New Amendments handed in are marked thus ★
★ Amendments which will comply with the required notice period at their next appearance
Amendments tabled since the last publication: 29 to 164 and NC2 to NC4

HIGHER EDUCATION AND RESEARCH BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Resolution of the Programming Sub-Committee.

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 5 September (Standing Order No. 83C):

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 6 September) meet—
   (a) at 2.00 pm on Tuesday 6 September;
   (b) at 11.30 am and 2.00 pm on Thursday 8 September;
   (c) at 9.25 am and 2.00 pm on Tuesday 13 September;
   (d) at 11.30 am and 2.00 pm on Thursday 15 September;
   (e) at 9.25 am and 2.00 pm on Tuesday 11 October;
   (f) at 11.30 am and 2.00 pm on Thursday 13 October;
   (g) at 9.25 am and 2.00 pm on Tuesday 18 October;

(2) the Committee shall hear oral evidence in accordance with the following Table:
Higher Education and Research Bill, continued

TABLE

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Witness</th>
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</thead>
<tbody>
<tr>
<td>Tuesday 6</td>
<td>Until no later than 10.30 am</td>
<td>Universities UK; GuildHE; Independent Higher Education (formerly Study UK); MillionPlus</td>
</tr>
<tr>
<td>September</td>
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<tr>
<td>Tuesday 6</td>
<td>Until no later than 11.25 am</td>
<td>Sir Alan Langlands, Vice Chancellor, University of Leeds; Professor Sir Leszek Borysiewicz, Vice-Chancellor, University Cambridge; University of Alliance; Universities and Colleges Admissions Service (UCAS)</td>
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<tr>
<td>September</td>
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<tr>
<td>Tuesday 6</td>
<td>Until no later than 2.45 pm</td>
<td>Which?; Confederation of British Industry; MoneySavingExpert.com; Professor Chris Husbands, Chair of the Teaching Excellence Framework and Vice-Chancellor, Sheffield Hallam University</td>
</tr>
<tr>
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<tr>
<td>Tuesday 6</td>
<td>Until no later than 3.30 pm</td>
<td>University and College of Football Business (UCFB); Condé Nast College of Fashion and Design; Further Education Trust for Leadership; Prospects College of Advanced Technology</td>
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<tr>
<td>September</td>
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<tr>
<td>Tuesday 6</td>
<td>Until no later than 4.15 pm</td>
<td>University and College Union; Alison Goddard, Editor of HE; Office for Fair Access</td>
</tr>
<tr>
<td>September</td>
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<tr>
<td>Tuesday 6</td>
<td>Until no later than 5.15 pm</td>
<td>Universities Scotland; Royal Society of Edinburgh; Scottish Funding Council; John Kingman, Chair of UK Research and Innovation</td>
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<tr>
<td>Thursday 8</td>
<td>Until no later than 12.30 pm</td>
<td>Research Councils UK; Engineering and Physical Sciences Research Council; Innovate UK; The Royal Society</td>
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<tr>
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<tr>
<td>Thursday 8</td>
<td>Until no later than 1.00 pm</td>
<td>Department for Business, Energy and Industrial Strategy; Department for Education</td>
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<tr>
<td>September</td>
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</tbody>
</table>

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 10; Schedule 2; Clauses 11 to 15; Schedule 3; Clauses 16 to 26; Schedule 4; Clauses 27 to 56; Schedule 5; Clauses 57 to 60; Schedule 6; Clauses 61 to 65; Schedule 7; Clauses 66 to 82; Schedule 8; Clause 83; Schedule 9; Clauses 84 to 104; Schedule 10, Clauses 105 to 110; Schedules 11 and 12; Clauses 111 to 113; new Clauses; new Schedules; remaining proceedings on the Bill;
Higher Education and Research Bill, continued

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 18 October.

Joseph Johnson has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee (Standing Order No. 83C).

Joseph Johnson

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Joseph Johnson

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Valerie Vaz

★ Clause 1, page 1, line 5, leave out “Office for Students” and insert “Office for Higher Education”

Valerie Vaz

★ Clause 1, page 1, line 6, leave out “OfS” and insert “OfHE”

Valerie Vaz

★ Clause 1, page 1, line 7, leave out “OfS” and insert “OfHE”

Wes Streeting

Schedule 1, page 63, line 17, leave out “twelve” and insert “ten”

Member’s explanatory statement

This amendment would maintain the maximum number of OfS members as twelve when taken together with amendment 3.

Gordon Marsden
Angela Rayner

★ Schedule 1, page 63, line 18, at end insert—

“( ) At least one of the ordinary members appointed under subsection (1)(d) must, at the time of their appointment, be currently engaged in the representation or
Promotion of the interests of individual students, or students generally, on higher education courses provided by higher education providers.”

**Member’s explanatory statement**
This amendment would ensure that at least one of the members must be a student representative.

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

★ Schedule 1, page 63, line 20, after “have” insert “equal”

**Member’s explanatory statement**
This amendment would ensure all the related criteria are taken to be of equal importance and there would be no perception that a hierarchy exists between any of them.

Gordon Marsden
Angela Rayner

★ Schedule 1, page 63, line 24, at end insert “or further education providers”

**Member’s explanatory statement**
This amendment would ensure experience of Higher Education at Further Education providers is taken into account.

Wes Streeting

Schedule 1, page 63, line 37, at end insert—

“(2A) The members appointed under subsection (1) shall appoint two further members (“the student representatives”) who—

(a) are persons—

(i) enrolled on a higher education course of a registered provider,
(ii) elected as representatives of a students’ union, or
(iii) elected as representatives of the National Union of Students, and

(b) are considered by the members of the OfS able to represent, or promote the interests of, a broad range of students.

(2B) For the purposes of subsection (2A), “course” means any graduate or postgraduate course.”

**Member’s explanatory statement**
This amendment would require there to be two student representatives as members of the OfS.

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

★ Schedule 1, page 63, line 37, at end insert—

“(h) working to improve equality of opportunity and the widening of access and participation within higher education, including via part-time, adult and lifelong learning.”

**Member’s explanatory statement**
This amendment would ensure improving access and widening participation is considered when appointing board members.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

Schedule 1, page 63, line 37, at end insert—
“(i) being an employee of a higher education provider, particularly in the capacity of teaching or researching.”

Member’s explanatory statement
This amendment would ensure the Secretary of State had regard for the experience of Higher Education employees, teaching or research staff”.

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

Schedule 1, page 64, line 5, at end insert—
“( ) The Director for Fair Access and Participation shall be responsible for all the OfS Access and Participation functions.”

Member’s explanatory statement
This amendment would ensure the Director for Fair Access and Participation is responsible for all Access and Participation Functions

Wes Streeting

Schedule 1, page 64, line 6, leave out “is responsible for reporting” and insert “must report”

Member’s explanatory statement
This amendment, together with amendments 11 to 14, would require that the Director of Fair Access and Participation reports directly to the Secretary of State and that the report produced be laid before Parliament.

Paul Blomfield

Schedule 1, page 64, line 6, leave out from “responsible” to the end of line 8 and insert “the access and participation functions of the OfS and must report to other members of the OfS on the performance of these functions.”

Member’s explanatory statement
This amendment aims to clarify that the Director for Fair Access and Participation is responsible for the performance of access and participation in addition to just reporting on those functions.

Wes Streeting

Schedule 1, page 64, line 7, after “OfS”, insert “and Secretary of State”

Member’s explanatory statement
See Explanatory Statement for amendment 10.

Wes Streeting

Schedule 1, page 64, line 9, leave out “may” and insert “must”

Member’s explanatory statement
See Explanatory Statement for amendment 10.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

Schedule 1, page 64, line 9, leave out “the other members of the OfS” and insert “the Board of the OfS”

Member’s explanatory statement
This amendment would ensure that the Director for Fair Access and Participation reports to the Board Members of the OfS on performance of access and participation functions.

Wes Streeting

Schedule 1, page 64, line 9, after “OfS”, insert “and Secretary of State”

Member’s explanatory statement
See Explanatory Statement for amendment 10.

Wes Streeting

Schedule 1, page 64, line 12, at end insert—

“( ) The Director must prepare a report under sub-paragraphs (1) and (2) at an appropriate time but at least annually.

( ) The Director must send the report to the Secretary of State.

( ) The Secretary of State must lay the report before Parliament.”

Member’s explanatory statement
See Explanatory Statement for amendment 10.

Gordon Marsden
Angela Rayner

Schedule 1, page 64, line 21, at end insert—

“( ) The appointment of the Chair of the OfS shall be subject to a pre-appointment by the relevant Select Committees and the proposed appointment shall be subject to the passing of a resolution by each House of Parliament.”

Member’s explanatory statement
This amendment would ensure Parliament was able to ratify the chair of the OfS.

Gordon Marsden
Angela Rayner

Schedule 1, page 64, line 39, leave out “considers appropriate” and insert “must specify”

Member’s explanatory statement
This amendment would ensure the Secretary of State must specify why a person has been removed as a member of the OfS.

Gordon Marsden
Angela Rayner

Schedule 1, page 65, line 2, at end insert—

“( ) Remuneration, allowances and expenses as determined under subsection (1) must be made publicly available.”

Member’s explanatory statement
This amendment would ensure transparency of OfS members costs.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

★ Schedule 1, page 65, line 10, at end insert—
“(4) Compensation as determined under subsection (3) must be made publicly available.”

Member’s explanatory statement
This amendment would ensure transparency of OfS members costs.

Dr Roberta Blackman-Woods

★ Schedule 1, page 65, line 31, at end insert—
“(1A) A joint committee shall be established by UKRI and OfS, which must—
(a) consist of representatives of both UKRI and OfS, and
(b) produce an annual report containing details on—
(i) the health of the higher education sector,
(ii) work relating to equality of opportunity,
(iii) the health of different academic disciplines,
(iv) research funding,
(v) the awarding of research degrees,
(vi) post-graduate training,
(vii) shared facilities,
(viii) knowledge exchange,
(ix) skills development, and
(x) maintaining the public interest.

(1B) The report must be sent to the Secretary of State who shall lay it before Parliament.”

Gordon Marsden
Angela Rayner

★ Schedule 1, page 66, leave out lines 9 and 10

Member’s explanatory statement
This amendment would prevent the Secretary of State’s representative from taking part in any deliberations of meetings of the OfS or any of its committees.

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

★ Schedule 1, page 66, line 21, at end insert—
“( ) The Director for Fair Access and Participation must be consulted before any function relating to access and participation is delegated by the OfS under subsection (1).”

Member’s explanatory statement
This amendment would require the Director to be involved in access and participation functions.
Higher Education and Research Bill, continued

Paul Blomfield

★ Schedule 1, page 66, line 23, at end add—

“(3) Any functions in relation to access and participation functions will be delegated to the Director for Fair Access and Participation.”

Member’s explanatory statement
This amendment aims to underline the exclusive responsibility of the Director for Fair Access and Participation for all matters relating to access and participation.

Gordon Marsden
Angela Rayner

★ Schedule 1, page 67, leave out line 31

Member’s explanatory statement
This amendment would prevent the OfS from accepting gifts of money, land or other property.

Wes Streeting

Clause 2, page 1, line 8, at end insert—

“( ) Within six months of its establishment the OfS must publish its strategy to ensure fair access and promote wider participation in higher education, which must be reviewed and updated at least every three years.”

Member’s explanatory statement
This amendment would place a statutory duty on the OfS to ensure fair access and promote wider participation in higher education.

Wes Streeting

Clause 2, page 1, line 8, at end insert—

“( ) The OfS must cooperate with the Institute for Apprenticeships to develop a strategy to encourage registered higher education providers and any institution authorised under section 40 of this Act to increase provision of higher and degree level apprenticeship places.”

Member’s explanatory statement
This amendment would place a duty on the OfS to work with the Institute for Apprenticeships to develop more higher and degree level apprenticeship places.

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

★ Clause 2, page 1, line 9, after “have”, insert “equal”

Member’s explanatory statement
This amendment would ensure that no one element of the OfS’s remit dominates, and that it is mandated to take consideration of all the listed elements in a balanced fashion.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

★ Clause 2, page 1, line 14, after “education”, insert “only”

Gordon Marsden
Angela Rayner

★ Clause 2, page 1, line 15, after “is”, insert “shown to be”

Member’s explanatory statement
This amendment would reduce emphasis on OfS duty to encourage competition.

Dr Roberta Blackman-Woods

★ Clause 2, page 1, line 15, leave out “and employers,” and insert “employers and the public interest”

Dr Roberta Blackman-Woods

★ Clause 2, page 1, line 20, at end insert—

“( ) the need to maintain confidence in the higher education sector, and in the awards which they collectively grant, among students, employers, and the wider public.”

Wes Streeting

Clause 2, page 2, line 6, at end insert—

“( ) The OfS must monitor the geographical distribution of higher education provision and introduce measures to encourage provision where the OfS considers there to be a shortfall in relation to local demand.”

Member’s explanatory statement
This amendment would place a duty on the OfS to monitor the geographical distribution of higher education provision and encourage provision where there is a shortfall relative to local demand.

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

★ Clause 2, page 2, line 6, at end insert—

“(g) the need to determine and promote the interests of students by consulting and working with student representatives.

( ) In this section “student representatives” means representatives with current experience of representing and promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers.”

Member’s explanatory statement
This amendment would amend the general duties of the Office for Students to ensure that it must specifically consult and work with students in order to determine and promote their interests.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

★ Clause 2, page 2, line 6, at end insert—
“(g) the need to promote collaboration and innovation between English Higher Education Providers where this is in the best interest of students.”

Member’s explanatory statement
This amendment would encourage collaboration and innovation between Higher Education Providers.

Gordon Marsden
Angela Rayner

★ Clause 2, page 2, line 6, at insert—
“(h) the need to promote adult, part-time and lifelong learning”

Member’s explanatory statement
This amendment would ensure adult and part-time study was considered by the OFS.

Dr Roberta Blackman-Woods

★ Clause 2, page 2, leave out lines 18 to 25

Gordon Marsden
Angela Rayner

★ Clause 2, page 2, line 25, at end insert—
“(f) the creation of, or closure of, such courses, or
(g) the standards applied to such courses, or the systems or processes a provider of higher education has in place to ensure appropriate standards are applied.

(4C) In this section “standards” has the same meaning as in section 13(1)a.
(4D) In determining whether any course of study satisfies the criteria set out in paragraphs 4A(a) or (b) the Secretary of State must have regard to any advice given to him by the OfS on this matter.”

Member’s explanatory statement
This amendment would allow for course-specific guidance to be given.

Gordon Marsden
Angela Rayner

★ Clause 3, page 3, line 6, leave out “may” and insert “must, after a period of consultation”

Member’s explanatory statement
This amendment would help inform the nature of the choices made by the Secretary of State, and ensure that any changes must be set out to show that they benefit the sector.
Higher Education and Research Bill, continued

Dr Roberta Blackman-Woods

★ Clause 3, page 3, line 6, after “may” insert “after a period of consultation”

*Member’s explanatory statement*

This amendment would require the Secretary of State to consult on the nature of information which must be contained in an institution’s entry in the register.

Gordon Marsden
Angela Rayner

★ Clause 3, page 3, line 17, at end insert—

“( ) The Secretary of State shall, on a quarterly basis, make that register available to Parliament and relevant Select Committees.”

*Member’s explanatory statement*

This amendment would ensure the Register of Higher Education Providers is published to Parliament.

Gordon Marsden
Angela Rayner

★ Clause 4, page 3, line 32, leave out “28” and insert “40”

“( ) The Secretary of State shall, on a quarterly basis, make that register available to Parliament and relevant Select Committees.”

*Member’s explanatory statement*

This amendment would increase the notification period from 28 days to 40 days.

Gordon Marsden
Angela Rayner

★ Clause 5, page 4, line 11, leave out “if it appears appropriate to do so”

Gordon Marsden
Angela Rayner

★ Clause 5, page 4, line 13, after “providers”, insert “, staff and students”

*Member’s explanatory statement*

This amendment would ensure consultation with bodies representing higher education staff and students.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

Clause 5, page 4, line 17, after “institution”, insert “and the students and/or student body of that institution”

Member’s explanatory statement
This amendment would ensure students and their representatives are informed of changes to their institutions registration conditions.

Gordon Marsden
Angela Rayner

Clause 6, page 4, line 37, leave out “28” and insert “40”

Member’s explanatory statement
This amendment would increase the notification period from 28 days to 40 days.

Gordon Marsden
Angela Rayner

Clause 6, page 4, line 41, at end insert—

“( ) The OFS may also consider other representations from relevant stakeholders as the OFS considers appropriate.”

Member’s explanatory statement
This amendment would allow for relevant stakeholders to be consulted if the OFS deems it necessary.

Gordon Marsden
Angela Rayner

Clause 7, page 5, line 19, at end insert—

“(4) The OFS must ensure that the conditions applicable to an institution regarding registration requirements, costs and penalties are proportionate to the size, history, track-record and structure of that particular institution.”

Member’s explanatory statement
This amendment would ensure that the application of certain procedures (and consequent subscription charges) within the Bill are applied fairly and proportionally and accommodate smaller providers of higher education such as colleges.

Wes Streeting

Clause 8, page 5, line 23, at end insert—

“( ) a condition that requires the governing body of a provider to develop, publish and adhere to a Code of Practice on Student Information that
Higher Education and Research Bill, continued

must include, but shall not be restricted to, information across different academic departments relating to—

(i) the number of hours of contact time that students should expect on a weekly basis,
(ii) the processes and practices regarding marking and assessments, and
(iii) the learning facilities that are available to all students.

( ) a condition that requires the governing body of a provider to monitor performance against the expectations set by the Code of Practice on Student Information and publish an annual report on its findings.”

**Member’s explanatory statement**
This amendment would place a duty on governing bodies of all registered providers to develop, publish and adhere to a Code of Practice on Student Information and monitor and report on progress against expectations set by that Code of Practice.

Wes Streeting

Clause 8, page 5, line 23, at end insert—

“( ) a condition that requires the governing body of the provider to appoint as additional members to that body at least two student representatives who—

(i) are persons enrolled on a higher education course at the institution, and
(ii) are considered by the governing body to be able to represent, or promote the interests of, a broad range of students, where “course” means any graduate or postgraduate course.”

**Member’s explanatory statement**
This amendment would require the governing body of any registered provider to include at least two student representatives.

Wes Streeting

Clause 8, page 5, line 23, at end insert—

“( ) a condition that requires the governing body of the provider to have regard to the Quality Code set out in section 24.”

**Member’s explanatory statement**
See Explanatory Statement for amendment 7.

Wes Streeting

Clause 8, page 5, line 34, at end insert—

“( ) A condition that requires the governing body of a registered higher education provider to publish on the institution’s website and in its prospectus its policy in relation to contextual admissions, including but not restricted to—

(a) school performance data,
(b) socio-economic markers, and
(c) care background.”

**Member’s explanatory statement**
This amendment would require the governing body of a registered higher education provider to publish its policy in relation to contextual admissions on its website and in its prospectus.
Higher Education and Research Bill, continued

Wes Streeting

Clause 8, page 5, line 39, leave out “of a prescribed description”

Member’s explanatory statement

This amendment would require all registered higher education providers to have a transparency condition as an ongoing registration condition.

Wes Streeting

Clause 8, page 5, line 40, at end insert—

“( ) A provider fulfils a transparency condition if it satisfies conditions A and B.”

Member’s explanatory statement

This amendment is consequential to amendment 24.

Wes Streeting

Clause 8, page 6, line 1, leave out “A transparency condition is a condition that” and insert “Condition A”

Member’s explanatory statement

This amendment is consequential to amendment 24.

Wes Streeting

Clause 8, page 6, line 14, at end insert—

“( ) Condition B requires the governing body of a registered higher education provider to publish at an appropriate time each academic year information for each academic department in relation to—

(a) retention rate,

(b) the standards attained by students completing a higher education course, where “standards” has the same meaning as in section 13, and

(c) graduate destinations.”

Member’s explanatory statement

This amendment would extend the transparency condition to include retention rates, standards obtained and graduate destinations and require that the information be published for each academic department.

Gordon Marsden
Angela Rayner

★ Clause 9, page 6, line 9, after “background”, insert “by area and family income”

Member’s explanatory statement

This amendment would clarify that the socio-economic data published by HE institutions includes both family background and area.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

★ Clause 9, page 6, line 9, at end insert—
“(iv) age band,
(v) people with disabilities, and
(vi) care leavers.”

Member’s explanatory statement
This amendment would include the people with disabilities and care leavers, as well as the age of applicants, in the published number of applications.

Gordon Marsden
Angela Rayner

★ Clause 9, page 6, line 11, after “applications”, insert “disaggregated by the criteria mentioned in subsection (2)(b)”

Member’s explanatory statement
This amendment would ensure that data related to the number of offers is broken down by gender, ethnicity and both socio-economic indicators.

Wes Streeting

Clause 9, page 6, line 14, at end insert—
“( ) The OfS must ensure that the ongoing registration conditions of each private registered higher education provider include a condition that a student’s union be established, where “student’s union” has the same meaning as in section 20 of the Education Act 1994.”

Member’s explanatory statement
This amendment would extend the provisions of the 1994 Education Act to require private providers to have a student’s union as an ongoing condition of registration.

Gordon Marsden
Angela Rayner

★ Clause 9, page 6, line 14, at end insert—
“( ) If the OfS receives information under subsection (2), the OfS must notify Parliament of such information and send it to the relevant Select Committees.”

Member’s explanatory statement
This amendment requires transparency information on HE admissions to be published to Parliament.

Dr Roberta Blackman-Woods

★ Clause 9, page 6, line 16, at end insert—
“(4) Information provided to the OfS and published in accordance with the transparency condition shall be passed to UCAS for publication.”
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 10, page 6, line 36, after “means a” insert “higher education”

**Member’s explanatory statement**

This amendment and amendments 30 and 31 ensure that the courses which can be subject to the fee limit registration condition in clause 10 are confined to higher education courses - but excluding postgraduate courses which are not courses of initial teacher training. “Higher education course” is defined in clause 75(1) as a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

Joseph Johnson

★ Clause 10, page 6, line 37, after “of” insert “higher education”

**Member’s explanatory statement**

See the explanatory statement for amendment 29.

Joseph Johnson

★ Clause 10, page 7, line 2, leave out ““course”” and insert ““higher education course””

**Member’s explanatory statement**

See the explanatory statement for amendment 29.

Wes Streeting

Clause 14, page 8, line 27, after “documents” insert “and practices”

**Member’s explanatory statement**

This amendment is consequential to amendment 26.

Wes Streeting

Clause 14, page 9, line 2, at end insert—

“( ) The list (as originally determined and as revised) must include the principle that the governing body of a higher education provider publish the ratio of pay of the highest paid employee at the institution to the pay of—

(a) the average, and
(b) the lowest paid employee at that institution.”

**Member’s explanatory statement**

This amendment would require, as a public interest governance condition, the governing body of a higher education provider to publish the ratio of pay between the highest, average and lowest paid employees at the institution.

Wes Streeting

Clause 14, page 9, line 2, at end insert—

“( ) The list (as originally determined and as revised) must include the principle that the governing body of a higher education provider appoint as members of any committee established to consider remuneration of the institution’s employees representatives of—
Higher Education and Research Bill, continued

(a) persons employed at the institution, and
(b) persons enrolled at the institution.”

Member’s explanatory statement
This amendment would require, as a public interest governance condition, the governing body of a registered higher education provider to include staff and student representatives on any remuneration committee.

Joseph Johnson

★ Clause 15, page 9, line 22, after “interest” insert “, and
(d) the retention of sums received”

Member’s explanatory statement
This amendment is consequential on amendment 33.

Joseph Johnson

★ Schedule 3, page 72, line 34, leave out sub-paragraph (5) and insert—

“Retention of sums received

5 The OfS must pay the sums received by it by way of a penalty under section 15 or interest under paragraph 4 to the Secretary of State.”

Member’s explanatory statement
This amendment requires the OfS to pay penalties received by it under clause 15, and the interest received by it on unpaid penalties under paragraph 4 of Schedule 3, to the Secretary of State.

Joseph Johnson

★ Clause 16, page 10, line 11, after “ends” insert “otherwise than when the provider is removed from the register”

Member’s explanatory statement
This amendment provides that the OfS’s duty to enter the date on which a provider’s suspension ends in the register does not apply where it ends with the provider’s removal from the register.

Joseph Johnson

★ Clause 17, page 10, line 42, at end insert—

“( ) section 85 in the exercise of UKRI’s power under that section to give financial support, or”

Member’s explanatory statement
Clause 17(8) provides for an expedited suspension procedure where there is an urgent need to
Higher Education and Research Bill, continued

protect public money. This amendment adds financial support given by or on behalf of UKRI in the exercise of its power under clause 85 to the list of examples of public money for the purposes of that provision.

Joseph Johnson

🌟 Clause 18, page 11, leave out line 26 and insert “breach (whether or not they have been, are being or are to be, exercised in relation to it)”

Member’s explanatory statement

This amendment clarifies that the requirement in one of the pre-conditions for de-registration of a provider that the OfS’s powers to impose monetary penalties or suspend registration are insufficient to deal with the breach does not prevent those powers being exercised in relation to the breach.

Wes Streeting

Clause 24, page 14, line 35, at end insert—

“( ) The Quality Assessment Committee must develop, publish and maintain a Quality Code for all registered higher education providers.

( ) The Quality Code must set out the expectations that all registered higher education providers are required to meet.

( ) The Quality Code shall include, but shall not be restricted to, expectations to ensure—

(a) that academic standards are set and maintained,

(b) that appropriate and effective teaching, support, assessment and learning resources are provided for students,

(c) the learning opportunities provided are monitored and that the provider considers how to improve such opportunities, and

(d) that valid, reliable, useful and accessible information about the provider’s provision is made available.”

Member’s explanatory statement

Taken with amendments 8 and 9, this amendment would place a duty on the Quality Assessment Committee to develop, publish and maintain a Quality Code, to which all registered higher education providers must have regard.

Wes Streeting

Clause 24, line 36, at end insert—

“( ) the function of keeping under review and promoting the Quality Code,”

Member’s explanatory statement

See Explanatory Statement for amendment 7.
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 25, page 15, line 14, after “ratings” insert “—

(a) ”

Member’s explanatory statement
This amendment is linked to amendment 40.

Joseph Johnson

★ Clause 25, page 15, line 15, after “and” insert “the”

Member’s explanatory statement
This amendment ensures that the OfS can assess all of the standards that apply to the higher education provided by a provider and ensures consistency with the language in clause 23(1).

Joseph Johnson

★ Clause 25, page 15, line 15, leave out second “the”

Member’s explanatory statement
This amendment ensures that the language of clause 25 is consistent with clause 23 and clarifies that a scheme can cover some or all of the education provided by a provider.

Joseph Johnson

★ Clause 25, page 15, line 16, after “rating” insert “, and

(b) to higher education providers in Wales, Scotland or Northern Ireland, in respect of whom the appropriate consent is given, regarding the quality of, and the standards applied to, higher education that they provide where they apply for such a rating.

(1A) “The appropriate consent” means—

(a) in the case of a higher education provider in Wales, the consent of the Welsh Ministers to the application of subsection (1) to the provider;

(b) in the case of a higher education provider in Scotland, the consent of the Scottish Ministers to the application of subsection (1) to the provider;

(c) in the case of a higher education provider in Northern Ireland, the consent of the Department for the Economy in Northern Ireland to the application of subsection (1) to the provider.

(1B) Such consent—

(a) may be given either generally in respect of all providers or in respect of providers of a particular description or named providers,

(b) is given by notifying the Chair of the OfS, and

(c) is valid until it is revoked by notifying the Chair.

(1C) For the purposes of applying the definition of “higher education provider” in section 75(1) to subsections (1)(b) and (1A), the reference to “higher education” in that definition—

(a) in the case of an institution in Wales, has the meaning given in section 75(1);

(b) in the case of an institution in Scotland, has the same meaning as in section 38 of the Further and Higher Education (Scotland) Act 1992;

(c) in the case of an institution in Northern Ireland, has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15));
Higher Education and Research Bill, continued

and the reference to “higher education” in subsection (1)(b) is to be read accordingly.”

Member’s explanatory statement
This amendment and amendment 41 extend the power of the OfS to make arrangements under clause 25 for a scheme for giving ratings to English higher education providers regarding the quality of, and the standards applied to, higher education that they provide so as to also include Welsh, Scottish and Northern Irish higher education providers where the relevant devolved administration consents and the provider applies for a rating. Amendments 108, 112 and 113 are related amendments.

Joseph Johnson

★ Clause 25, page 15, line 17, at end insert—
“(3) For the purposes of applying that definition of “standards” to subsection (1)(b), the reference to a “higher education course” in that definition—
(a) in the case of an institution in Wales, has the meaning given in section 75(1);
(b) in the case of an institution in Scotland, means a course falling within section 38 of the Further and Higher Education (Scotland) Act 1992;
(c) in the case of an institution in Northern Ireland, means a course of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”

Member’s explanatory statement
See the explanatory statement for amendment 40.

Joseph Johnson

★ Clause 26, page 15, line 21, leave out “either or both of”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Clause 26, page 15, line 26, leave out paragraph (b)

Member’s explanatory statement
This amendment removes the ability to designate the functions in clause 25 (rating the quality of, and standards applied to, higher education) to be performed by the designated body and ensures that only the functions in clause 23 (assessing the quality of, and standards applied to, higher education) can be designated. Amendments 45, 49, 50, 52, 53, 59, 60, 61, 63, 64, 67, 68, 69, 70, 71, 72 and 73 are consequential on this amendment.
Joseph Johnson

**Clause 26, page 15, line 27, leave out “an assessment function, the function does” and insert “the assessment functions, the functions do”**

*Member’s explanatory statement*

This amendment and amendments 47, 48, 54, 55, 58 and 66 ensure consistency of language with paragraph 1 of Schedule 4.

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Joseph Johnson

**Schedule 4, page 73, line 7, leave out “either or both of”**

*Member’s explanatory statement*

This amendment is consequential on amendment 43.

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Joseph Johnson

**Schedule 4, page 73, line 10, leave out “and standards of” and insert “of, and the standards applied to,”**

*Member’s explanatory statement*

This amendment and amendments 51 and 57 ensure that the language used in relation to standards in Schedule 4 is consistent with clauses 23 and 25.

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Joseph Johnson

**Schedule 4, page 73, line 15, leave out “be designated under this Schedule” and insert “perform the assessment functions”**

*Member’s explanatory statement*

See the explanatory statement for amendment 44.

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Joseph Johnson

**Schedule 4, page 73, line 17, leave out “be designated under this Schedule” and insert “perform the assessment functions”**

*Member’s explanatory statement*

See the explanatory statement for amendment 44.

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Joseph Johnson

**Schedule 4, page 73, line 39, leave out “either or both of”**

*Member’s explanatory statement*

This amendment is consequential on amendment 43.

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Joseph Johnson

**Schedule 4, page 74, line 1, leave out “recommended function or functions” and insert “assessment functions”**

*Member’s explanatory statement*

This amendment is consequential on amendment 43.
Higher Education and Research Bill, continued

Joseph Johnson

★ Schedule 4, page 74, line 4, leave out “and standards of” and insert “of, and the standards applied to,”

*Member’s explanatory statement*
See the explanatory statement for amendment 46.

Joseph Johnson

★ Schedule 4, page 74, line 6, leave out sub-paragraphs (3) and (4)

*Member’s explanatory statement*
This amendment is consequential on amendment 43.

Joseph Johnson

★ Schedule 4, page 74, line 19, leave out from beginning to “and”

*Member’s explanatory statement*
This amendment is consequential on amendment 43.

Joseph Johnson

★ Schedule 4, page 74, line 24, leave out “an assessment function” and insert “the assessment functions”

*Member’s explanatory statement*
See the explanatory statement for amendment 44.

Joseph Johnson

★ Schedule 4, page 74, line 27, leave out “function” and insert “functions”

*Member’s explanatory statement*
See the explanatory statement for amendment 44.

Wes Streeting

Schedule 4, page 74, line 39, at end insert—

“Bodies suitable to perform quality assessment functions: student representatives

4A (1) A body is suitable to perform the quality assessment function under section 23 if, in addition to meeting conditions A to D, at least two of the persons who determine the strategic priorities of the body are currently enrolled on a course at a higher education provider.

(2) For the purposes of sub-paragraph (1), “course” means any graduate or postgraduate course.”

*Member’s explanatory statement*
This amendment would require the board of any body designated to perform the quality assessment function under section 23 to include at least two student representatives.

Joseph Johnson

★ Schedule 4, page 75, line 1, after “include” insert “the”

*Member’s explanatory statement*
This amendment clarifies that when the Secretary of State provides a notice all of the reasons for the decision are given.
Joseph Johnson

★ Schedule 4, page 75, line 6, leave out “and standards of” and insert “of, and the standards applied to,”

Member’s explanatory statement
See the explanatory statement for amendment 46.

Joseph Johnson

★ Schedule 4, page 75, line 30, leave out “an assessment function” and insert “the assessment functions”

Member’s explanatory statement
See the explanatory statement for amendment 44.

Joseph Johnson

★ Schedule 4, page 75, line 33, leave out “designated function” and insert “assessment functions”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Schedule 4, page 75, line 37, leave out “designated function” and insert “assessment functions”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Schedule 4, page 76, line 4, leave out second “designated” and insert “assessment”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Schedule 4, page 76, line 25, at end insert—

“Power of the OfS to give directions

9A (1) The OfS may give the designated body general directions about the performance of any of the assessment functions.
(2) In giving such directions, the OfS must have regard to the need to protect the expertise of the designated body.
(3) Such directions must relate to—
(a) English higher education providers or registered higher education providers generally, or
(b) a description of such providers.
(4) The designated body must comply with any directions given under this paragraph.”

Member’s explanatory statement
This amendment allows the OfS to give the designated body directions regarding the exercise of the assessment functions. In using this power, the OfS must have regard to the need to protect the expertise of the body.
Higher Education and Research Bill, continued

Joseph Johnson

★ Schedule 4, page 76, line 29, leave out “designated function” and insert “assessment functions”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Schedule 4, page 76, line 30, leave out “that function” and insert “those functions”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Schedule 4, page 76, line 40, after “provided” insert “in England”

Member’s explanatory statement
This amendment clarifies that in Schedule 4 a “graduate” means a graduate of a higher education course provided in England.

Joseph Johnson

★ Schedule 4, page 77, line 1, leave out “an assessment function” and insert “the assessment functions”

Member’s explanatory statement
See the explanatory statement for amendment 44.

Joseph Johnson

★ Clause 27, page 16, line 15, leave out subsection (3)

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Clause 27, page 16, line 20, leave out “or (3)”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Clause 27, page 16, line 21, leave out from “provider” to “by reference to” in line 22 and insert “—

(a) may be calculated,”

Member’s explanatory statement
This amendment is consequential on amendment 43.
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 27, page 16, line 25, leave out from “functions;” to “may” in line 29 and insert “and (b)”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Clause 27, page 16, line 32, leave out “or (3)”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Clause 27, page 16, line 34, leave out “in the case of subsection (2)(a),”

Member’s explanatory statement
This amendment is consequential on amendment 43.

Joseph Johnson

★ Clause 27, page 16, line 37, leave out paragraph (b)

Member’s explanatory statement
This amendment is consequential on amendment 43.

Wes Streeting

Clause 31, page 18, line 22, at end insert—
“(1A) The regulations made under sub-section (1)(a) shall include goals for ensuring fair access and widening participation, to which a provider will be considered in agreement to achieving once a plan has been approved under section 28.”

Member’s explanatory statement
This amendment would require an access and participation plan to include specific goals for ensuring fair access and wider participation.

Wes Streeting

Clause 31, page 18, line 25, leave out “subsection (1)” and insert “subsections (1) and (1A)”.

Member’s explanatory statement
This amendment is consequential to amendment 16.
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 31, page 19, line 7, after “include” insert “education provided by means of”

*Member’s explanatory statement*

This amendment makes the language used in clause 31(5)(b) (the definition of references to “higher education” in that clause) consistent with that used in the definition of “higher education” in clause 75(1).

Wes Streeting

Clause 32, page 19, line 12, at end insert—

“( ) The regulations may include a designation of power to the Director of Fair Access and Participation to set specific targets for a higher education provider where the Secretary of State is of the view that the provider is failing to meet the fair access and widening participation goals under section 31(1A).

( ) Where such powers are exercised, the specific targets for a provider set by the Director of Fair Access and Participation shall be considered a general provision of the plan for the purposes of section 21 (refusal to renew an access and participation plan).”

*Member’s explanatory statement*

This amendment would enable the Secretary of State to give power to the Director of Fair Access and Participation to set specific targets when it has been deemed that the institution is failing to meet the goals relating to fair access and wider participation set out in its access and participation plan (see amendment 16). The second subsection would enable the OfS to refuse to renew a plan if a provider fails to meet the targets set by the Director of Fair Access and Participation.

Joseph Johnson

★ Clause 46, page 26, line 5, leave out “authorised taught awards and foundation degrees” and insert “taught awards and foundation degrees that the provider is authorised to grant”

*Member’s explanatory statement*

This amendment is technical and is needed because clause 46(5) defines “authorised” by reference to a registered higher education provider rather than a taught award or foundation degree.

Joseph Johnson

★ Clause 47, page 26, line 42, after “authorise” insert “authorised”

*Member’s explanatory statement*

This amendment and amendment 77 limit the power of the Secretary of State to make regulations allowing the OfS to authorise registered higher education providers to enter into validation arrangements on its behalf. The providers are required to be “authorised” (defined in the new subsection (6A) added by amendment 78), both to grant the taught awards or foundation degrees
Higher Education and Research Bill, continued

to which the arrangements relate, and to enter into the validation arrangements to which the
arrangements relate.

Joseph Johnson

☀ Clause 47, page 27, line 2, at end insert—

“(4A) But regulations under subsection (1) may not include power for the OfS to
authorise a provider to enter on its behalf into validation arrangements which are—

(a) arrangements in respect of taught awards or foundation degrees that the
provider is not authorised to grant, or

(b) arrangements that the provider is not authorised to enter into.”

**Member’s explanatory statement**

See the explanatory statement for amendment 76.

Joseph Johnson

☀ Clause 47, page 27, line 11, at end insert—

“(6A) In this section, “authorised”, in relation to a registered higher education provider,
means authorised to grant taught awards or foundation degrees, and to enter into
validation arrangements, by—

(a) an authorisation given—

(i) under section 40(1),

(ii) by or under any other provision of an Act of Parliament, or

(iii) by Royal Charter, or

(b) an authorisation varied under section 43(1).”

**Member’s explanatory statement**

This amendment defines “authorised” for the purposes of clause 47, using the same definition as
is used in clause 46.

Joseph Johnson

☀ Clause 49, page 28, line 18, at end insert—

“( ) In subsection (10)(a)—

(a) for “means” substitute “—

(i) means”, and

(b) after “outside the United Kingdom” insert “, and

(ii) includes the Office for Students”.”

**Member’s explanatory statement**

This amendment extends the definition of “United Kingdom institution” in section 214 of the
Education Reform Act 1988 to include the OfS and so ensures that the offence in that section
relating to offering unrecognised awards granted by such an institution also covers awards
granted by the OfS.
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 50, page 28, line 36, at end insert—

“( ) For subsection (1) substitute—

“(1) The appropriate authority may by order designate each body which appears to the authority to be a recognised body within subsection (4)(a), (b) or (c).

(1A) For the purposes of sections 214 and 215, any body for the time being designated by an order under subsection (1) as a recognised body within subsection (4)(c) is conclusively presumed to be such a body.”

Member’s explanatory statement

This amendment and amendment 86 amend the power of the OfS, the Welsh Ministers and the Scottish Ministers under section 216(1) of the Education Reform Act 1988 to designate those bodies which appear to them to be authorised to grant degrees or other awards. In the case of bodies authorised under the Bill to grant awards (i.e. English higher or further education providers or the OfS) or bodies permitted to act on behalf of such bodies to grant awards, designation does not result in a conclusive presumption that they have power to do so. Whether an award granted by such a designated body is a “recognised award” and so exempt from the offence under section 214 of the 1988 Act will depend upon whether the body is authorised to grant the award in question.

Joseph Johnson

★ Clause 50, page 28, line 37, leave out “subsections (1) and” and insert “subsection”

Member’s explanatory statement

This amendment is consequential on amendment 80.

Joseph Johnson

★ Clause 50, page 29, line 13, leave out “falling within paragraph (za) or (zb) of section 214(2)” and insert “within subsection (4)(a) or (b)”

Member’s explanatory statement

This amendment is consequential on amendment 80.

Joseph Johnson

★ Clause 50, page 29, line 16, leave out “that paragraph” and insert “subsection (4)(a)”

Member’s explanatory statement

This amendment is consequential on amendment 80.

Joseph Johnson

★ Clause 50, page 29, line 18, leave out from “body” to end of line 19

Member’s explanatory statement

This amendment amends one of the new requirements which clause 50 adds to section 216(3) of the Education Reform Act 1988 for being a body listed under subsection (2) of that section. The new requirement enables a body to be listed where it provides a course in preparation for a degree to be granted by a recognised body with degree awarding powers under the Bill. The course must be approved by the recognised body. The amendment removes the requirement that the approval has to be authorised by the recognised body’s degree awarding powers.
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 50, page 29, line 20, leave out “‘falling within paragraph (a) or (b) of section 214(2)’” and insert “‘within subsection (4)(c)’”

Member’s explanatory statement
This amendment is consequential on amendment 80.

Joseph Johnson

★ Clause 50, page 29, line 22, leave out from “subsection (4),” to the end and insert “means” insert “—
(a) a body which is authorised to grant awards by—
   (i) an authorisation given under section 40(1) of the Higher Education and Research Act 2016 (“the 2016 Act”),
   (ii) an authorisation varied under section 43(1) of the 2016 Act, or
   (iii) regulations under section 47(1) of the 2016 Act,
(b) a body for the time being permitted by a body within paragraph (a) to act on its behalf in the granting of awards where the grant of the awards by that other body on its behalf is authorised by the authorisation or regulations mentioned in paragraph (a), or
(c) “”

Member’s explanatory statement
See the explanatory statement for amendment 80.

Joseph Johnson

★ Clause 50, page 29, line 22, at end insert—

“( ) In the heading, after “awards” insert “etc”.”

Member’s explanatory statement
This amendment is consequential on amendment 80.

Joseph Johnson

★ Clause 50, page 29, line 33, leave out “by the Secretary of State”

Member’s explanatory statement
This amendment is consequential on amendment 80 and makes clear that no orders made under section 216 of the Education Reform Act 1988, whether by the Secretary of State, the Welsh Ministers or the Scottish Ministers, before the coming into force of clause 50 are affected by the amendments made by that clause.

Joseph Johnson

★ Clause 56, page 33, line 31, after “providers” insert “or linked institutions in relation to such providers”

Member’s explanatory statement
See the explanatory statement for amendment 90.
Clause 56, page 33, line 39, at end insert—

“(3) A “linked institution” in relation to a supported higher education provider means an institution which acts on behalf of the provider in the provision of a higher education course by the provider.”

Member’s explanatory statement
This amendment extends the power of entry so that it applies to premises occupied by institutions that are linked to supported higher education providers as defined in the amendment. Amendments 89, 91, 92, 94 and 95 are consequential on this change.

Schedule 5, page 77, line 11, after “provider” insert “or a linked institution in relation to such a provider”

Member’s explanatory statement
See the explanatory statement for amendment 90.

Schedule 5, page 77, line 17, after “provider” insert “or a linked institution in relation to such a provider”

Member’s explanatory statement
See the explanatory statement for amendment 90.

Schedule 5, page 77, line 18, leave out paragraph (a)

Member’s explanatory statement
This amendment has the effect that the power of entry cannot be exercised in relation to a breach of an initial registration condition.

Schedule 5, page 78, line 7, after “provider” insert “or linked institution”

Member’s explanatory statement
See the explanatory statement for amendment 90.

Schedule 5, page 78, line 20, after “provider” insert “or linked institution”

Member’s explanatory statement
See the explanatory statement for amendment 90.

Schedule 5, page 79, line 1, after “the” insert “relevant”

Member’s explanatory statement
See the explanatory statement for amendment 101.
Higher Education and Research Bill, continued

Joseph Johnson

★ Schedule 5, page 79, line 2, leave out “occupying the premises”

Member’s explanatory statement
See the explanatory statement for amendment 101.

Joseph Johnson

★ Schedule 5, page 79, line 7, after “the” insert “relevant”

Member’s explanatory statement
See the explanatory statement for amendment 101.

Joseph Johnson

★ Schedule 5, page 79, line 8, leave out “occupying the premises”

Member’s explanatory statement
See the explanatory statement for amendment 101.

Joseph Johnson

★ Schedule 5, page 81, line 36, at end insert—

“‘linked institution’, in relation to a supported higher education provider, has the meaning given in section 56(3);”

Member’s explanatory statement
This amendment defines “linked institution” for the purposes of Schedule 5.

Joseph Johnson

★ Schedule 5, page 81, line 36, at end insert—

“‘relevant supported higher education provider’ means—
(a) in the case of premises occupied by a supported higher education provider, that provider, and
(b) in the case of premises occupied by a linked institution in relation to a supported higher education provider, that provider.”

Member’s explanatory statement
This amendment defines “relevant supported higher education provider” in order to identify such providers where a linked institution is occupying the premises. Amendments 96, 97, 98 and 99 are consequential on this change.

Joseph Johnson

★ Clause 65, page 39, line 19, after “interest” insert “, and

(d) the retention of sums received”

Member’s explanatory statement
This amendment is consequential on amendment 103.
“Retention of sums received

5 (1) The OfS must pay the sums received by it by way of a requirement to pay costs under section 65 to the Secretary of State except to the extent that the Secretary of State, with the consent of the Treasury, directs otherwise.

(2) The OfS must pay the sums received by it by way of interest under paragraph 4 to the Secretary of State.”

Member’s explanatory statement
This amendment requires the OfS to pay the costs recovered by it under clause 65 to the Secretary of State except to the extent that the Secretary of State, with the consent of the Treasury, directs otherwise. It also requires the OfS to pay the interest which it receives on unpaid costs to the Secretary of State.

Member’s explanatory statement
This amendment and amendment 106 make the language used in clauses 66(3)(a) and 69(2)(a) consistent with that used in equivalent provision in clauses 2(3)(a) and 35(1)(a) and make clear that they cover the manner in which courses are taught, the manner in which they are supervised and the manner in which they are assessed.

Member’s explanatory statement
This amendment removes clause 67(10) which contains a definition of a term which is not used in clause 67 and is therefore unnecessary.

Member’s explanatory statement
See the explanatory statement for amendment 104.
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 71, page 42, line 38, leave out “in” and insert “for”

Member’s explanatory statement
This amendment clarifies the language in relation to qualifying research.

Joseph Johnson

★ Clause 75, page 45, line 3, at end insert—

“( ) Subsection (1) is subject to express provision to the contrary, see section 25(1C) and (3) (rating the quality of, and standards applied to, higher education).”

Member’s explanatory statement
This amendment is consequential on amendments 40 and 41.

Dr Roberta Blackman-Woods

★ Clause 77, page 46, line 5, at end insert—

“academic freedom’ has the same meaning as is given in section 43 of the Education (No.2) Act 1986”

Member’s explanatory statement
“Academic freedom” is currently undefined within the Bill. This amendment would assign the same meaning as in section 43 of the Education (No. 2) Act 1986.

Joseph Johnson

★ Clause 80, page 49, line 31, leave out “in relation to England”

Member’s explanatory statement
This amendment provides for new subsection (2A) of section 22 of the Teaching and Higher Education Act 1998 (which clause 80(2) inserts into that section) to apply to Wales as well as England.

Joseph Johnson

★ Schedule 8, page 89, line 3, leave out from beginning to end of line 10 and insert—

“(1A) The application of the seal of a higher education corporation in England must be authenticated by the signature of—

(a) the chair of the corporation or some other person authorised for that purpose by the corporation, and

(b) any other member of the corporation.
Higher Education and Research Bill, continued

(1B) A document purporting to be duly executed under the seal of a higher education corporation in England or signed on the corporation’s behalf—

(a) is to be received in evidence, and

(b) is to be taken to be executed or signed in that way, unless the contrary is shown.”

Member’s explanatory statement
This amendment replaces the new section 124ZB(2) of the Education Reform Act 1988 with two new subsections. New subsection (1A) requires the seal of a higher education corporation in England to be authenticated by two signatories, the chair or other authorised person and one other member. This replicates the current requirement in paragraph 16 of Schedule 7 to the Education Reform Act 1988. Subsection (1B) replaces current subsection (2) with wording that is consistent with that used in Schedules 1 and 9 to the Bill.

Joseph Johnson

Schedule 11, page 102, line 30, at end insert—

“21A(1) Section 82 (joint exercise of functions) is amended as follows.

(2) Omit subsections (1) to (1B).

(3) In subsection (2), for “Great Britain” substitute “Wales and Scotland”.

(4) In subsection (2A), after “Scottish” insert “Further and”.

(5) In subsection (3)(a)—

(a) for “a higher education funding council” substitute “the HEFCW”,

(b) for “the National Assembly of Wales” substitute “the Welsh Ministers”,

(c) for “it is discharging its” substitute “they are discharging their”, and

(d) after “Scottish” insert “Further and”.”

Member’s explanatory statement
This amendment repeals subsections (1) to (1B) of section 82 of the Further and Higher Education Act 1992 in consequence of the provision made in amendment NC3. It also amends the remainder of that section to remove the Higher Education Funding Council for England from its provisions, to make consequential changes and to update references to the Scottish Higher Education Funding Council and the National Assembly for Wales.

Joseph Johnson

Clause 111, page 61, line 23, at end insert—

“( ) section 25 (rating the quality of, and standards applied to, higher education);”

Member’s explanatory statement
This amendment and amendment 113 are linked to amendment 40 and provide for clause 25 and clause 75 (which contains relevant definitions) to form part of the law of Scotland and of Northern Ireland (as well as the law of England and Wales) in light of the application of clause 25 to Welsh, Scottish and Northern Irish higher education providers as a result of amendment 40.
Higher Education and Research Bill, continued

Joseph Johnson

★ Clause 111, page 61, line 25, at end insert—
   “( ) section 75 (meaning of “English higher education provider” etc);”

_MEMBER'S EXPLANATORY STATEMENT_
See the explanatory statement for amendment 112.

Joseph Johnson

★ Clause 112, page 61, line 39, after “103” insert “and section (Joint working)”

_MEMBER'S EXPLANATORY STATEMENT_
This amendment provides for NC3 to be commenced by regulations.

Joseph Johnson

★ Clause 112, page 61, line 39, after “103” insert “and section (Advice to Northern Ireland departments)”

_MEMBER'S EXPLANATORY STATEMENT_
This amendment provides for NC4 to be commenced by regulations.

Joseph Johnson

★ Clause 112, page 61, line 40, at end insert—
   “( ) Sections 78 and 79 come into force, so far as relating to a matter specified in an entry in column 1 of the following table, on such day as the person specified in the corresponding entry in column 2 of the table may by regulations made by statutory instrument appoint, after consulting the person (if any) specified in the corresponding entry in column 3 of the table.

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_MEMBER'S EXPLANATORY STATEMENT_
This amendment provides for clauses 78 and 79 (financial support for students: alternative payments) to be brought into force by the Welsh Ministers, so far as relating to powers exercisable
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by them; by the Secretary of State after consulting the Welsh Ministers, so far as relating to powers exercisable by the Secretary of State and Welsh Ministers concurrently, or by the Secretary of State in relation to Wales; and otherwise by the Secretary of State.

Joseph Johnson

★ Clause 112, page 61, line 40, at end insert—

“( ) Section 80 comes into force—

(a) so far as relating to powers exercisable by the Welsh Ministers, on such day as the Welsh Ministers may by regulations made by statutory instrument appoint, and

(b) so far as relating to other matters, on such day as the Secretary of State may by regulations made by statutory instrument appoint.”

Member’s explanatory statement
This amendment is linked to amendment 109 (which provides for clause 80 to apply to Wales). It enables that clause, in so far as it relates to powers exercisable by the Welsh Ministers, to be brought into force by the Welsh Ministers rather than the Secretary of State.

Joseph Johnson

★ Clause 112, page 62, line 3, leave out subsection (3)

Member’s explanatory statement
This amendment is consequential on amendment 116.

NEW CLAUSES

Joseph Johnson

★ To move the following Clause—

“Retention of fee related income

(1) The OfS must pay its fee income to the Secretary of State except to the extent that the Secretary of State, with the consent of the Treasury, directs otherwise.

(2) “Fee income” means the sums received by the OfS by way of—

(a) fees charged under section 63 (registration fees) or 64 (other fees), or

(b) costs recovered by virtue of regulations made under section 63(2)(f) or 64(2)(g).

(3) The OfS must pay its other fee related income to the Secretary of State.

(4) “Other fee related income” means the sums received by the OfS by way of—

(a) penalties imposed by virtue of regulations made under section 63(2)(g) or 64(2)(h), or

(b) interest charged by virtue of regulations made under section 63(2)(i) or 64(2)(j).”

Member’s explanatory statement
This clause, which is for insertion after clause 64, requires the OfS to pay the fees which it receives under clauses 63 and 64, and the costs which it recovers in recovering those fees, to the Secretary of State except to the extent that the Secretary of State, with the consent of the Treasury, directs
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otherwise. It also requires the OfS to pay the penalties and interest imposed under those clauses to the Secretary of State.

Joseph Johnson

★ To move the following Clause—

“Joint working

(1) A relevant authority may exercise any of its functions jointly with another relevant authority if the condition in subsection (2) is met.

(2) The condition is that it appears to the relevant authorities concerned that exercising the function jointly—

(a) will be more efficient, or

(b) will enable them more effectively to exercise any of their functions.

(3) In this section “relevant authority” means—

(a) the OfS,

(b) UKRI, but only in relation to functions exercisable by Research England pursuant to arrangements made under section 89,

(c) the Higher Education Funding Council for Wales,

(d) the Scottish Further and Higher Education Funding Council,

(e) the Secretary of State to the extent that the Secretary of State is exercising functions under section 14 of the Education Act 2002 (power to give financial assistance for purposes related to education or children etc),

(f) the Welsh Ministers to the extent that they are exercising their functions under Part 2 of the Learning and Skills Act 2000 (further and sixth form education in Wales), or

(g) the Department for the Economy in Northern Ireland, or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, in relation to funding higher education, or research, in Northern Ireland but only to the extent that the Department is exercising functions in connection with such funding.

(4) For the purposes of subsection (3)(g) “higher education” has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”

Member’s explanatory statement

This clause, which is for insertion in Part 4 of the Bill, allows relevant authorities to work together if it appears to them to be more efficient or would allow any of the authorities to exercise their functions more effectively.
Joseph Johnson
★ To move the following Clause—

“Advice to Northern Ireland departments
(1) The OfS may provide such advisory services as the Department for the Economy in Northern Ireland or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland may require in connection with the discharge of the Department’s functions relating to higher education in Northern Ireland.
(2) The services may be provided on such terms as may be agreed.
(3) For the purposes of this section “higher education” has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”

Member’s explanatory statement
This clause, which is for insertion in Part 4 of the Bill, makes provision for the OfS similar to the provision made in section 69(3) of the Further and Higher Education Act 1992 regarding the Higher Education Funding Council for England and allows for the provision of advice to the Department for the Economy in Northern Ireland or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

Wes Streeting
To move the following Clause—

“Consultation
(1) In exercising its functions the governing body of a registered higher education provider must have regard to any guidance given from time to time by the OfS about consultation with—
(a) persons who are enrolled on a course at the institution,
(b) persons who are likely to enrol on a course at the institution, or
(c) employees of the institution,
in connection with the taking of any decisions affecting them.
(2) The governing body consults in accordance with sub-section (1) if it consults a number of persons within a prescribed group that, taken together, appear to the governing body to represent, or promote the interests of, a broad and diverse range of persons within that group.
(3) Any guidance under this section about consultation with persons falling within paragraphs (1)(a) or (1)(b) must provide for the views of such a person to be considered in light of his or her age and understanding.
(4) For the purposes of subsection (1), “course” includes any graduate or postgraduate course.”

Member’s explanatory statement
This new clause would place a duty on governing bodies of registered higher education providers to consult students, prospective students and employees in connection with the taking of any decisions that affect them.
ORDER OF THE HOUSE [19 JULY 2016, AS AMENDED ON 5 SEPTEMBER 2016]

That the following provisions shall apply to the Higher Education and Research Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 18 October 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.