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: 291-311, NC15

HIGHER EDUCATION AND RESEARCH BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [6 September 2016, as amended on 8 September 2016].

Gordon Marsden
Angela Rayner

Clause 25, page 15, line 14, at beginning insert “Subject to subsection (3),”

Member’s explanatory statement
See amendment 199.

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).
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.

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));

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.
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.

Clause 25, page 15, line 17, at end insert—

“(3) No arrangements for a scheme shall be made under subsection (1) unless a draft of the scheme has been laid before and approved by a resolution of both Houses of Parliament.”

Member’s explanatory statement
This amendment and amendment 198 would ensure TEF measures were subject to scrutiny by, and approval of, both Houses of Parliament.

Clause 25, page 15, line 17, at end insert—

“(3) In making arrangements under subsection (1), the OfS must, after a period of consultation, make—

(a) an assessment of the evidence that any proposed metric for assessing teaching quality is in fact linked to teaching quality; and

(b) an assessment of potential unintended consequences which could arise from an institution seeking to optimise its score on each metric, with proposals on how these risks can best be mitigated.

(4) The assessment under subsection (3) must be made public.”

Member’s explanatory statement
This amendment would require an assessment of the evidence of the reliability of the TEF metrics to be made and for the assessment to be published.

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

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

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.

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

*Member’s explanatory statement*

This amendment is consequential on amendment 43.

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.

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.

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.
Schedule 4, page 73, line 29, at end insert—
“(ca) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff”

Member’s explanatory statement
See amendment 231.

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.

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.

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.
Dr Roberta Blackman-Woods

Schedule 4, page 74, line 30, at end insert “and students”

Member’s explanatory statement
This amendment and amendment 233 would ensure that the OfS consults students before body suitable to carry out assessment functions is designated.

Dr Roberta Blackman-Woods

Schedule 4, page 74, line 32, after “providers” insert “and students”

Member’s explanatory statement
See amendment 232.

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.

Gordon Marsden
Angela Rayner

Schedule 4, page 75, line 20, at end insert—

“(da) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff”

Member’s explanatory statement
This amendment and amendment 230 would ensure that before recommending the designation of a body to perform assessment functions the OfS consults with bodies representing higher education staff.
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.

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.
Higher Education and Research Bill, continued

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.

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.

Gordon Marsden

Angela Rayner

Clause 28, page 17, line 12, at end insert—

“(1A) The OfS must appoint an independent Director for Fair Access and Participation responsible for approving access and participation plans.”

*Member’s explanatory statement*

This amendment would strengthen the powers of the proposed Director for Fair Access and Participation in line with the current powers of the Director and those proposed in the Higher Education Green Paper.

Gordon Marsden

Angela Rayner

Clause 28, page 17, line 14, leave out “OfS may, if it” and insert “Director for Fair Access and Participation may, if the Director”

*Member’s explanatory statement*

This amendment and amendment 204 would ensure that decisions on the approval or rejection of participation plans rest with the Director, not the head of the Office for Students.

Gordon Marsden

Angela Rayner

Clause 28, page 17, line 14, at end insert—

“(3A) The Director for Fair Access and Participation may make recommendations to the OfS on the matters to which the OfS should include in guidance that the Director will have regard in deciding whether to approve plans.”

*Member’s explanatory statement*

This amendment would ensure that the Director can make recommendations to the OfS on the matters to be included in guidance that the Director will have regard in deciding whether to approve plans.
Clause 28, page 17, line 15, after first “OfS” insert “having considered any recommendations made by the Director for Fair Access and Participation and having consulted the Director,”

**Member’s explanatory statement**

This amendment would ensure that the OfS considered any recommendations made by the Director for Fair Access and Participation and where a matter was not covered by a recommendation they consulted the Director.

Gordon Marsden
Angela Rayner

Clause 28, page 17, line 15, leave out second “OfS” and insert “the Director for Fair Access and Participation”

**Member’s explanatory statement**

See amendment 201.

Dr Roberta Blackman-Woods

Clause 28, page 17, line 16, at end insert—

“( ) The OfS must, in deciding whether to approve a plan, have regard to whether the governing body of an institution has consulted with relevant student representatives in producing its plan.

( ) In this section “relevant student representatives” means representatives who may be deemed to represent students on higher education courses provided by the institution including, but not limited to, persons or bodies as described by Part 2 of the Education Act 1994.”

**Member’s explanatory statement**

This amendment would ensure that when higher education providers produce an Access and Participation Plan, they must consult with students and student representatives, including – but not limited to – the students’ union at that higher education provider.

Gordon Marsden
Angela Rayner

Clause 28, page 17, line 16, at end insert—

“(4A) Where the Director for Fair Access and Participation considers that there is significant risk to widening participation or that access targets will not be achieved, the Director may issue to a provider or class of providers, which have similar and identifiable characteristics affecting the satisfying of an access and participation plan condition—

(a) guidance setting out additional matters to have regard to in connection to approving the plan; and

(b) a warning.”

**Member’s explanatory statement**

This amendment would ensure that the Director could issue formal guidance and warnings to certain providers that are not widening access or meeting access targets.
Clause 28, page 17, line 19, leave out “OfS” and insert “Director for Fair Access and Participation”

**Member’s explanatory statement**

This amendment would ensure that the Secretary of State’s regulation-making powers specifying the matters to be taken into account in determining whether or not a plan is to be approved apply to the Director for Fair Access and Participation not the head of the Office for Students.

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.

Gordon Marsden
Angela Rayner

Clause 31, page 18, line 43, at end insert—

“(g) for details of individual Higher Education providers, their policies for part-time and mature students.”

**Member’s explanatory statement**

This amendment would require universities and other higher education providers to include a policy in regard to part-time and mature students in their access and participation plan.

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).
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.

Gordon Marsden
Angela Rayner

Clause 34, page 19, line 31, leave out “may” and insert “should”

**Member’s explanatory statement**

This amendment would require the OfS to identify good practice on the promotion of equality of opportunity and to disseminate advice about good practice.

Gordon Marsden
Angela Rayner

Clause 36, page 20, line 10, leave out “Secretary of State may, by direction, require the OfS to” and insert “OfS must”

**Member’s explanatory statement**

This amendment would ensure the OfS must report to the Secretary of State its annual report, or special reports, on matters relating to equality of opportunity.

Gordon Marsden
Angela Rayner

Clause 36, page 20, line 11, at end insert “and to the relevant select committee (or committees) of the House of Commons”

**Member’s explanatory statement**

See amendment 212.
Higher Education and Research Bill, continued

Paul Blomfield

Clause 36, page 20, line 15, at end insert “to include access to and participation in part-time study”

**Member’s explanatory statement**
This amendment requires the OfS to report on access to and participation in part-time study in its report(s) to the Secretary of State.

Paul Blomfield

Clause 36, page 20, line 18, at end insert—
“(3A) The Secretary of State may require a report under subsection (1) on the establishment of a national credit rating and transfer service as a means of improving access to and participation in higher education.”

**Member’s explanatory statement**
This amendment would allow the Secretary of State to require the OfS to look into establishing a national credit rating and transfer service for recognition of prior learning to encourage student mobility.

Gordon Marsden
Angela Rayner

Clause 36, page 20, line 19, at end insert—
“(5) “Relevant select committee” is the departmental select committee (or committees) appointed by the House of Commons to examine the expenditure, administration and policy of the principal government department or departments and associated public bodies with responsibilities for higher education in England.”

**Member’s explanatory statement**
Amendments 211 and 212 would ensure the OfS must report to the relevant select committee(s) its annual report, or special reports, on matters relating to equality of opportunity.

Joseph Johnson

Clause 37, page 21, line 7, at end insert “but also includes a 16 to 19 Academy (as defined in section 1B(3) of the Academies Act 2010).”

**Member’s explanatory statement**
This amendment ensures that the definition of “school” used in clause 37 of the Bill includes 16 to 19 Academies.

Gordon Marsden
Angela Rayner

Clause 40, page 22, line 4, leave out “or research awards or both”

**Member’s explanatory statement**
See amendment 214.
Clause 40, page 22, line 6, after “grant” insert “taught awards and”

**Member’s explanatory statement**

This amendment would make clear that qualifying further education providers will have access to taught awards and foundation degrees and also be able to provide degrees, diplomas, certificates or other appropriate courses of study, as defined by the bill.

Clause 40, page 22, line 6, at end insert—

“(1A) The OfS may by order in conjunction with UKRI authorise a registered higher education provider to grant research awards.”

**Member’s explanatory statement**

Amendments 213 and 214 would give the OfS the power to authorise higher education providers to grant both taught and research degrees but the OfS should be required to do this in conjunction with UK Research and Innovation (UKRI).

Clause 40, page 22, line 28, at end insert—

“(c) the provider operates in the interest of students and the public.”

**Member’s explanatory statement**

This amendment would ensure any new provider must be operating with the public and student interests as a priority.

Clause 40, page 22, line 28, at end insert—

“(d) the provider shows evidence of satisfactory and consistent higher education delivery for a minimum of three years, which period may be extended, as part of a partnership with a validating provider.”

**Member’s explanatory statement**

This amendment would ensure a further education provider can demonstrate that it can meet the requirements to exercise degree-awarding powers.

Clause 40, page 22, line 28, at end insert—

“(e) there is reasonable assurance that a provider is able to maintain the required standards for the duration of whatever authorisation period is set by the OfS”

**Member’s explanatory statement**

This amendment would ensure that any provider authorised to grant degrees must be able meet the required standards set for the full period of time they are authorised for.
Higher Education and Research Bill, continued

Dr Roberta Blackman-Woods

Clause 40, page 22, line 28, at end insert—
“(c) the OfS is assured that the provider is able to maintain the required standards of a UK degree for the duration of the authorisation; and
(d) the OfS is assured that the provider operates in students’ and the public interests.”

Member’s explanatory statement
This amendment requires the OfS to be assured about the maintenance of standards and about students’ and the public interest before issuing authorisation to grant degrees.

Gordon Marsden
Angela Rayner

Clause 40, page 23, line 9, at end insert—
“(9A) In making any orders under this section, and sections 41, 42 and 43, the OfS must have due regard to 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.”

Member’s explanatory statement
This amendment would ensure that the granting and removal of degree awarding powers would be linked to a need to maintain confidence in the sector, and with a view to preserving its excellent reputation.

Gordon Marsden
Angela Rayner

Clause 40, page 23, line 11, after “instrument” insert “approved and made by the Privy Council as an Order in Council”

Member’s explanatory statement
This amendment would ensure scrutiny by the Privy Council of the power to grant awards.

Dr Roberta Blackman-Woods

Clause 40, page 23, line 21, at end insert—
“(13) The OfS must consult with UKRI, including Research England, and the appropriate National Academies and learned societies before authorising any provider to grant research awards.”

Member’s explanatory statement
This amendment ensures that OfS consults UKRI, including Research England, before issuing authorisation to grant research awards.

Gordon Marsden
Angela Rayner

Clause 43, page 24, line 32, leave out subsection (3) and insert—
“(5) No order shall be made under subsection (1) unless a draft of the order has been laid before and approved by a resolution of both Houses of Parliament.”

Member’s explanatory statement
This amendment would ensure the OfS’ power to vary or revoke authorisation given to an English
Higher Education and Research Bill, continued

Higher Education provider, or an English further education provider, must be scrutinised and approved by both Houses of Parliament.

Gordon Marsden
Angela Rayner

Clause 44, page 25, line 14, after “provider” insert “and other relevant organisation”

*Member’s explanatory statement*

This amendment would ensure full representations and be made to, and considered by, the OfS before steps are taken to revoke authorisation.

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.

Dr Roberta Blackman-Woods

Clause 46, page 26, line 9, at end insert—

“(2A) Such commissioning arrangements shall include commissioning the Open University as a validator of last resort.”

*Member’s explanatory statement*

This amendment ensures that the Open University rather than the OfS itself is the validator of last resort.

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

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.

Page 26, line 26, leave out Clause 47

**Member’s explanatory statement**

This amendment would remove the right of the OfS to become validators of degrees.

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
Higher Education and Research Bill, continued

relating to offering unrecognised awards granted by such an institution also covers awards
granted by the OfS.

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
Higher Education and Research Bill, continued

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.

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 “after “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.
Gordon Marsden  
Angela Rayner

Clause 51, page 30, line 15, leave out “(instead of the Privy Council)” and insert “and the Privy Council”

Member’s explanatory statement
This amendment would ensure the Privy Council retained the right of oversight for the award and revocation of university title.

Dr Roberta Blackman-Woods

Clause 51, page 30, line 16, at end insert—

“(2A) The power may be exercised as to include the word university in the name of the institution only when it can demonstrate that—

(a) it offers access to a range of cultural activities including, but not restricted to, the opportunity to undertake sport and recreation and access to a range of student societies and organisations;

(b) it provides students support and wellbeing services including specialist learning support;

(c) it provides opportunities for volunteering;

(d) it provides the opportunity to join a students’ union; and

(e) it plays a positive civic role.”

Member’s explanatory statement
This amendment ensures that a broad range of activities and opportunities are available to students before allowing a higher education institute to use the title of ‘university’.

Gordon Marsden  
Angela Rayner

Clause 52, page 31, line 7, leave out “Office for Students” and insert “Privy Council”

Member’s explanatory statement
This amendment would ensure the Privy Council retained the right of oversight for the award and revocation of university title.

Gordon Marsden  
Angela Rayner

Clause 52, page 31, line 18, leave out lines 18 to 21

Member’s explanatory statement
This amendment would ensure the Privy Council retained the right of oversight for the award and revocation of university title.

Gordon Marsden  
Angela Rayner

Clause 52, page 31, line 22, leave out lines 22 to 25

Member’s explanatory statement
This amendment would ensure the Privy Council retained the right of oversight for the award and revocation of university title.
Gordon Marsden
Angela Rayner

Clause 52, page 31, line 26, leave out “Office for Students” and insert “the Office for Students and the Privy Council”

**Member’s explanatory statement**

This amendment would ensure the Privy Council retained the right of oversight for the award and revocation of university title.

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Gordon Marsden
Angela Rayner

Clause 53, page 32, line 5, leave out “OfS” and insert “the Office for Students and the Privy Council”

**Member’s explanatory statement**

This amendment would ensure the Privy Council retained the right of oversight for the award and revocation of university title.

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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.

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Joseph Johnson

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.

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Joseph Johnson

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.
Higher Education and Research Bill, continued

Joseph Johnson

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.

Dr Roberta Blackman-Woods

Schedule 5, page 77, line 25, at end insert—

“(e) the justice of the peace is satisfied that the use of entry and search powers is the only practicable way for the matter to be investigated.”

Member’s explanatory statement
This amendment would allow search and entry powers to be used only in cases where a justice of the peace is satisfied that there was no other practicable way forward.

Joseph Johnson

★ Schedule 5, page 77, line 32, 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.

Joseph Johnson

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

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

Joseph Johnson

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

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

Joseph Johnson

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

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

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.

Gordon Marsden
Angela Rayner

★ Clause 59, page 35, line 12, leave out “body” and insert “bodies”

*Member’s explanatory statement*
This amendment would allow for the option of more than one information/data provider in the future.

Gordon Marsden
Angela Rayner

★ Clause 59, page 35, line 23, after “when” insert “,where”

*Member’s explanatory statement*
This amendment would ensure the OfS must consider where it is publishing information on higher education courses provided in England.

Gordon Marsden
Angela Rayner

★ Clause 59, page 35, line 28, before “people” insert “all”

*See explanatory statement for amendment 295.*
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

★ Clause 59, page 35, line 28, after “people” insert “;whatever their age or individual circumstances,”

Member’s explanatory statement
This amendment would include prospective adult students, as well as those leaving school, in the distribution of information.

Gordon Marsden
Angela Rayner

★ Clause 59, page 35, line 29, at end insert—

“( ) existing and potential higher education staff.”

Member’s explanatory statement
This amendment would ensure that the duty to publish English higher education information includes information that is useful to existing and potential higher education staff.

Gordon Marsden
Angela Rayner

★ Clause 59, page 35, line 41, at end insert—

“( ) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff, and”

Member’s explanatory statement
This amendment would ensure consultation with bodies representing higher education staff.

Gordon Marsden
Angela Rayner

★ Clause 60, page 36, line 12, leave out “body” and insert “bodies”

Member’s explanatory statement
See explanatory statement for amendment 292.

Dr Roberta Blackman-Woods

Clause 64, page 38, line 43, at end insert—

“(6) Any fees or costs that arise from the activities of any one institution are only liable to be paid by that institution.”

Member’s explanatory statement
This amendment will ensure that where a Higher Education Institution incurs fees or costs only that Institution is liable to meet the obligations incurred.
Higher Education and Research Bill, continued

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.

Joseph Johnson

Schedule 7, page 87, line 5, leave out sub-paragraph (5) and insert—

“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.

Dr Roberta Blackman-Woods

Clause 66, page 39, line 21, leave out from “OfS” to end of line 22 and insert “for its set up and running costs.”

Member’s explanatory statement
This amendment seeks to ensure that students are not meeting the set up costs of the OfS.

Gordon Marsden
Angela Rayner

★ Clause 66, page 39, line 26, after “have” insert “particular”

Member’s explanatory statement
This amendment would strengthen the regard for academic freedom requirements.

Joseph Johnson

Clause 66, page 39, line 29, leave out “or” and insert “and”

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...
Higher Education and Research Bill, continued

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.

Gordon Marsden
Angela Rayner

300

Clause 67, page 40, line 44, at end insert—
“(c) bodies representing the interests of higher education staff, and”

Member’s explanatory statement
This amendment would ensure consultation with bodies representing higher education staff.

Joseph Johnson

105

Clause 67, page 41, line 4, leave out subsection (10)

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.

Gordon Marsden
Angela Rayner

301

Clause 69, page 41, line 36, after “have” insert “particular”

Member’s explanatory statement
See explanatory statement for amendment 299.

Joseph Johnson

106

Clause 69, page 41, line 40, leave out “or” and insert “and”

Member’s explanatory statement
See the explanatory statement for amendment 104.

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

302

Clause 70, page 42, line 32, at end insert—
“( ) Any information received by the Secretary of State under subsection (1) must be made publicly available.”

Member’s explanatory statement
This amendment would require the Secretary of State to publish any information it receives from the OfS under section 70.
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.

Dr Roberta Blackman-Woods

★ Clause 71, page 43, line 13, after “Secretary of State” insert “providing that it demonstrates a potential public benefit.”

* Member’s explanatory statement
  This amendment means that the Secretary of State can only require a body to provide research if is in the public interest to do so.

Dr Roberta Blackman-Woods

★ Clause 71, page 43, line 14, after “may” insert “,so far as is reasonable having regard to the frequency of requests, the availability of information from other sources, the form in which the information is held by the body and the volume of the information requested,”

* Member’s explanatory statement
  This amendment ensures that any information requests made to bodies must be reasonable in terms of the time given and the requested form/manner.

Dr Roberta Blackman-Woods

★ Clause 71, page 43, line 16, at end insert—
  “(5A) Unless otherwise specified, the body shall provide the information by way of a single annual submission to either the Secretary of State and/or an approved body.”

* Member’s explanatory statement
  This amendment sets out the way in which bodies required by the Secretary of State to provide research should do so unless otherwise specified.

Gordon Marsden

Angela Rayner

★ Clause 71, page 43, line 20, at end insert—
  “( ) Where a body fails to comply under subsection (1), the Secretary of State must exercise powers under subsection (6) proportionately if the failure to comply with the duty is due to the cost of collecting and administering such data.”

* Member’s explanatory statement
  This amendment would ensure that the Secretary of State exercises proportionality when undertaking powers conferred in subsection (6) if the failure to comply is due to the cost of collecting and administering data.
Higher Education and Research Bill, continued

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

The 1986 Act provides a robust definition which should be referenced in the Bill.

Joseph Johnson

Clause 78, page 47, line 19, at end insert—

“(ca) in the case of alternative payments in connection with a higher education course, for the cancellation of the entitlement of an AP recipient to receive a sum as part of an alternative payment in such circumstances as may be prescribed by, or determined by the person making the regulations under, the regulations, where the payment of the sum has been suspended;”

Member’s explanatory statement

This amendment and amendments 244 and 245 make clear that regulations under section 22 of the Teaching and Higher Education Act 1998 may make provision for payments to students and others in respect of alternative payments, grants and loans in respect of higher education courses to be cancelled, where the payments have previously been suspended under the regulations.

Joseph Johnson

Clause 80, page 49, line 29, at end insert—

“(1A) In subsection (2), after paragraph (a) insert—

“(aa) for the designation of a higher education course for the purposes of this section to be determined by reference to matters determined or published by the Office for Students or other persons;””

Member’s explanatory statement

This amendment makes clear that regulations under section 22 of the Teaching and Higher Education Act 1998 may make provision for the designation of higher education courses for the purposes of that section to be determined by reference to matters determined or published by the Office for Students or other persons.
Clause 80, page 49, line 29, at end insert—
“(1B) In subsection (2), after paragraph (f) insert—
“(fa) in the case of a grant under this section in connection with a higher education course, where a payment has been so suspended, for the cancellation of any entitlement to the payment in such circumstances as may be prescribed by, or determined by the person making the regulations under, the regulations;”.”

Member’s explanatory statement
See the explanatory statement for amendment 242.

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.

Clause 80, page 49, line 34, at end insert—
“(3) In subsection (3), after paragraph (d) insert—
“(da) in the case of a loan under this section in connection with a higher education course, for the cancellation of the entitlement of a borrower to receive a sum under such a loan in such circumstances as may be prescribed by, or determined by the person making the regulations under, the regulations where the payment of the sum has been suspended;”.”

Member’s explanatory statement
See the explanatory statement for amendment 242.

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.

(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
Higher Education and Research Bill, continued

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

Clause 83, page 51, line 23, after “Innovation” insert “or, in Welsh, Ymchwil ac Arloesedd y Deyrnas Unedig,”

Member’s explanatory statement
This amendment sets out the Welsh name for UKRI.

Dr Roberta Blackman-Woods

★ Schedule 9, page 92, line 16, after “chair” insert “and the House of Commons Select Committees”

Member’s explanatory statement
This amendment would ensure that the relevant House of Commons Select Committees are consulted before any appointments are made.

Carol Monaghan
Roger Mullin

Schedule 9, page 92, line 18, after “experience” insert “in the higher education sector in England, Scotland, Wales and Northern Ireland”

Member’s explanatory statement
This amendment would ensure that the new research body, UKRI, would include appropriate membership from the devolved nations.

Joseph Johnson

Schedule 9, page 92, line 21, leave out “and new ideas” and insert “, new ideas and advancements in humanities”

Member’s explanatory statement
This amendment provides that the Secretary of State must, in appointing members of UKRI, have regard to the desirability of them having between them experience of the development and exploitation of advancements in humanities (including the arts), as well as the development and exploitation of science, technology and new ideas. A similar amendment is made to clause 85(1)(c) in amendment 256.

Joseph Johnson

Schedule 9, page 92, line 37, leave out “A Council may include” and insert “A majority of the ordinary Council members of a Council must be”

Member’s explanatory statement
This amendment replaces the provision which made it clear that a Council of UKRI could include persons who were neither a member of UKRI nor one of its employees and provides instead that a majority of the ordinary members of a Council must fall into that category.
Schedule 9, page 92, line 38, at end insert—
“(6) UKRI must, in appointing members of each Council, have regard to the desirability of the members (between them) having experience of research in the higher education sector in England, Scotland, Wales and Northern Ireland.”

Member’s explanatory statement
This amendment would ensure that the membership and strategy of the new research body, the UKRI, takes proper account of the policies and priorities of the devolved nations.

Joseph Johnson

Schedule 9, page 93, line 34, leave out “The Secretary of State” and insert “UKRI”

Member’s explanatory statement
This amendment and amendments 251 and 252 provide that it is UKRI rather than the Secretary of State who pays members of UKRI and Council members their remuneration, allowances, expenses, pension and compensation. The amounts paid are, however, still to be determined by the Secretary of State.

Joseph Johnson

Schedule 9, page 93, line 35, leave out “, allowances and expenses”

Member’s explanatory statement
This amendment removes an unnecessary reference in paragraph 7(1) of Schedule 9 to allowances and expenses for members of UKRI or Council members as they are covered in paragraph 7(2).

Joseph Johnson

Schedule 9, page 93, line 37, leave out “The Secretary of State” and insert “UKRI”

Member’s explanatory statement
See the explanatory statement for amendment 249.

Joseph Johnson

Schedule 9, page 93, line 43, leave out “the Secretary of State” and insert “UKRI”

Member’s explanatory statement
See the explanatory statement for amendment 249.

Joseph Johnson

Schedule 9, page 94, line 8, leave out “, allowances and expenses”

Member’s explanatory statement
This amendment is consequential on amendment 254.

Joseph Johnson

Schedule 9, page 94, line 9, at end insert—
“( ) UKRI must pay, or make provision for paying, to or in respect of a person who is an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of allowances or expenses.”
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Member’s explanatory statement
This amendment makes the duty to pay allowances and expenses to UKRI employees consistent with the power to pay such allowances or expenses to former employees inserted by amendment 255.

Joseph Johnson

Schedule 9, page 94, line 9, at end insert—
“( ) UKRI may pay, or make provision for paying—
(a) to or in respect of a person who is or has been an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of pensions or gratuities, and
(b) to or in respect of a person who has been an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of allowances or expenses.”

Member’s explanatory statement
This amendment makes clear that UKRI has power, subject to approval by the Secretary of State, to make pension provision for its employees and former employees other than under the Superannuation Act 1972 (as provided for in paragraph 8(4) of Schedule 9), to pay them gratuities and to pay former employees allowances or expenses.

Dr Roberta Blackman-Woods

★ Schedule 9, page 94, line 21, at end insert—
“( ) A joint committee is to be established by UKRI and OfS, which must—
(a) consist of representatives of both UKRI and OfS,
(b) produce an annual report containing details on—
(i) the health of the sector,
(ii) work on equality of opportunity,
(iii) the health of 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.
( ) the report must be sent to the Secretary of State who shall lay it before Parliament.”

Member’s explanatory statement
This amendment will ensure the UKRI and OfS work together through a joint committee.

Dr Roberta Blackman-Woods

★ Clause 85, page 52, line 12, after “technology,” insert “arts and humanities,”

Member’s explanatory statement
This amendment explicitly names the arts and humanities as being part of the remit of the UKRI.
Joseph Johnson

Clause 85, page 52, line 12, leave out “and new ideas” and insert “, new ideas and advancements in humanities.”

Member’s explanatory statement
This amendment provides that UKRI may facilitate, encourage and support the development and exploitation of advancements in humanities (including the arts), as well as the development and exploitation of science, technology and new ideas.

Paul Blomfield

Clause 85, page 52, line 18, at end insert—
“(h) provide postgraduate training and skills development, working together with the OfS.”

Member’s explanatory statement
This amendment would ensure UKRI reflects the current activities of the Research Councils as set out in their Royal Charters in respect of the learning experience of postgraduate research students, and would require joint working on this with the OfS.

Carol Monaghan
Roger Mullin

Clause 85, page 52, line 21, at end insert “but must be exercised in such a way as to be for the benefit of England, Scotland, Wales and Northern Ireland.”

Member’s explanatory statement
This amendment would place a general duty on UKRI to discharge its functions under section 85 for the benefit of the UK as a whole.

Dr Roberta Blackman-Woods

★ Clause 85, page 52, line 21, at end insert—
“(2A) The functions conferred by paragraphs (a) – (e) of subsection (1) may be carried out in partnership with other funding bodies”

Member’s explanatory statement
This amendment allows other funding bodies to work with the UKRI.

Joseph Johnson

Clause 87, page 53, line 11, leave out “Economic and other”

Member’s explanatory statement
This is a drafting amendment to simplify the way the field of activity of the Economic and Social Research Council is expressed.

Joseph Johnson

Clause 87, page 53, line 15, at end of entry in second column insert “aimed at improving human health”

Member’s explanatory statement
This amendment provides that the Medical Research Council’s field of activity is limited to medicine and biomedicine which is aimed at improving human health.
Clause 87, page 53, line 16, leave out “Earth sciences and ecology” and insert “Environmental and related sciences”

Member’s explanatory statement
This amendment provides that the field of activity of the Natural Environment Research Council is environmental and related sciences.

Clause 87, page 53, line 18, after “physics” insert “space science, nuclear physics”

Member’s explanatory statement
This amendment provides the field of activity of the Science and Technology Facilities Council includes space science and nuclear physics.

Clause 88, page 54, line 4, at end insert “having regard to the economic policies of the UK Government, the Scottish Government the Welsh Government and the Northern Ireland Executive”

Member’s explanatory statement
This amendment would ensure the specific duty of Innovate UK will be to have regard to the economic policies of the devolved administrations.

Clause 90, page 54, line 39, at end insert—
“( ) Arrangements under subsection (1) may result in a function of UKRI being exercisable by more than one Council.”

Member’s explanatory statement
This amendment and amendment 262 make it clear that arrangements under clause 90(1) may result in a function of UKRI being exercisable by more than one Council and that functions of UKRI which are exercisable by a Council on UKRI’s behalf under arrangements under clauses 87 to 89 or 90(1) may also be exercised by UKRI. This enables Councils and UKRI to engage in cross-cutting activities.

Clause 90, page 54, line 42, leave out “in other ways”

Member’s explanatory statement
See the explanatory statement for amendment 261.
Higher Education and Research Bill, continued

Dr Roberta Blackman-Woods

Clause 91, page 55, line 11, at end insert—

“(a) the specific strategic objectives of, and a strategy for the exercise of the functions for, each council of UKRI, including Innovate UK and Research England”

Member’s explanatory statement
This amendment would mean that the distinct roles of the nine new committees within the UKRI are recognised when UKRI sets a strategy.

Carol Monaghan
Roger Mullin

Clause 91, page 55, line 16, at end insert—

“(4A) Before exercising his powers under subsection (4), the Secretary of State must consult the Scottish Government, the Welsh Government and the Northern Ireland Executive and have regard to their views in respect of any proposed research and innovation strategy.”

Member’s explanatory statement
This amendment would place specific duty on the Secretary of State to consult the devolved administrations before exercising his powers in relation to a research strategy in section 91(4).

Joseph Johnson

Clause 93, page 56, line 6, at end insert—

“( ) Where a grant is made in respect of functions exercisable by Research England pursuant to arrangements under section 89, terms and conditions under subsection (1) may be imposed only if—

(a) they are requirements to be met before financial support of a specified amount or of a specified description is given by Research England in respect of activities carried on by an institution, and

(b) they apply to every institution, or every institution within a specified description, in respect of whose activities that support may be provided.”

Member’s explanatory statement
This amendment provides that where the Secretary of State makes a grant to UKRI in respect of the functions exercisable by Research England (i.e. the giving of financial support to eligible higher education providers (see clause 89)), terms and conditions can only be imposed if they are requirements to be met before the financial support is given and if they apply to all institutions or institutions of a particular description.

Carol Monaghan
Roger Mullin

Clause 93, page 56, line 6, at end insert—

“(1A) In making grants to UKRI under subsection (1), the Secretary of State must specify the separate allocation of funding to be made by UKRI to—

(a) functions exercisable by the Councils mentioned in section 87(1) pursuant to arrangements under that section,

(b) functions exercisable by Innovate UK pursuant to arrangements under section 88, and
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(c) functions exercisable by Research England pursuant to arrangements under section 89.

(1B) No variation may be made to the allocation of funding specified by the Secretary of State in subsection (1A) unless the House of Commons has passed a resolution approving any such variation and the variation has the consent of the Northern Ireland Executive, the Scottish Government and the Welsh Government.”

Member’s explanatory statement
This amendment would ensure there would be separate financial allocations to the Research Councils (collectively), Innovate UK, and Research England.

Joseph Johnson

Clause 93, page 56, line 22, at end insert—

“(...) In this section “specified” means specified in the terms and conditions.”

Member’s explanatory statement
This amendment is consequential on amendment 263.

Carol Monaghan
Roger Mullin

Clause 94, page 56, line 24, at beginning insert “Subject to subsections (4A) and (4B),”

Member’s explanatory statement
See explanatory statement for amendment 183.

Joseph Johnson

Clause 94, page 56, line 25, at end insert—

“(...) The Secretary of State may give a direction under this section in respect of functions exercisable by Research England pursuant to arrangements under section 89, only if —

(a) it relates to requirements to be met before financial support of a specified amount or of a specified description is given by Research England in respect of activities carried on by an institution, and

(b) it relates to every institution, or every institution within a specified description, in respect of whose activities that support may be provided.”

Member’s explanatory statement
This amendment provides that the Secretary of State can only give a direction about the allocation of grants to UKRI in respect of the functions exercisable by Research England if the direction relates to requirements to be met before the financial support is given and if it relates to all institutions or institutions of a particular description.

Carol Monaghan
Roger Mullin

Clause 94, page 56, line 25, at end insert—

“(1A) Within six months of this Act coming into force, the Secretary of State shall give a direction to UKRI to commission an independent evaluation of the matters under subsection (1B) and shall lay the report of the evaluation before the House of Commons.
Higher Education and Research Bill, continued

(1B) The evaluation under subsection (1A) shall consider—

(a) the effect of the absence of post study work visas for persons graduating from higher education institutions in the United Kingdom to be granted leave to remain in the UK on completion of their studies to work for up to two years for an employer on—

(i) the economy, efficiency and effectiveness of the higher education sector, and

(ii) the UK economy, and

(b) how post study work visa arrangements, applying either broadly or to classes of students, disciplines and institutions, could operate in the UK and their effect of each on—

(i) the economy, efficiency and effectiveness of the higher education sector, and

(ii) the UK economy.”

Member’s explanatory statement
This amendment would require the Secretary of State to commission research from UKRI on the effects of the absence of arrangements for post study work visas and how such arrangements could operate in the UK and their effect on the higher education sector and the UK economy.

Joseph Johnson

Clause 94, page 56, line 26, leave out “But”

Member’s explanatory statement
This amendment is consequential on amendment 265.

Joseph Johnson

Clause 94, page 56, line 34, at end insert—

“( ) In this section “specified” means specified in the direction.”

Member’s explanatory statement
This amendment is consequential on amendment 265.

Carol Monaghan
Roger Mullin

Clause 94, page 56, line 34, at end insert—

“(4A) In giving direction to UKRI, the Secretary of State must act in the best interests of all constituent parts of the United Kingdom and, before giving such direction, must consult—

(a) the Scottish Government,
(b) the Welsh Government, and
(c) the Northern Ireland Executive
on research and innovation policies and their priorities.

(4B) Before giving any direction to UKRI under subsection (1), the Secretary of State must seek agreement to the terms of that direction from—

(a) the Scottish Government,
(b) the Welsh Government, and
(c) the Northern Ireland Administration.”

Member’s explanatory statement
This amendment would ensure the Secretary of State takes account of the views of devolved
Clause 96, page 57, line 14, at end insert—

“(3) In exercising functions under this Part, the Secretary of State must act in the best interests of England, Scotland, Wales and Northern Ireland, having consulted—

(a) the Scottish Government,

(b) the Welsh Government, and

(c) the Northern Ireland Executive

before exercising these functions.”

Member’s explanatory statement

This amendment would place a duty on the Secretary of State that in exercising their functions in relation to UKRI they must consider the needs of the entire UK and consult the Ministers of the devolved jurisdictions.

Clause 99, page 58, line 5, leave out “in relation to” and insert “into”

Member’s explanatory statement

This is a drafting amendment to ensure that clause 99 is more consistent with other clauses in Part 3.

Clause 102, page 59, line 4, leave out “social science” and insert “social sciences”

Member’s explanatory statement

This amendment amends the definition of “science” in Part 3 so that it includes social sciences and so ensures consistency with the language used in clause 87(1).

Schedule 10, page 98, line 13, after “means” insert “the Secretary of State or”

Member’s explanatory statement

This amendment enables the Secretary of State to be a “permitted transferor” for the purposes of a property transfer scheme or staff transfer scheme made under Schedule 10.
Schedule 10, page 99, line 14, leave out from “provide” to end of line 15 and insert—

“(a) for the scheme to be modified by agreement after it comes into effect, and
(b) for any such modifications to have effect from the date when the original scheme comes into effect.”

Member’s explanatory statement
This amendment makes it clear that modifications to a property transfer scheme or staff transfer scheme under Schedule 10 can be made so as to have effect from the date on which the scheme came into effect.

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.

Schedule 12, page 109, line 24, at end insert—

“20A The Government of Wales Act 2006 is amended as follows.
20B (1) Schedule 3A (functions exercisable concurrently or jointly with the Welsh Ministers) (which is inserted by the Wales Act 2016) is amended as follows.
(2) In the Table in paragraph 1(2), in the entry relating to the Science and Technology Act 1965, in the column headed “Functions”, after “relating to” insert “United Kingdom Research and Innovation and”.”

Member’s explanatory statement
This amendment amends Schedule 3A to the Government of Wales Act 2006 (which is inserted by the Wales Bill) so that the functions of a Minister of the Crown under section 5 of the Science and
Higher Education and Research Bill, continued

Technology Act 1965 (powers to support research etc), so far as relating to UKRI, are not exercisable concurrently with the Welsh Ministers.

Joseph Johnson

Schedule 12, page 109, line 28, at end insert—

“21A(1) In Part 2 of Schedule 7A (specific reservations) (which is inserted by the Wales Act 2016), Section C11 (Research Councils) is amended as follows.

(2) In the heading, at the beginning insert “United Kingdom Research and Innovation and”.

(3) In paragraph 85—

(a) at the beginning insert “United Kingdom Research and Innovation (“UKRI”), and”, and

(b) after “relating to” insert “UKRI and”.

(4) In paragraph 86—

(a) omit “Arts and Humanities Research Council within the meaning of Part 1 of the Higher Education Act 2004, and the”,

(b) for “that Act” substitute “the Higher Education Act 2004”, and

(c) for “that Council” substitute “UKRI”.

Member’s explanatory statement

This amendment amends the reservation regarding Research Councils in Schedule 7A to the Government of Wales Act 2006 (which is inserted by the Wales Bill) to ensure that UKRI (like Research Councils) is a reserved matter and to take account of the Arts and Humanities Research Council ceasing to exist under clause 101.

Joseph Johnson

Schedule 12, page 109, line 37, at beginning insert “In the English language text,”

Member’s explanatory statement

This amendment and amendments 275, 276 and 278 ensure that both the English language text and the Welsh language text of the Welsh Language (Wales) Measure 2011 are amended by Schedule 12 to reflect the establishment of UKRI and the fact that its predecessor bodies cease to have effect.

Joseph Johnson

Schedule 12, page 110, line 4, at end insert—

“( ) In the Welsh language text, omit the entries relating to—

(a) Cyngor Cyfleusterau Gwyddoniaeth a Thechnoleg,

(b) Cyngor Ymchwil Biotechnoleg a Gwyddorau Biologol,

(c) Y Cyngor Ymchwil Economaidd a Chymdeithasol,

(d) Y Cyngor Ymchwil Meddygol,

(e) Cyngor Ymchwil Peirianneg a Gwyddorau Ffisegol,

(f) Cyngor Ymchwil yr Amgylchedd Naturiol, and

(g) Y Cyngor Ymchwil i’r Celfyddydau a’r Dyniaethau.”

Member’s explanatory statement

See the explanatory statement for amendment 274.
Joseph Johnson

Schedule 12, page 110, line 5, at beginning insert “In the English language text,”

Member’s explanatory statement
See the explanatory statement for amendment 274.

Joseph Johnson

Schedule 12, page 110, line 7, in column 1 after “Innovation” insert “(“Ymchwil ac Arloesedd y Deyrnas Unedig”)”

Member’s explanatory statement
This amendment inserts a reference to the Welsh name for “United Kingdom Research and Innovation” in an amendment made to the English language text of the Welsh Language (Wales) Measure 2011 by Schedule 12.

Joseph Johnson

Schedule 12, page 110, line 10, at end insert—

“( ) In the Welsh language text, insert at the appropriate place under the heading “cyffredinol”—

“Ymchwil ac Arloesedd y Deyrnas Unedig (“United Kingdom Research and Innovation”)”

Safonau cyflenwi gwasanaethau

Safonau llunio polisi

Safonau gweithredu

Safonau cadw cofnodion””

Member’s explanatory statement
See the explanatory statement for amendment 274.

Joseph Johnson

Schedule 12, page 110, line 12, leave out from “Crown)” to end of line 14 and insert “, in paragraph (a), for “the Natural Environment Research Council” substitute “United Kingdom Research and Innovation””

Member’s explanatory statement
This amendment amends the amendment made by paragraph 24 of Schedule 12 to section 10(4)(a) of the Antarctic Act 2013 to ensure that the reference in that provision to the British Antarctic Survey is retained.

Joseph Johnson

Schedule 12, page 110, line 14, at end insert—

“(2) Subsections (2) and (3) of section 34 of the Antarctic Act 1994 (power to extend to the Channel Islands, Isle of Man and British overseas territories) apply in relation to section 10 of the Antarctic Act 2013 as amended by sub-paragraph (1).”

Member’s explanatory statement
The Antarctic Act 2013 confers a power to extend the provisions of Part 1 of that Act to the Channel
Islands, Isle of Man and British overseas territories (see section 18 of that Act). This amendment provides that the power of extension can be used to extend section 10 of that Act as amended by the Bill to any of those jurisdictions.

**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.

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 111, page 61, line 37, at end insert—

“( ) Subsection (3) does not apply to the amendments and repeals made by paragraph 13 of Schedule 12 to section 41 of the Patents Act 1977 which have the same extent as that section.”

*Member’s explanatory statement*

This amendment ensures that the amendments and repeals made to section 41 of the Patents Act 1977 by Schedule 12 to the Bill have the same extent as that section - which includes the Isle of Man.

**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.
Clause 112, page 61, line 40, at end insert—
“(1A) Sections 78, 79 and 80 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.

TABLE

<table>
<thead>
<tr>
<th>1. Matters:</th>
<th>2. Commencement by:</th>
<th>3. After consulting:</th>
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<tr>
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<td>Powers exercisable by the Secretary of State concurrently with the Welsh Ministers</td>
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</tr>
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**Member’s explanatory statement**
This amendment provides for clauses 78, 79 and 80 (financial support for students) to be brought into force by the Welsh Ministers, so far as relating to powers exercisable 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.

Clause 112, page 61, line 40, at end insert—
“(1A) Section (Amendments to powers to support research) comes into force at the end of the period of two months beginning with the day on which this Act is passed.”

**Member’s explanatory statement**
This amendment provides for NC7 (which amends powers to support research under the Science and Technology Act 1965 and the Higher Education Act 2004) to come into force 2 months after the Bill is given Royal Assent.

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

**Member’s explanatory statement**
This amendment is consequential on amendment 282.
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 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),
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(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.

Joseph Johnson

To move the following Clause—

“Amendments to powers to support research

(1) In section 5 of the Science and Technology Act 1965 (further powers of Secretary of State), after subsection (1) insert—

“(1ZA) The power to give financial support under subsection (1)(a) includes, in particular, power to make a grant, loan or other payment, on such terms and conditions as the relevant authority considers appropriate.
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(1ZB) The terms and conditions may, in particular—
   (a) enable the relevant authority to require the repayment, in whole
       or in part, of sums paid by it if any of the terms and conditions
       subject to which the sums were paid is not complied with,
   (b) require the payment of interest in respect of any period during
       which a sum due to the relevant authority in accordance with any
       of the terms and conditions remains unpaid, and
   (c) require a person to whom financial support is given to provide
       the relevant authority with any information it requests for the
       purpose of the exercise of any of its functions.

(1ZC) In subsections (1ZA) and (1ZB), “the relevant authority” means—
   (a) in the case of the power of the Secretary of State to give financial
       support under subsection (1)(a), the Secretary of State;
   (b) in the case of the power of the Welsh Ministers to give financial
       support under subsection (1)(a), the Welsh Ministers;
   (c) in the case of the power of the Scottish Ministers to give financial
       support under subsection (1)(a), the Scottish Ministers.”

(2) In section 10 of the Higher Education Act 2004 (research in arts and humanities), after subsection (4) insert—

   “(5) The powers under this section to give financial support include, in
       particular, power to make a grant, loan or other payment, on such terms
       and conditions as the relevant authority considers appropriate.

   (6) The terms and conditions may, in particular—
       (a) enable the relevant authority to require the repayment, in whole
           or in part, of sums paid by it if any of the terms and conditions
           subject to which the sums were paid is not complied with,
       (b) require the payment of interest in respect of any period during
           which a sum due to the relevant authority in accordance with any
           of the terms and conditions remains unpaid, and
       (c) require a person to whom financial support is given to provide
           the relevant authority with any information it requests for the
           purpose of the exercise of any of its functions.

   (7) In subsections (5) and (6), “the relevant authority” means—
       (a) in the case of the power under subsection (1)(a), the Secretary of
           State;
       (b) in the case of the power under subsection (2)(a), the Welsh
           Ministers;
       (c) in the case of the power under subsection (3)(a), the Scottish
           Ministers;
       (d) in the case of the power under subsection (4)(a), the Northern
           Ireland Department having responsibility for higher education.”

Member’s explanatory statement
This new clause, which is for insertion after clause 101, amends section 5 of the Science and Technology Act 1965 and section 10 of the Higher Education Act 2004 to make clear that the powers they contain to provide financial support for research include power to make grants, loans or other payments subject to terms and conditions - including those which may require the recipient of support to repay sums, pay interest and provide information.
Higher Education and Research Bill, *continued*

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.

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Dr Roberta Blackman-Woods  

To move the following Clause—

“De-registration: notification of students

(1) The governing body of a higher education provider must inform all students enrolled on a course if it—

(a) is notified by the OfS of its intention to suspend the provider’s registration under section 17(1),
(b) is notified by the OfS of its intention to remove it from the register under section 19(1),
(c) is notified by the OfS that it will refuse to approve a new access and participation plan under section 21(2), or
(d) has applied to be removed from the register under section 22(1),

(2) The governing body of an institution must notify students under subsection (1) by the date on which—

(a) the suspension takes effect,
(b) the de-registration takes effect, whether enforced or voluntary, or
(c) the expiry date of any existing access and participation plan that will not be renewed and the period of time for which approval of a new plan will be refused,
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whichever is applicable.”

Member’s explanatory statement

This amendment would require that any students still undertaking courses at that provider are notified if the provider becomes deregistered.

Gordon Marsden
Angela Rayner

To move the following Clause—

“Committee on Degree Awarding Powers and University Title

(1) The OfS must establish a committee called the “Committee on Degree Awarding Powers and University Title”.

(2) The function of the Committee is to provide advice to the OfS on—
   (a) the general exercise of its functions under sections 40, 42, 43 and 53 of this Act, and section 77 of the Further and Higher Education Act 1992;
   (b) particular uses of its powers under section 40(1) of this Act; and
   (c) particular uses of its powers under section 77 of the Further and Higher Education Act 1992.

(3) The OfS must seek the advice of the Committee before—
   (a) authorising a registered higher education provider or qualifying further education provider to grant taught awards, research awards or foundation degrees under section 40(1) of this Act;
   (b) varying any authorisation made under section 40(1) of this Act so as to authorise a registered higher education provider or qualifying further education provider to grant a category of award or degree that, prior to the variation of the authorisation, it was not authorised to grant; and
   (c) providing consent under section 77 of the Further and Higher Education Act 1992 for an education institution or body corporate to change its names so as to include the word “university” in the name of the institution or body corporate.

(4) The OfS must also seek the advice of UKRI before authorising a registered higher education provider or qualifying further education provider to grant research awards under section 40(1) of this Act.

(5) The OfS does not need to seek the advice of the Committee before—
   (a) revoking an authorisation to grant taught awards, research awards or foundation degrees; or
   (b) varying any authorisation to grant taught awards, research awards, or foundation degrees so as to revoke the authorisation of a registered higher education provider or qualifying further education provider to grant a category of award that, prior to the variation of the authorisation, it was authorised to grant.

(6) Subsection (4) applies whether the authorisation being revoked or varied was given—
   (a) by an order made under section 40(1) of this Act;
   (b) by or under any Act of Parliament, other than under section 40(1) of this Act; or
   (c) by Royal Charter.
(7) In providing its advice to the OfS, the Committee must in particular consider the need for students, employers and the public to have confidence in the higher education system and the awards which are granted by it.

(8) The OfS must have regard to the advice given to it by the Committee on both the general exercise of its functions referred to in subsection 2 and any particular uses of its powers referred to in subsection 3.

(9) The majority of the members of the Committee must be individuals who appear to the OfS to have experience of providing higher education on behalf of an English higher education provider or being responsible for the provision of higher education by such a provider.

(10) In appointing members of the Committee who meet these criteria, the OfS must have regard to the desirability of their being currently engaged at the time of their appointment in the provision of higher education or in being responsible for such provision.

(11) The majority of the members of the Committee must be individuals who are not members of the OfS.

(12) Schedule 1 applies to the Committee on Degree Awarding Powers and University Title as it applies to committees established under paragraph 8 of that Schedule.”

**Member's explanatory statement**

This new clause would create a committee of the OfS which fulfils much the same functions as the current Advisory Committee on Degree Awarding Powers.

Angela Rayner
Gordon Marsden

To move the following Clause—

**“Revocation of the Education (Student Support) (Amendment) Regulations 2015**

The Education (Student Support) (Amendment) Regulations 2015 (Statutory Instrument no. 1951/2015) are revoked.”

**Member's explanatory statement**

This new clause would revoke the Education (Student Support) (Amendment) Regulations 2015, which moved support for students from a system of maintenance grants to loans.

Paul Blomfield

To move the following Clause—

**“Automatic review of authorisation**

(1) The OfS must review an authorisation given by a previous order under section 40(1) if—

(a) the ownership of the registered provider is transferred to another legal person; or

(b) the owner of the registered provider has had restrictions placed on its degree-awarding powers in another jurisdiction, or
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(c) for any other reason it would be in the student or public interest to do so.

(2) In this section “review” means consider whether to vary or revoke authorisation within the meaning of section 42.”

Member’s explanatory statement

This new Clause would ensure that a review of a provider’s degree awarding power would be triggered if the ownership of a provider changes, if the owner of the registered provider faces restrictions to its degree awarding powers in another jurisdiction or if the OfS deems a review necessary to protect students or the wider public interest.

Paul Blomfield
Wes Streeting

To move the following Clause—

“Impact of changes to financial support for students on access and participation

(1) The OfS must, within six months of the day on which this Act is passed, report to the Secretary of State an assessment of the impact of changes to student financial support arrangements made within the previous twenty-four months on access and participation, and make recommendations.

(2) The OfS may, in making the assessment of such changes as specified in section (1), make recommendations to the Secretary of State about further necessary changes to student support to enhance or mitigate the impact of that change on access and participation.

(3) The OfS must, within twelve months of any change to student financial support arrangements coming into force and after twelve month periods thereafter, report to the Secretary of State an assessment of the impact of the change on access and participation and make recommendations.

(4) The OfS may, in making the assessment of such changes as specified in section (3), make recommendations to the Secretary of State about further necessary changes to student support to enhance or mitigate the impact of that change on access and participation.

(5) The Secretary of State must lay the reports specified in subsections (1) and (3) before both Houses of Parliament.”

Member’s explanatory statement

This new Clause would require the OfS to report to the Secretary of State on the impact of changes to student funding on access and participation.

Paul Blomfield

To move the following Clause—

“Access to support for modular study

The Secretary of State must, within six months of the day on which this Act is passed, set out arrangements in regulations made under sections 22 and 42 of the Teaching and Higher Education Act 1998, as amended, to provide support for
students studying for institutional credits, as distinct from working towards a full qualification.”

**Member’s explanatory statement**

This new Clause would require the Secretary of State to provide for module-specific loans, rather than requiring people to be working towards a full qualification to qualify for access to financial support.

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**Paul Blomfield**

To move the following Clause—

“Access to support for students recognised as needed protection

(1) The Secretary of State must, within six months of the day on which this Act is passed, set out in regulations to apply across the UK the availability of financial support for higher education courses to students with certain immigration statuses.

(2) The regulations specified in subsection (1) must at a minimum

(a) make provision for all those who have been brought to the UK under the Syrian Vulnerable Persons Relocation Scheme or any equivalent scheme and their family members to access student loans on the same basis as refugees recognised in-country; and,

(b) make provision for those who have claimed asylum and been granted a form of leave to remain in the UK to be eligible—

(i) for home fees for a higher education course if they have been ordinarily resident in the United Kingdom and Islands since being granted leave; and,

(ii) for student loans for a higher education course, if they have been ordinarily resident in the United Kingdom and Islands since being granted leave and are ordinarily resident in the United Kingdom and Islands on the first day of the first academic term of that course.

(3) In this section “home fees” means fees for a higher education course charged to persons not considered as “qualifying persons” under regulations made under the Higher Education Act 2004.

(4) In this section “student loans” means loans made to students in connection with their undertaking of a higher education course under the Teaching and Higher Education Act 1998.”

**Member’s explanatory statement**

This new Clause would allow all refugees resettled to the UK, as well as people seeking asylum granted forms of leave other than refugee status, to access student finance and home fees.
Higher Education and Research Bill, continued

Wes Streeting
Paul Blomfield

To move the following Clause—

“Student support: restricted modification of repayment terms

(1) Section 22 of the Teaching and Higher Education Act 1998 (power to give financial support to students) is amended in accordance with subsections (2) to (4).

(2) In subsection (2)(g) at the beginning insert “Subject to subsections (3)(A) and (3)(B),”.

(3) In subsection (2)(g) leave out from “section” to the end of subsection (2)(g).

(4) After subsection (3) insert—

“(3A) Other than in accordance with subsection (3B), no provision may be made under subsection (2)(g) relating to the repayment of a loan that has been made available under this section once the parties to that loan (including the borrower) have agreed the terms and conditions of repayment, including during—

(a) the period of enrolment on a course specified under subsection (1)(a) or (1)(b), and

(b) the period of repayment.

(3B) Any modification to any requirement or other provision relating to the repayment of a loan made available under this section and during the periods specified in subsection (3A) shall only be made if approved by an independent panel.

(3C) The independent panel shall approve modifications under subsection (3B) if such modifications meet conditions to be determined by the panel.

(3D) The approval conditions under subsection (3C) must include that—

(a) the modification is subject to consultation with representatives of the borrowers,

(b) the majority of the representative group consider the modification to be favourable to the majority of students and graduates who have entered loans, and

(c) there is evidence that those on low incomes will be protected.

(3E) The independent panel shall consist of three people appointed by the Secretary of State, who (between them) must have experience of—

(a) consumer protection,

(b) loan modification and mediation,

(c) the higher education sector, and

(d) student finance.”
Higher Education and Research Bill, continued

Wes Streeting
Paul Blomfield

To move the following Clause—

“Student loans: regulation
(1) Any loan granted under section 22(1) of the Teaching and Higher Education Act 1998, (“student loans”) irrespective of the date on which the loan was granted, shall be regulated by the Financial Conduct Authority.
(2) Any person responsible for arranging, administering or managing, or offering or agreeing to manage, student loans shall be regulated by the Financial Conduct Authority.”

Gordon Marsden
Angela Rayner

To move the following Clause—

“Higher Education loans: restrictions on modification of repayment conditions
(1) A loan made by the Secretary of State to eligible students in connection with their undertaking a higher education course or further education course under the Teaching and Higher Education Act 1998 shall—
   (a) not be subject to changes in repayment conditions retroactively without agreement from both Houses of Parliament;
   (b) not be subject to changes in repayment conditions in the event of the loan being sold to private concerns, unless these changes are made to all loans, in the manner prescribed above;
   (c) be subject to beneficial changes, principally to the repayment threshold, in line with average earnings.
(2) In section 8 of the Sale of Student Loans Act 2008, for subsection (1) substitute—
   “(1) Loans made in accordance with regulations under section 22 of the Teaching and Higher Education Act 1998 (c. 30) are to be regulated by the Consumer Credit Act 1974 (c. 39).”

Member’s explanatory statement
This new clause would ensure no retroactive changes could be made to student loan repayment conditions without agreement from both Houses of Parliament.
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.

ORDER OF THE COMMITTEE [6 SEPTEMBER 2016, AS AMENDED ON 8 SEPTEMBER 2016]

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:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Witness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday 6 September</td>
<td>Until no later than 10.30 am</td>
<td>Universities UK; GuildHE; Independent Higher Education (formerly Study UK); MillionPlus</td>
</tr>
</tbody>
</table>
Higher Education and Research Bill, continued

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Witness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday 6</td>
<td>Until no later than</td>
<td>Sir Alan Langlands, Vice-Chancellor, University of Leeds; Professor Sir Leszek Borysiewicz, Vice-Chancellor, University of Cambridge; University of Alliance; Universities and Colleges Admissions Service (UCAS)</td>
</tr>
<tr>
<td>September</td>
<td>11.25 am</td>
<td></td>
</tr>
<tr>
<td>Tuesday 6</td>
<td>Until no later than</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>
<td>September</td>
<td>2.45 pm</td>
<td></td>
</tr>
<tr>
<td>Tuesday 6</td>
<td>Until no later than</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>
</tr>
<tr>
<td>September</td>
<td>3.30 pm</td>
<td></td>
</tr>
<tr>
<td>Tuesday 6</td>
<td>Until no later than</td>
<td>University and College Union; Alison Goddard, Editor of HE; Office for Fair Access</td>
</tr>
<tr>
<td>September</td>
<td>4.15 pm</td>
<td></td>
</tr>
<tr>
<td>Tuesday 6</td>
<td>Until no later than</td>
<td>Universities Scotland; Royal Society of Edinburgh; Scottish Funding Council; John Kingman, Chair of UK Research and Innovation</td>
</tr>
<tr>
<td>September</td>
<td>5.15 pm</td>
<td></td>
</tr>
<tr>
<td>Thursday 8</td>
<td>Until no later than</td>
<td>Research Councils UK; Engineering and Physical Sciences Research Council; Innovate UK; The Royal Society</td>
</tr>
<tr>
<td>September</td>
<td>12.30 pm</td>
<td></td>
</tr>
<tr>
<td>Thursday 8</td>
<td>Until no later than</td>
<td>National Union of Students; Quality Assurance Agency for Higher Education</td>
</tr>
<tr>
<td>September</td>
<td>12.45 pm</td>
<td></td>
</tr>
<tr>
<td>Thursday 8</td>
<td>Until no later than</td>
<td>Department for Business, Energy and Industrial Strategy; Department for Education</td>
</tr>
<tr>
<td>September</td>
<td>1.00 pm</td>
<td></td>
</tr>
</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;

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

The following Notices were withdrawn on Tuesday 6 September:

Amendment 163

The following Notices were withdrawn on Thursday 6 October:

Amendments 116, 117 and 188

The following Notices were withdrawn on Friday 7 October:

Amendment 238

The following Notices were withdrawn on Monday 10 October:

Amendments 93, 208