2014/1766, 2015/181, 2016/238 and 2017/336.

(**3**) 1971 c. 77.

"(7A) Where—

(a) the Secretary of State has determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, 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 stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible student terminates immediately before the first day of the course."

(3) In regulation 7(b) (events), after "becomes", insert "a person granted stateless leave or".

(4) In Schedule 1 (eligible students), in Part 2 (categories), after paragraph 4, insert—

"**Persons granted stateless leave and their family members**

4A.—(1) A person granted stateless leave who—

(a) is ordinarily resident in the United Kingdom on the first day of the designated further education course; and

(b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the designated further education course.

(2) A person—

(a) who—

(i) is the spouse or civil partner of a person granted stateless leave; and

(ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;

(b) who is ordinarily resident in the United Kingdom on the first day of the designated further education course; and

(c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the designated further education course.

(3) A person—

(a) who—

(i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and

(ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;

(b) who was under 18 on the leave application date;

(c) who is ordinarily resident in the United Kingdom on the first day of the designated further education course; and

(d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the designated further education course.

(4) In this paragraph, "leave application date" means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).".