

# Higher Education and Research Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

LORD LIPSEY

Page 1, line 5, leave out “Office for Students” and insert “Office for Higher Education”

**Clause 2**

VISCOUNT HANWORTH

Page 2, line 31, at end insert “, and it must not name any particular institution.”

**Clause 8**

VISCOUNT YOUNGER OF LECKIE

Page 5, line 34, after “OfS” insert “, or a person nominated by the OfS,”

Page 5, line 38, leave out from “its” to end of line and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and 59(1) (compiling, making available and publishing”

Page 5, line 39, after “the” insert “designated”

**Clause 19**

VISCOUNT YOUNGER OF LECKIE

Page 12, line 27, leave out subsection (8)

Page 12, line 29, leave out from “when” to end of line 30 and insert “–

- (a) an appeal under section 20(1)(a) or (b), or a further appeal, could be brought in respect of the decision to remove, or
- (b) such an appeal is pending.”

**Clause 19 - continued**

Page 12, line 32, at end insert –

- “(11) Where subsection (9) ceases to prevent a removal taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the removal takes effect.
- (12) But that is subject to what has been determined on any appeal under section 20(1)(a) or (b), or any further appeal, in respect of the decision to remove.”

**Clause 20**

## VISCOUNT YOUNGER OF LECKIE

Page 12, line 35, leave out from “against” to end of line and insert “either or both of the following –

- (a) a decision of the OfS to remove it from the register under section 18;
- (b) a decision of the OfS as to the date specified under section 19(6) as the date on which the removal takes effect.”

Page 13, line 3, after “decision” insert “(including the date on which the removal takes effect)”

**Clause 24**

## VISCOUNT HANWORTH

Page 15, line 20, leave out subsection (6) and insert –

- “(6) No member of the Committee may be an individual who is a member of the OfS.”

**Clause 40**

## VISCOUNT YOUNGER OF LECKIE

Page 23, line 6, leave out paragraph (b)

Page 23, line 9, leave out “, research awards or foundation degrees” and insert “or research awards”

Page 23, line 11, leave out “, research awards or foundation degrees” and insert “or research awards”

Page 23, line 12, leave out “, research awards or foundation degrees” and insert “or research awards”

Page 23, line 15, after “degree” insert “(including a foundation degree)”

**Clause 40 - continued**

Page 23, line 24, at end insert –

““foundation degree only authorisation” means authorisation under subsection (1) to grant taught awards where foundation degrees are the only degrees which the provider is authorised to grant.”

Page 23, leave out line 25 and insert –

“(4) An order under subsection (1) which would give a provider foundation degree only authorisation may be made only if –

(a) the provider is an English further education provider,”

Page 23, line 32, leave out “41(3)” and insert “41(2)”

Page 23, line 40, leave out “, research awards or foundation degrees” and insert “or research awards”

Page 24, line 3, leave out “, research award or foundation degree” and insert “or research award”

Page 24, line 7, leave out “, research award or foundation degree” and insert “or research award”

Page 24, leave out lines 18 and 19

**Clause 41**

VISCOUNT YOUNGER OF LECKIE

Page 24, line 25, leave out “, research awards and foundation degrees” and insert “and research awards”

Page 24, line 27, leave out “and degrees”

Page 24, line 29, leave out “(a)”

Page 24, line 41, leave out subsection (3) and insert –

“(3) But in the case of a foundation degree only authorisation, the references in subsection (2)(c) and (d) to degrees are to foundation degrees only.”

Page 25, line 7, leave out “, research award or foundation degree” and insert “or research award”

Page 25, line 9, leave out “and (3)(b)”

**Clause 43**

## VISCOUNT YOUNGER OF LECKIE

Page 25, line 25, leave out “, research awards or foundation degrees” and insert “or research awards”

Page 25, line 29, at end insert –

- “( ) When applying section 40(4) and (5) in the case of such an order, the reference in section 40(5) to a foundation degree granted other than by virtue of section 41(2)(c) or (d) (honorary and staff degrees) is to be read as a reference to a foundation degree granted other than by virtue of whatever is the equivalent of section 41(2)(c) or (d) in the case of the provider.”

**Clause 44**

## VISCOUNT YOUNGER OF LECKIE

Page 26, line 18, leave out from second “the” to end of line 20 and insert “notice of the decision must specify the date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1).”

Page 26, line 24, after “The” insert “order under section 40(1) or 43(1) implementing the decision to vary or revoke the authorisation may not be made and the”

Page 26, line 24, leave out from “when” to end of line 26 and insert “–

- (a) an appeal under section 45(1)(a) or (b), or a further appeal, could be brought in respect of the decision to vary or revoke, or
- (b) such an appeal is pending.”

Page 26, line 27, after “prevent” insert “the order under section 40(1) or 43(1) being made or”

Page 26, line 29, at end insert –

- “(10) Where subsection (8) ceases to prevent a variation or revocation taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1).
- (11) But that is subject to what has been determined on any appeal under section 45(1)(a) or (b), or any further appeal, in respect of the decision to vary or revoke.”

**Clause 45**

## VISCOUNT YOUNGER OF LECKIE

Page 26, leave out lines 32 and 33 and insert “either or both of the following –

- (a) a decision of the OfS to vary or revoke, by a further order under section 40(1) or an order under section 43(1), an authorisation given to it;

**Clause 45 - continued**

- (b) a decision of the OfS as to the date specified under section 44(6) as the date on which the variation or revocation takes effect.”

Page 26, line 40, at end insert –

- “( ) vary the date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1);”

Page 26, line 42, after “decision” insert “(including the date on which the variation or revocation takes effect)”

**Clause 46**

VISCOUNT YOUNGER OF LECKIE

Page 27, line 5, leave out “and foundation degrees”

Page 27, line 7, leave out “and foundation degrees”

Page 27, line 16, leave out “or a foundation degree”

Page 27, line 18, leave out “or a foundation degree”

Page 27, line 21, leave out “or foundation degrees”

**Clause 47**

VISCOUNT YOUNGER OF LECKIE

Page 27, line 38, leave out “and foundation degrees”

Page 27, line 39, leave out “and foundation degrees”

Page 28, line 8, leave out “or foundation degrees”

Page 28, line 12, leave out “or foundation degree”

Page 28, line 16, leave out “or a foundation degree”

Page 28, line 18, leave out “or a foundation degree”

Page 28, line 21, leave out “or foundation degrees”

Page 28, line 29, leave out “or a foundation degree”

Page 28, line 30, leave out “or a foundation degree”

**Clause 54**

## VISCOUNT YOUNGER OF LECKIE

Page 34, line 34, leave out from second “the” to end of line 35 and insert “notice of the decision must specify the date on which the revocation takes effect under the order to be made under section 53(1).”

Page 34, line 39, after “The” insert “order under section 53(1) implementing the decision to revoke the authorisation, consent or other approval may not be made and the”

Page 34, line 39, leave out from “when” to end of line 41 and insert “–

- (a) an appeal under section 55(1)(a) or (b), or a further appeal, could be brought in respect of the decision to revoke, or
- (b) such an appeal is pending.”

Page 34, line 42, after “prevent” insert “the order under section 53(1) being made or”

Page 34, line 43, at end insert –

- “(10) Where subsection (8) ceases to prevent a revocation taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the revocation takes effect under the order to be made under section 53(1).
- (11) But that is subject to what has been determined on any appeal under section 55(1)(a) or (b), or any further appeal, in respect of the decision to revoke.”

**Clause 55**

## VISCOUNT YOUNGER OF LECKIE

Page 35, line 3, leave out from “against” to end of line 5 and insert “either or both of the following –

- (a) a decision of the OfS to revoke, by an order under section 53(1), an authorisation, consent or other approval given to the institution to include the word “university” in its name;
- (b) a decision of the OfS as to the date specified under section 54(6) as the date on which the revocation takes effect.”

Page 35, line 12, at end insert –

- “( ) vary the date on which the revocation takes effect under the order to be made under section 53(1);”

Page 35, line 14, after “decision” insert “(including the date on which the revocation takes effect)”

**Before Clause 59**

## VISCOUNT YOUNGER OF LECKIE

Insert the following new Clause –

**“Duty to compile and make available higher education information**

- (1) The relevant body must –
  - (a) compile appropriate information relating to registered higher education providers and the higher education courses they provide, and
  - (b) make the information available in an appropriate form and manner to the OfS, UKRI and the Secretary of State.
- (2) In this section “the relevant body” means –
  - (a) the designated body (see section 60), or
  - (b) if there is no such body, the OfS.
- (3) What is “appropriate” for the purposes of subsection (1)(a) and (b) is to be determined –
  - (a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or
  - (b) otherwise, by the OfS.
- (4) A notification under subsection (3) may relate to one or both of the paragraphs of subsection (1).
- (5) When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), it must in particular consider what would be helpful to the persons mentioned in subsection (1)(b).
- (6) The OfS must from time to time obtain and consider, or require the designated body to obtain and consider, the views of the persons listed in subsection (7) about the information that should be made available under this section.
- (7) Those persons are –
  - (a) UKRI,
  - (b) the Secretary of State, and
  - (c) such other persons as the body seeking views considers appropriate.
- (8) In performing the duty under subsection (1)(a), the relevant body must –
  - (a) cooperate with other persons who collect information from registered higher education providers, and
  - (b) have regard to the desirability of reducing the burdens on such providers relating to the collection of information.
- (9) In carrying out other functions under this section, the OfS and the designated body must have regard to the desirability of reducing the burdens described in subsection (8)(b).
- (10) The functions conferred by this section do not affect any other functions of the OfS regarding information.”

**Clause 59**

## VISCOUNT YOUNGER OF LECKIE

Page 37, line 3, leave out from “of,” to end of line 5 and insert “appropriate information relating to registered higher education providers and the higher education courses they provide”

Page 37, line 10, leave out paragraph (a) and insert –

“(a) at appropriate times, and”

Page 37, line 12, leave out from “published” to end of line 13 and insert “in an appropriate form and manner.”

Page 37, line 13, at end insert –

“(4A) What is “appropriate” for the purposes of subsections (1), (3) and (4) is to be determined –

(a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or

(b) otherwise, by the OfS.

(4B) A notification under subsection (4A) may relate to one or more of subsections (1), (3) and (4).”

Page 37, line 14, leave out from beginning to “must” in line 15 and insert “When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), (3) or (4), it”

Page 37, line 17, leave out “in England”

Page 37, line 21, after “consult” insert “, or require the designated body to consult,”

Page 37, line 28, leave out “in England”

Page 37, line 39, leave out “its”

Page 37, line 39, after “OfS” insert “and the designated body”

Page 37, line 44, leave out “in England”

**Clause 60**

## VISCOUNT YOUNGER OF LECKIE

Page 38, line 2, leave out first “section” and insert “sections (*Duty to compile and make available higher education information*) and”

Page 38, line 6, leave out “section” and insert “sections (*Duty to compile and make available higher education information*) and”



**Clause 60 - continued**

Page 38, line 10, leave out from “decision” to end of line 11 and insert “about what is appropriate for the purposes of section (*Duty to compile and make available higher education information*)(1) or section 59(1), (3) or (4).”

Page 38, line 14, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) or”

**Clause 61**

VISCOUNT YOUNGER OF LECKIE

Page 38, line 32, leave out “duty under section 59(1) and its other”

**Clause 79**

VISCOUNT YOUNGER OF LECKIE

Page 48, line 29, at end insert –

““foundation degree only authorisation” has the meaning given by section 40(3);”

Page 49, line 14, at end insert –

“( ) When construing references in this Part to a time when an appeal could be brought, any possibility of an appeal out of time is to be ignored.”

**Clause 80**

VISCOUNT YOUNGER OF LECKIE

Page 50, line 42, at end insert –

“(ha) in relation to England, for contributions made in respect of an alternative payment to be dealt with, with the consent of the Treasury, otherwise than by payment into the Consolidated Fund;”

Page 50, line 43, at beginning insert “in relation to Wales,”

**Clause 82**

VISCOUNT YOUNGER OF LECKIE

Page 52, line 34, after “persons” insert “(whether before or after the regulations are made)”

Page 52, line 46, after “persons” insert “(whether before or after the regulations are made)”

**Clause 83**

## VISCOUNT YOUNGER OF LECKIE

Page 53, line 13, at end insert –

- “( ) in the words before paragraph (a), omit “in England or Wales”,
- ( ) in the opening words of paragraph (a) –
  - (i) after “university” insert “in England or Wales”, and
  - (ii) after “the 1992 Act” insert “or section 37 or 87 of the Higher Education and Research Act 2017 (“the 2017 Act”),”

Page 53, line 14, leave out from “section 40” to end to line 15 and insert “or 43 of the 2017 Act”,

Page 53, line 15, at end insert –

- “( ) in paragraph (b), after “institution” insert “in England or Wales”,
- ( ) in paragraph (c), after “institution” insert “in England or Wales”,
- ( ) in paragraph (d), at beginning insert “an institution in Wales which is”,

Page 53, line 17, after “(da)” insert “an institution in England which is”

Page 53, line 19, at end insert –

- “(ba) in paragraph (e) –
  - (i) after “institution” insert “in England or Wales”, and
  - (ii) for “another paragraph” substitute “any of the preceding paragraphs”,

Page 53, line 19, at end insert –

- “(bb) after paragraph (e) insert –
  - “(ea) an institution in England (other than one within any of the preceding paragraphs of this section) which provides higher education courses leading to the grant of an award by or on behalf of –
    - (i) another institution in England within another paragraph of this section, or
    - (ii) the Office for Students where the grant is authorised by regulations under section 47(1) of the 2017 Act;”, and”

Page 53, leave out lines 20 and 21 and insert –

- “( ) in paragraph (f) –
  - (i) after “institution” insert “in England or Wales”, and
  - (ii) after “the 1992 Act” insert “or section 40 or 43 of the 2017 Act”.

Page 53, line 21, at end insert –

- “( ) In section 12(3) (qualifying complaints), for “paragraph (e)” substitute “paragraph (da), (e), (ea)”.

**Clause 83 - continued**

Page 53, line 24, leave out “in England”

Page 53, line 33, leave out “in England”

Page 53, line 40, leave out “paragraph (e)” and insert “paragraph (da), (e), (ea)”

Page 53, line 41, leave out “either of those paragraphs” and insert “the paragraph in question”

**Clause 87**

VISCOUNT YOUNGER OF LECKIE

Page 55, line 26, at end insert –

“( ) facilitate, encourage and support knowledge exchange in relation to science, technology, humanities and new ideas,”

Page 55, line 38, at end insert –

“( ) For the purposes of this Part, “knowledge exchange”, in relation to science, technology, humanities or new ideas, means a process or other activity by which knowledge is exchanged where –

- (a) the knowledge is in, or in connection with, science, technology, humanities or new ideas (as the case may be), and
- (b) the exchange contributes, or is likely to contribute, (whether directly or indirectly) to an economic or social benefit in the United Kingdom or elsewhere.”

**Clause 89**

LORD MACKAY OF CLASHFERN

Page 57, line 13, after “scientist” insert “, or other person whose knowledge or experience is important to the operation of that Council,”

**Clause 91**

VISCOUNT YOUNGER OF LECKIE

Page 58, line 3, after “research” insert “into, or knowledge exchange in relation to, science, technology, humanities or new ideas”

Page 58, line 7, at end insert “into, or knowledge exchange in relation to, science, technology, humanities or new ideas”

**Clause 91 - continued**

Page 58, leave out lines 11 and 12 and insert “–

- (a) the undertaking of research into science, technology, humanities or new ideas by eligible higher education providers receiving financial support which is within subsection (2), or
- (b) the undertaking of knowledge exchange in relation to science, technology, humanities or new ideas by eligible education providers receiving such financial support.”

**Clause 105**

VISCOUNT YOUNGER OF LECKIE

Page 64, line 5, at end insert –

““knowledge exchange” has the meaning given by section 87;”

**Clause 113**

VISCOUNT YOUNGER OF LECKIE

Page 67, line 24, at end insert “(whether before or after the regulations are made)”

**Clause 118**

VISCOUNT YOUNGER OF LECKIE

Page 69, line 16, at end insert –

- “( ) Section 83(2)(ba)(ii) and (3) come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations made by statutory instrument appoint.”

**Schedule 1**

VISCOUNT YOUNGER OF LECKIE

Page 71, line 11, leave out from “for” to end of line 12 and insert “–

- (a) overseeing the performance of the OfS’s access and participation functions,
- (b) performing, in accordance with paragraph 11, any of those functions, or other functions, of the OfS which are delegated to the Director under that paragraph, and
- (c) reporting to the other members of the OfS on the performance of the OfS’s access and participation functions.”

Page 71, line 17, leave out “paragraph” and insert “Schedule”

Page 73, line 32, at end insert –

- “( ) But a function which is one of the OfS’s access and participation functions may only be delegated to the Director.”

**Schedule 1 - continued**

Page 74, line 20, at end insert –

- “( ) If, at any time in the financial year to which the report relates, all of the OfS’s access and participation functions were not delegated to the Director under paragraph 11, the report must include a statement specifying –
- (a) the period or periods in that year during which those functions were not delegated to the Director, and
  - (b) the reasons why they were not so delegated.”

**Schedule 2**

VISCOUNT YOUNGER OF LECKIE

Page 76, line 36, after “be” insert “equal to or”

Page 77, line 23, after “be” insert “equal to or”

**Schedule 3**

VISCOUNT YOUNGER OF LECKIE

Page 79, line 14, leave out from “when” to end of line 16 and insert “ –

- (a) an appeal under paragraph 3(1)(a) or (b), or a further appeal, could be brought in respect of the penalty, or
- (b) such an appeal is pending.”

**Schedule 6**

VISCOUNT YOUNGER OF LECKIE

Page 90, line 17, leave out “in England”

Page 91, line 6, leave out “section” and insert “sections (*Duty to compile and make available higher education information*) and”

Page 91, line 21, leave out “duty of the relevant body under section” and insert “duties of the relevant body under sections (*Duty to compile and make available higher education information*)(1) and”

Page 92, line 11, leave out “in England”

Page 92, line 27, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and”

Page 92, line 31, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and”

**Schedule 6 - continued**

Page 92, line 38, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and”

Page 93, line 11, leave out “in England”

Page 93, line 22, leave out “duty under section” and insert “duties under section (*Duty to compile and make available higher education information*)(1) or”

**Schedule 7**

## VISCOUNT YOUNGER OF LECKIE

Page 94, line 20, leave out from “when” to end of line 22 and insert “–

- (a) an appeal under paragraph 3(1)(a) or (b), or a further appeal, could be brought in respect of the requirement to pay the costs, or
- (b) such an appeal is pending.”

**Schedule 9**BARONESS GARDEN OF FROGNAL  
LORD STOREY

Page 101, line 2, leave out from “least” to end of line 4 and insert “–

- (a) one person with relevant experience of Scotland;
- (b) one person with relevant experience of Wales;
- (c) one person with relevant experience of Northern Ireland;

with the respective agreement of the Scottish Government, Welsh Government and Northern Ireland Executive.”

# Higher Education and Research Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*3 January 2017*

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