

# Higher Education and Research Bill

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SIXTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 21st December 2016, as follows –*

Clause 1	Clauses 61 to 67
Schedule 1	Schedule 7
Clauses 2 to 10	Clauses 68 to 84
Schedule 2	Schedule 8
Clauses 11 to 15	Clause 85
Schedule 3	Schedule 9
Clauses 16 to 26	Clauses 86 to 109
Schedule 4	Schedule 10
Clauses 27 to 56	Clauses 110 to 116
Schedule 5	Schedules 11 and 12
Clauses 57 to 60	Clauses 117 to 119
Schedule 6	Title.

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 47**

LORD STEVENSON OF BALMACARA

- 312** Page 27, line 29, leave out “OfS” and insert “QAO”
- 313** Page 27, line 31, leave out “OfS” and insert “QAO”
- 314** Page 27, line 32, leave out “OfS” and insert “QAO”
- 315** Page 27, line 33, leave out sub-paragraph (i)
- 316** Page 27, line 36, leave out “OfS” and insert “QAO”

VISCOUNT YOUNGER OF LECKIE

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

**Clause 47 - continued**

- 318 Page 27, line 39, leave out “and foundation degrees”
- LORD STEVENSON OF BALMACARA
- 319 Page 27, line 41, leave out “OfS” and insert “QAO”
- 320 Page 27, line 43, leave out “OfS” and insert “QAO”
- 321 Page 28, line 1, leave out “OfS” and insert “QAO”
- 322 Page 28, line 5, leave out “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 323 Page 28, line 8, leave out “or foundation degrees”
- LORD STEVENSON OF BALMACARA
- 324 Page 28, line 11, leave out “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 325 Page 28, line 12, leave out “or foundation degree”
- LORD STEVENSON OF BALMACARA
- 326 Page 28, line 13, leave out “OfS” and insert “QAO”
- 327 Page 28, line 15, leave out first “OfS” and insert “QAO”
- 328 Page 28, line 15, leave out second “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 329 Page 28, line 16, leave out “or a foundation degree”
- 330 Page 28, line 18, leave out “or a foundation degree”
- LORD STEVENSON OF BALMACARA
- 331 Page 28, line 19, leave out “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 332 Page 28, line 21, leave out “or foundation degrees”
- LORD STEVENSON OF BALMACARA
- 333 Page 28, line 27, leave out paragraph (b)
- VISCOUNT YOUNGER OF LECKIE
- 334 Page 28, line 29, leave out “or a foundation degree”

**Clause 47 - continued**

LORD STEVENSON OF BALMACARA

335 Page 28, line 29, leave out “OfS” and insert “QAO”

VISCOUNT YOUNGER OF LECKIE

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

LORD STEVENSON OF BALMACARA

337 Page 28, line 31, leave out “OfS” and insert “QAO”

338 Page 28, line 32, leave out “OfS” and insert “QAO”

BARONESS WOLF OF DULWICH  
 LORD NORTON OF LOUTH  
 BARONESS BROWN OF CAMBRIDGE  
 BARONESS GARDEN OF FROGNAL

*The above-named Lords give notice of their intention to oppose the Question that Clause 47 stand part of the bill.*

**Clause 49**

LORD MURPHY OF TORFAEN

338ZA Page 29, line 23, at end insert –

“( ) After subsection (6) insert –

“(6A) In any proceedings for an offence under this section it shall be a defence for the defendant to show –

- (a) that the award in question was an ecclesiastical degree; and
- (b) that the defendant took reasonable steps to inform the person to whom the award was granted or any member of the public or particular individual to whom the offer was addressed that the award was an ecclesiastical degree.”

338ZB Page 29, line 39, at end insert –

“( ) After subsection (10)(b) insert –

“(ba) an “ecclesiastical degree” means an award which has effects within the Roman Catholic Church in accordance with the canon law of that Church where the body granting it is authorised to do so in accordance with the canon law of that church;”

**After Clause 50**

LORD LUCAS

338A Insert the following new Clause –

**“Degree classification**

- (1) The OfS may arrange for studies designed to investigate potential changes to the system of classification of UK degrees.

**After Clause 50 - continued**

- (2) Such studies must include investigation of the benefits and disadvantages of potential changes from the point of view of students.”

**Clause 51**

LORD STEVENSON OF BALMACARA

- 339 Page 32, line 6, leave out “(instead of the Privy Council) consents” and insert “and the Privy Council consent”

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 51 stand part of the Bill.*

**Clause 52**

LORD STEVENSON OF BALMACARA

- 340 Page 32, line 39, leave out “Office for Students” and insert “Privy Council”

- 341 Page 33, leave out lines 8 to 11

- 342 Page 33, leave out lines 12 to 15

- 343 Page 33, line 16, after “Students” insert “and the Privy Council”

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 52 stand part of the Bill.*

**Clause 53**

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 344 Page 33, line 37, leave out “The OfS may by order” and insert “On the advice of the OfS, the Secretary of State may by order made by statutory instrument”

LORD STEVENSON OF BALMACARA

- 345 Page 33, line 37, after “OfS” insert “and the Privy Council”

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 346 Page 34, line 1, leave out “OfS” and insert “Secretary of State”

- 347 Page 34, line 8, leave out subsection (4)

**Clause 53 - continued**

## LORD STEVENSON OF BALMACARA

**347A** Page 34, line 10, at end insert –

“( ) A statutory instrument containing an order under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

## LORD LIDDLE

**347B** Page 34, line 10, at end insert –

“( ) The OfS must lay before Parliament an annual report which explains in full detail the rationale for each of the decisions it has taken under this section.”

## LORD STEVENSON OF BALMACARA

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 53 stand part of the Bill.*

**Clause 54**

## LORD LISVANE

## LORD JUDGE

## LORD NORTON OF LOUTH

## BARONESS O'NEILL OF BENGARVE

**348** Page 34, line 19, leave out “OfS” and insert “Secretary of State”

**349** Page 34, line 22, leave out “OfS’s” and insert “Secretary of State’s”

**350** Page 34, line 28, leave out “OfS” and insert “Secretary of State”

**351** Page 34, line 31, leave out “OfS” and insert “Secretary of State”

**352** Page 34, line 33, leave out “OfS” and insert “Secretary of State”

## VISCOUNT YOUNGER OF LECKIE

**353** 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).”

**354** 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”

**355** 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.”

**Clause 54 - continued**

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

LORD LISVANE  
LORD JUDGE  
LORD NORTON OF LOUTH  
BARONESS O'NEILL OF BENGARVE

357 Page 34, line 43, leave out “OfS” and insert “Secretary of State”

VISCOUNT YOUNGER OF LECKIE

358 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.”

LORD STEVENSON OF BALMACARA

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 54 stand part of the Bill.*

**Clause 55**

VISCOUNT YOUNGER OF LECKIE

359 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.”

LORD LISVANE  
LORD JUDGE  
LORD NORTON OF LOUTH  
BARONESS O'NEILL OF BENGARVE

360 Page 35, line 3, leave out “OfS” and insert “Secretary of State”

VISCOUNT YOUNGER OF LECKIE

361 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);”

**Clause 55 - continued**

LORD LISVANE  
LORD JUDGE  
LORD NORTON OF LOUTH  
BARONESS O'NEILL OF BENGARVE

362 Page 35, line 13, leave out paragraph (c)

VISCOUNT YOUNGER OF LECKIE

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

LORD STEVENSON OF BALMACARA

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 55 stand part of the Bill.*

**Schedule 5**

BARONESS WOLF OF DULWICH  
BARONESS BROWN OF CAMBRIDGE

364 Page 85, line 14, at end insert –

“( ) the suspected breach may constitute fraud, or concerns serious or wilful mismanagement of public funds,”

**Before Clause 59**

VISCOUNT YOUNGER OF LECKIE

365 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).

**Before Clause 59 - continued**

- (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**

LORD STEVENSON OF BALMACARA

366 Page 37, line 3, leave out “body” and insert “bodies”

VISCOUNT YOUNGER OF LECKIE

367 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”

LORD STEVENSON OF BALMACARA

368 Page 37, line 8, at end insert –

- “( ) The information must cover key workforce data at individual institutions, including –
- (a) number of staff employed on non-permanent contracts;
  - (b) proportion of teaching delivered by staff on non-permanent contracts; and
  - (c) staff-to-student ratios.”

VISCOUNT YOUNGER OF LECKIE

369 Page 37, line 10, leave out paragraph (a) and insert –  
“(a) at appropriate times, and”



**Clause 59 - continued**

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

LORD LUCAS

371 Page 37, line 13, at end insert “, and wherever possible must be published as open data, using informative and easily linkable identifiers, as soon as it is practicable to do so.”

VISCOUNT YOUNGER OF LECKIE

372 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).”

373 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”

LORD STEVENSON OF BALMACARA

374 Page 37, line 14, after “when” insert “, where”

VISCOUNT YOUNGER OF LECKIE

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

LORD STEVENSON OF BALMACARA

376 Page 37, line 19, at beginning insert “all”

377 Page 37, line 19, after “people” insert “, whatever their age or individual circumstances,”

378 [*Withdrawn*]

379 Page 37, line 20, at end insert –

“( ) existing and potential higher education staff.”

380 [*Withdrawn*]

VISCOUNT YOUNGER OF LECKIE

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

**Clause 59 - continued**

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

LORD LUCAS

383 Page 37, line 32, at end insert –

“( ) a number of persons that, taken together, appear to the OfS to represent the interests of people thinking about undertaking courses of higher education, in particular schools and colleges,”

LORD STEVENSON OF BALMACARA

384 Page 37, line 32, 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”

VISCOUNT YOUNGER OF LECKIE

385 Page 37, line 39, leave out “its”

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

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

**Clause 60**

VISCOUNT YOUNGER OF LECKIE

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

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

390 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).”

391 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”

LORD LUCAS

392 Page 38, line 21, at end insert “under any enactment.”

393 [*Withdrawn*]

**Schedule 6**

VISCOUNT YOUNGER OF LECKIE

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

## Schedule 6 - continued

## LORD LUCAS

- 395 Page 90, line 21, at end insert –  
“( ) a number of persons that, taken together, appear to the OfS to represent the interests of people thinking about undertaking courses of higher education, in particular schools and colleges, and”

## LORD STEVENSON OF BALMACARA

- 396 Page 90, line 21, at end insert –  
“( ) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff,”

## VISCOUNT YOUNGER OF LECKIE

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

## LORD LUCAS

- 398 Page 91, line 20, leave out “D” and insert “E”

## VISCOUNT YOUNGER OF LECKIE

- 399 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”

## LORD LUCAS

- 400 Page 91, line 25, at end insert –  
“( ) no class of registered higher education providers is unrepresented, and that all individual registered higher education providers have had a voice in who is chosen to be representative of them,”

- 401 Page 91, line 34, at end insert –  
“( ) Condition E is that the constitution of the body requires it to place the interests of students on higher education courses and of those thinking of undertaking such courses ahead of the interests of registered higher education providers and of the body’s own commercial gain.”

402 [*Withdrawn*]

- 403 Page 91, line 34, at end insert –  
“( ) Condition E is that the body does not place anti-competitive conditions on registered higher education providers that engage with it.”

404 [*Withdrawn*]

**Schedule 6 - continued**

## VISCOUNT YOUNGER OF LECKIE

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

## LORD STEVENSON OF BALMACARA

406 Page 92, line 12, at end insert –  
 “() a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff,”

## LORD LUCAS

407 Page 92, line 15, at end insert –  
 “() a number of persons that, taken together, appear to the OfS to represent the interests of people thinking about undertaking courses of higher education, in particular schools and colleges, and”

## VISCOUNT YOUNGER OF LECKIE

408 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”

409 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”

410 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”

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

412 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”

**Clause 61**

## LORD LUCAS

413 Page 38, line 31, after “costs” insert “necessarily”

## VISCOUNT YOUNGER OF LECKIE

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

## BARONESS WOLF OF DULWICH

415 Page 38, line 37, leave out “unconnected” and insert “connected”

**Clause 61 - continued**

LORD LIDDLE

**415A** Page 39, line 2, at end insert –

“( ) Statements published under subsection (4) must be published at least three months in advance of the application of any newly charged fees or changes to fees in order to allow time for consultation with and representations from the higher education sector.”

**415B** Page 39, line 2, at end insert –

“( ) Any percentage increase in the annual fees charged to higher education institutions must not exceed the percentage increase in the fee limit.”

**Clause 63**

LORD LUCAS

**416** Page 39, line 37, at end insert “, limited to the specific activities of the registered provider under the same contractual conditions as registration.”**417** Page 39, line 41, at end insert “limited to the specific activities of the registered provider under the same contractual conditions as registration,”**418** Page 40, line 2, after “documents” insert “, limited to the specific activities of the registered provider under the same contractual conditions as registration,”**419** Page 40, line 4, at end insert “, who must act under the same conditions of confidentiality and commercial sensitivity as the researcher and regulator”**After Clause 63**

LORD LUCAS

**419A** Insert the following new Clause –**“University admissions**

- (1) The OfS may arrange for studies designed to investigate potential improvements to the system of admissions to universities and other higher education providers.
- (2) Such studies may include investigation of the benefits and disadvantages of post-qualification admissions.”

**Clause 64**

BARONESS WOLF OF DULWICH  
BARONESS BROWN OF CAMBRIDGE

420 Page 40, line 26, leave out subsection (3) and insert –

“( ) The regulations may not provide for the fees to be calculated except by reference to costs incurred, or to be incurred, by the OfS in the performance of its functions connected with the institution in question.”

**Clause 65**

BARONESS WOLF OF DULWICH

421 Page 41, line 12, after “may” insert “not”

**After Clause 65**

BARONESS WOLF OF DULWICH  
BARONESS BROWN OF CAMBRIDGE

421A Insert the following new Clause –

**“OfS and designated bodies: fee related functions**

In performing fee related functions provided for in this Act, the OfS, or any body it designates to perform such functions, must act in accordance with the Regulators' Code.”

**Schedule 7**

VISCOUNT YOUNGER OF LECKIE

422 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.”

**Clause 68**

LORD STEVENSON OF BALMACARA

423 Page 42, line 12, leave out from “OfS” to end of line 13 and insert “for its set-up and running costs.”

BARONESS WOLF OF DULWICH  
LORD STOREY  
BARONESS GARDEN OF FROGNAL

424 Page 42, line 13, at end insert –

“( ) In determining the terms and conditions under subsection (1), the Secretary of State must have due regard to any advice given to him or her by the OfS.”

LORD STEVENSON OF BALMACARA

425 Page 42, line 17, after “have” insert “particular”

**Clause 68 - continued**

BARONESS WOLF OF DULWICH  
 BARONESS GARDEN OF FROGNAL  
 LORD STEVENSON OF BALMACARA

426 Page 42, line 17, after first “to” insert “the principle of institutional autonomy for English higher education providers and”

LORD STOREY  
 BARONESS GARDEN OF FROGNAL

427 Page 42, line 34, at end insert “, nor must it require the OfS to perform a function in a way that prohibits the OfS from funding a particular course of study”

**Clause 69**

LORD STEVENSON OF BALMACARA

428 Page 43, line 37, at end insert –  
 “() bodies representing the interests of higher education staff, and”

**After Clause 69**

BARONESS WOLF OF DULWICH  
 BARONESS BROWN OF CAMBRIDGE

429 Insert the following new Clause –

**“Transfer of regulatory functions relating to higher education providers and students from Competition and Markets Authority to Office for Students**

On the establishment of the OfS –

- (a) the OfS assumes responsibility for the regulatory functions in respect of higher education providers and students enrolled on higher education courses hitherto performed by the Competition and Markets Authority; and
- (b) the Competition and Markets Authority ceases to have responsibility for those regulatory functions.”

**Clause 71**

BARONESS WOLF OF DULWICH  
 LORD STOREY  
 BARONESS GARDEN OF FROGNAL

430 Page 44, line 30, at end insert –

“() In giving such directions, the Secretary of State must have due regard to any advice given to him or her by the OfS.”

LORD STEVENSON OF BALMACARA

431 Page 44, line 31, after “have” insert “particular”

**Clause 71 - continued**

BARONESS WOLF OF DULWICH  
 BARONESS GARDEN OF FROGNAL  
 LORD STEVENSON OF BALMACARA

- 432 Page 44, line 31, after “to” insert “the principle of institutional autonomy for English higher education providers and”

LORD STOREY  
 BARONESS GARDEN OF FROGNAL

- 433 Page 45, line 7, at end insert “, nor must it direct the OfS to perform a function in a way that prohibits the OfS from funding a particular course of study”

**Clause 72**

LORD STEVENSON OF BALMACARA

- 434 Page 45, line 29, at end insert –  
 “( ) Any information received by the Secretary of State under subsection (1) must be made publicly available.”

**After Clause 72**

BARONESS WOLF OF DULWICH  
 VISCOUNT RIDLEY

- 434ZA Insert the following new Clause –

**“Power to require information on the need for new providers**

- (1) The Secretary of State must establish an independent committee to provide information to the Secretary of State and to the OfS on emerging needs for new providers within the higher education sector.
- (2) The independent committee may provide recommendations to the Secretary of State on matters including –
  - (a) the type and location of new provision that is required;
  - (b) how best to make validation arrangements for particular new providers, should they be required, and whether mentoring by established institutions will be required.
- (3) In making recommendations under this section, the independent committee must take into account –
  - (a) skills shortages, including forecast skills shortages, within the economy of the United Kingdom;
  - (b) lack of adequate provision within the higher education sector for certain disciplines;
  - (c) restricted access to higher education, or to particular disciplines, in certain areas of England, including restricted access for part-time and employed learners.



**After Clause 72 - continued**

- (4) In this section “validation arrangements” means arrangements between the Secretary of State, the Office for Students and a registered higher education provider under which the higher education provider is authorised to grant taught awards or research awards or both.”

**Clause 73**

LORD LUCAS

- 434A** Page 45, line 42, at end insert –  
“( ) any behaviour of any user in any aspect of the service.”

LORD STEVENSON OF BALMACARA

- 435** Page 46, line 15, 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.”

**Clause 79**

VISCOUNT YOUNGER OF LECKIE

- 436** Page 48, line 29, at end insert –  
““foundation degree only authorisation” has the meaning given by section 40(3);”
- 437** 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

- 438** 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;”
- 439** Page 50, line 43, at beginning insert “in relation to Wales,”

**Clause 82**

VISCOUNT YOUNGER OF LECKIE

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

**Clause 82 - continued**

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

**After Clause 82**

LORD SHARKEY  
LORD WILLIS OF KNARESBOROUGH

- 442 Insert the following new Clause –

**“Sharia-compliant student finance: deadline**

The Secretary of State must introduce a Sharia-compliant student finance scheme to be available to students expecting to enter tertiary education in the autumn of 2018.”

LORD DUBS  
BARONESS LISTER OF BURTERSETT  
THE LORD BISHOP OF DURHAM  
LORD JUDD

- 443 Insert the following new Clause –

**“Access to support for students recognised as needing protection**

- (1) Within six months from the day on which this Act comes into force, the Secretary of State must, by regulations, make provision for financial support for higher education courses offered to students with certain immigration statuses.
- (2) The regulations specified in subsection (1) must include, but shall not be restricted to –
  - (a) provision for persons 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) provision for persons who have claimed asylum and been granted a form of leave to remain in the UK to be eligible for –
    - (i) 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) student loans for a higher education course, if –
      - (a) they have been ordinarily resident in the United Kingdom and Islands since being granted leave, and
      - (b) 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 considered as “qualifying persons” under regulations made under the Higher Education Act 2004;

**After Clause 82 - continued**

“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.”

BARONESS GARDEN OF FROGNAL  
LORD STOREY

**444** Insert the following new Clause—

**“Student support: requirement to assess repayment terms**

- (1) The Teaching and Higher Education Act 1998 is amended as follows.
- (2) In section 22 (new arrangements for giving financial support to students)—
  - (a) in subsection (3)(b), after “and” insert “, subject to subsection (3A)”;
  - (b) after subsection (3) insert—
 

“(3A) Regulations under subsection (3)(b) must include a level of earnings below which a person shall not be required to make repayments of such a loan.”
- (3) After section 22 insert –

**“22A Duty to assess consumer prices in determining terms for loan repayments**

- (1) In relation to regulations made subject to the requirement in section 22(3A), the Secretary of State must, for each tax year, review UK consumer price inflation for the period since the last review under this subsection.
- (2) If the review concludes that consumer prices for the previous tax year have increased, the Secretary of State must, by regulations under section 22(3)(b), amend the level of earnings specified in accordance with the requirement in section 22(3A) by the same percentage increase as UK consumer price inflation as determined under subsection (1).
- (3) If the Secretary of State is not required to make regulations under this section, the Secretary of State shall lay before each House of Parliament a report explaining the reasons for arriving at that determination.
- (4) For the purpose of this section—
 

“consumer prices” means the Consumer Price Index;  
“consumer price inflation” refers to the annual assessment made by the Office for National Statistics’ Consumer Price Inflation Statistical Bulletin.”

LORD LUCAS

**445** Insert the following new Clause—

**“Student Loans Company**

The Secretary of State must instruct the Student Loans Company to facilitate communication between the OfS and current and former borrowers.”

After Clause 82 - *continued*

LORD WATSON OF INVERGOWRIE

446 Insert the following new Clause—

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

The Education (Student Support) (Amendment) Regulations 2015 (S.I. 1951/2015) are revoked.”

447 [*Withdrawn*]

448 [*Withdrawn*]

449 Insert the following new Clause—

**“Student loans: regulation**

- (1) Any loan granted under section 22(1) of the Teaching and Higher Education Act 1998 (new arrangements for giving financial support to students), 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.”

THE EARL OF LISTOWEL

449A Insert the following new Clause—

**“Financial support for adults who have previously held care leaver status**

The Secretary of State must make regulations under section 22 of the Teaching and Higher Education Act 1998 (new arrangements for giving financial support to students) providing that adults who have previously held care leaver status under the Children (Leaving Care) Act 2000 are eligible for grants which cover the full cost of their course fees when enrolled on higher or further education courses.”

LORD WATSON OF INVERGOWRIE

449B Insert the following new Clause—

**“Financial support: loans**

- (1) In section 22 of the Teaching and Higher Education Act 1998, after subsection (5) insert—
  - “(5A) No provision may be made relating to the repayment of a loan that has been made available under this section which would change the repayment conditions of that loan once the first payment has been made to the borrower or directly to the institution to whom the borrower is liable to make payments.

**After Clause 82 - continued**

- (5B) No provision may be made relating to the repayment of a loan that has been made available under this section, and under which any payments have been made prior to the commencement of section (*financial support: loans*) of the Higher Education and Research Act 2017, which would make any further changes to the repayment conditions of that loan after the commencement of that section.”
- (2) In section 8 of the Sale of Student Loans Act 2008 (consumer credit), for subsection (1) substitute –
- “(1) Loans made in accordance with regulations under section 22 of the Teaching and Higher Education Act 1998 are to be regulated by the Consumer Credit Act 1974.””

**Clause 83**

## VISCOUNT YOUNGER OF LECKIE

- 450** 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”)”,
- 451** Page 53, line 14, leave out from “section 40” to end to line 15 and insert “or 43 of the 2017 Act”,
- 452** 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”,
- 453** Page 53, line 17, after “(da)” insert “an institution in England which is”
- 454** 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”,
- 455** 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

**Clause 83 - continued**

- (ii) the Office for Students where the grant is authorised by regulations under section 47(1) of the 2017 Act;”, and”

456 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”.”

457 Page 53, line 21, at end insert –

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

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

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

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

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

**After Clause 83**

LORD HANNAY OF CHISWICK  
 BARONESS GARDEN OF FROGNAL  
 BARONESS ROYALL OF BLAISDON  
 LORD PATTEN OF BARNES

462 Insert the following new Clause –

**“Students at higher education establishments: treatment for public policy purposes**

The Secretary of State has a duty to encourage international students to attend higher education establishments covered by this Act, and to that end shall ensure that no student, either undergraduate or postgraduate, who has received an offer to study at such a higher education establishment shall be treated for public policy purposes as an economic migrant to the UK, for the duration of their studies at such an establishment.”

463 Insert the following new Clause –

**“Students at higher education establishments: immigration**

Persons, who are not British citizens, who receive an offer to study as an undergraduate or postgraduate student at a higher education establishment shall not, in respect of that course of study, be subject to more restrictive immigration controls or conditions than were in force for a person in their position on the day on which this Act was passed.”

**After Clause 83 - continued**

464 Insert the following new Clause –

**“Academic staff at higher education establishments: immigration**

Persons, who are not British citizens, who receive an offer of employment as a member of academic staff at a higher education establishment shall not, in respect of that employment, be subject to more restrictive immigration controls or conditions than were in force for a person in their position on the day on which this Act was passed.”

LORD LUCAS

465 Insert the following new Clause –

**“Publication of student visa information**

The Secretary of State shall, in respect of applications from potential international students for visas to allow them to attend courses provided by registered higher education providers in England and Wales, publish on an annual basis the number and types of study visa granted, by institution, and what proportion they represent of the relevant numbers and types of applications made.”

**After Clause 84**

LORD DUBS

BARONESS JONES OF MOULSECOOMB

BARONESS GARDEN OF FROGNAL

LORD MACDONALD OF RIVER GLAVEN

466 Insert the following new Clause –

**“Disapplication of duty in Counter-Terrorism and Security Act 2015 to higher education institutions**

- (1) The Counter-Terrorism and Security Act 2015 is amended as follows.
- (2) In section 27(2) at the end insert –
  - “(k) a qualifying institution as defined by section 11 of the Higher Education Act 2004;
  - (l) an institution providing courses of a description mentioned in Schedule 6 to the Educational Reform Act 1988 (higher education courses);
  - (m) an institution providing fundable higher education as defined by section 5 of the Further and Higher Education (Scotland) Act 2005.”
- (3) In section 31(1) –
  - (a) in paragraph (a) after “1996” insert “or the Further and Higher Education (Scotland) Act 2005”;
  - (b) omit paragraphs (b) and (c).
- (4) In section 32 (monitoring of performance: further and higher education bodies) –
  - (a) in subsection (1) omit from “2015” to the end;

**After Clause 84 - continued**

- (b) in subsection (2) omit “or a relevant higher education body”;
  - (c) in subsection (4) omit “or a relevant higher education body”;
  - (d) omit subsection (5)(b);
  - (e) in subsection (9)(a) omit “, and includes the Open University”.
- (5) In section 33 (power to give directions: section 32) –
- (a) in subsection (1) omit “or a relevant higher education body”;
  - (b) in subsection (4) omit “, “relevant higher education body””.
- (6) In Schedule 6 (specified authorities) –
- (a) in Part 1 omit –
    - (i) “The governing body of a qualifying institution within the meaning given by section 11 of the Higher Education Act 2004.”;
    - (ii) “courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses).”;
  - (b) in Part 2 after “post-16” insert “further”.
- (7) In Schedule 7 (partners of local panels) –
- (a) in Part 1 omit –
    - (i) “The governing body of a qualifying institution within the meaning given by section 11 of the Higher Education Act 2004.”;
    - (ii) “courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses).”;
  - (b) in Part 2 after “post-16” insert “further”.

LORD STOREY  
BARONESS GARDEN OF FROGNAL  
BARONESS WOLF OF DULWICH

467

Insert the following new Clause –

**“Offence to provide or advertise cheating services**

- (1) A person commits an offence if the person provides any service specified in subsection (4) with the intention of giving a student enrolled at an English or Welsh higher education provider of an unfair advantage over other such students.
- (2) A person commits an offence if the person advertises any services specified in subsection (4) knowing that the service has or would have the effect of giving such a student an unfair advantage over other such students.
- (3) A person commits an offence who, without reasonable excuse, publishes an advertisement for any service specified in subsection (4).
- (4) The services referred to in subsections (1) to (3) are –
  - (a) completing an assignment or any other work that a student enrolled at an English or Welsh higher education provider is required to complete as part of a higher education course in their stead without authorisation from those making the requirement;



**After Clause 84 - continued**

- (b) providing or arranging the provision of an assignment that a student enrolled at an English or Welsh higher education provider is required to complete as part of a higher education course in their stead without authorisation from those making the requirement;
  - (c) providing or arranging the provision of answers for an examination that a student enrolled at an English or Welsh higher education provider is required to complete as part of a higher education course before they complete it and without authorisation from those setting the examination;
  - (d) sitting an examination that a student enrolled at an English or Welsh higher education provider is required to sit as part of a higher education course in their stead or providing another person to sit the exam in place of the student, without authorisation from those setting the examination.
- (5) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

LORD STEVENSON OF BALMACARA  
BARONESS DEECH

468 Insert the following new Clause—

**“Higher education providers: freedom of speech**

All registered English higher education providers must ensure that their students, staff and invited speakers are able to practise freedom of speech in the provider’s premises, forums and events on all matters not specifically prohibited by law.”

BARONESS DEECH  
LORD POLAK

469 Insert the following new Clause—

**“Higher education providers: unlawful speech**

All registered higher education providers must put in place measures to prevent unlawful speech by staff, students and invited speakers in the provider’s premises, forums and events.”

**Schedule 8**

BARONESS WOLF OF DULWICH  
BARONESS BROWN OF CAMBRIDGE

470 Page 96, line 3, at end insert —

- “(4) The Secretary of State may by order provide for a research institution which offers research degrees accredited by a higher education institution to become a higher education corporation.”

LORD WATSON OF INVERGOWRIE

471 Page 96, leave out lines 34 to 37

### Schedule 9

LORD MENDELSON

- 471A** Page 100, line 26, at end insert –  
 “( ) at least one member of the OfS Board with at least observer status.”

LORD SHARKEY  
 LORD WILLIS OF KNARESBOROUGH

- 472** Page 100, line 32, leave out from “UKRI,” to “experience” in line 33 and insert “ensure that the members have (between them) significant direct”

LORD FOX  
 BARONESS GARDEN OF FROGNAL

- 473** Page 100, line 32, leave out from “UKRI,” to “experience” in line 33 and insert “be able to demonstrate a significant presence of Board members that have”

LORD WILLIS OF KNARESBOROUGH  
 LORD SHARKEY  
 LORD STEVENSON OF BALMACARA

- 474** Page 100, line 38, after “commercial” insert “, charitable”

LORD SHARKEY  
 LORD WILLIS OF KNARESBOROUGH  
 LORD STEVENSON OF BALMACARA  
 LORD MENDELSON

- 475** Page 100, line 39, at end insert –  
 “( ) funding of research from the charitable sector.”

- 475A** [*Withdrawn*]

LORD PATEL  
 LORD WALLACE OF TANKERNES  
 LORD WATSON OF INVERGOWRIE  
 LORD JUDD

- 476** Page 100, line 39, at end insert –  
 “the higher education sector of England, Scotland, Wales and Northern Ireland.”

BARONESS GARDEN OF FROGNAL  
 LORD STOREY

- 477** 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.”

**Schedule 9 - continued**

LORD WILLIS OF KNARESBOROUGH  
LORD SHARKEY  
LORD STEVENSON OF BALMACARA

**478** Page 101, line 4, at end insert –  
“( ) The Secretary of State must, in appointing the members of UKRI, have regard to the desirability of the members including at least one person with relevant experience in the charitable research sector.”

**479** Page 101, line 10, at end insert –  
“( ) research involving the charitable sector”

BARONESS BROWN OF CAMBRIDGE  
LORD KREBS  
LORD MAIR  
LORD BROERS

**479A** Page 101, leave out lines 13 to 18 and insert –  
“(a) a non-executive chair,  
(b) the Chief Executive of the science and humanities Council or of Innovate UK, as appropriate, and  
(c) at least four and not more than eight other members (the “ordinary Council members”).”

LORD WILLIS OF KNARESBOROUGH  
LORD SHARKEY

**480** Page 101, line 15, leave out “five and not more than nine” and insert “nine and not more than 13”

**481** Page 101, line 15, after “members” insert “, of whom no fewer than four must be lay members,”

BARONESS BROWN OF CAMBRIDGE  
LORD MAIR  
LORD BROERS

**481A** Page 101, line 18, at end insert –  
“( ) In the case of Innovate UK, the non-executive chair shall be from a science-related business background, as shall the majority of the ordinary Council members.”

BARONESS BROWN OF CAMBRIDGE  
LORD KREBS

**481B** Page 101, line 19, leave out sub-paragraph (3)

**481C** Page 101, line 21, leave out “other”

**481D** Page 101, line 21, leave out “UKRI after consulting the executive chair” and insert “the Council chair after consulting UKRI”

**Schedule 9 - continued**

LORD PATEL  
LORD WALLACE OF TANKERNESS  
LORD WATSON OF INVERGOWRIE

**482** Page 101, line 24, at end insert –

“( ) The Secretary of State 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.”

BARONESS BROWN OF CAMBRIDGE  
LORD KREBS

**482A** Page 103, line 31, at end insert –

“( ) UKRI shall establish an executive committee of the Councils’ chief executives, chaired by the Chief Executive of UKRI.”

**482B** Page 104, line 1, leave out sub-paragraph (4)

LORD MENDELSON

**482BA** Page 104, line 19, leave out “any” and insert “some”

BARONESS BROWN OF CAMBRIDGE  
LORD MAIR  
LORD BROERS

**482C** Page 105, line 30, at end insert –

“(d) form, participate in forming or invest in a commercial arrangement including a company, partnership or other similar form of organisation for the purposes of supporting economic growth through commercialising research or promoting university-business collaboration (up to a financial limit determined periodically by the Secretary of State).”

LORD MENDELSON

**482D** Page 105, line 31, leave out “except with the consent of the Secretary of State”

**Clause 86**

BARONESS GARDEN OF FROGNAL  
LORD STOREY

**483** Page 55, line 12, leave out paragraph (h)

LORD MENDELSON

**483A** Page 55, line 14, leave out subsection (2)

**483B** Page 55, line 14, after “Secretary of State” insert “, following consultation,”

**Clause 86 - continued**

BARONESS WOLF OF DULWICH  
BARONESS BROWN OF CAMBRIDGE

**484** Page 55, line 18, at end insert –

“( ) The Secretary of State must carry out a consultation exercise prior to any recommendation to add or omit a Council under subsection (2).”

**Clause 87**

LORD MENDELSON

**484ZA** Page 55, line 21, leave out “may” and insert “must”

LORD MACKAY OF CLASHFERN  
LORD MENDELSON

**484A** Page 55, line 22, after “out” insert “basic, applied and strategic”

**484AA** [*Withdrawn*]

LORD MENDELSON

**484AB** Page 55, line 22, after “humanities” insert “, social sciences, arts”

LORD MACKAY OF CLASHFERN  
LORD MENDELSON

**484B** Page 55, line 23, after “support” insert “basic, applied and strategic”

LORD MENDELSON

**484C** Page 55, line 24, after “humanities” insert “, social sciences, arts”

**484D** Page 55, line 26, after “technology” insert “, humanities, social sciences, arts”

VISCOUNT YOUNGER OF LECKIE

**485** Page 55, line 26, at end insert –

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

LORD MENDELSON

**485ZA** Page 55, line 30, after “humanities” insert “, social sciences, arts”

BARONESS BROWN OF CAMBRIDGE

**485A** Page 55, line 32, at end insert –

“( ) facilitate, encourage and support the development of activities in higher education providers associated with entrepreneurship, innovation, commercialisation and support of regional economic growth.”

**Clause 87 - continued**

- 485B** Page 55, line 32, at end insert –  
 “() validate, through the science and humanities Councils and in collaboration with the OfS, the award of any degree-awarding powers for postgraduate and research-based degrees.”

LORD JUDD

- 485C** Page 55, line 32, at end insert –  
 “() improve knowledge and understanding through research of the areas within its remit.”

LORD MENDELSON

- 485D** Page 55, line 32, at end insert –  
 “() provide exceptional long-term agreements in order to fund long-term projects and interdisciplinary advances.”

- 485E** Page 55, line 32, at end insert –  
 “() facilitate, encourage and support UK research’s participation in EU programmes and initiatives and be responsible for ensuring the UK’s position on international research projects.”

- 485F** Page 55, line 32, at end insert –  
 “() identify levels of UK research support from the EU from 2015 to 2021 by year, collate the total and quantify any losses.”

LORD PATEL

LORD WALLACE OF TANKERNES

LORD WATSON OF INVERGOWRIE

- 486** Page 55, line 35, at end insert “but must be exercised in such a way as to be for the benefit of England, Scotland, Wales and Northern Ireland”

LORD MENDELSON

- 486A** Page 55, line 35, at end insert –  
 “(2A) The functions conferred on the UKRI by section (1)(a) to (e) may be carried out in partnership with other funding bodies.”

VISCOUNT YOUNGER OF LECKIE

- 487** 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 87 - continued**

LORD HANNAY OF CHISWICK  
 BARONESS GARDEN OF FROGNAL  
 BARONESS ROYALL OF BLAISDON  
 LORD PATTEN OF BARNES

488 Page 55, line 38, at end insert –

“( ) In carrying out its functions under subsection (1), UKRI shall take every possible opportunity to encourage and facilitate the maximum co-operation between British higher education and research establishments and those based outside the UK, and in particular with projects and programmes funded by the European Union.”

LORD PATEL

489 Page 55, line 38, at end insert –

“( ) In carrying out its functions under subsection (1), UKRI must recognise the autonomy of the Research Councils, their institutions and their partnerships and relationships, and the principle of subsidiarity in decision-making.”

**After Clause 87**

BARONESS GARDEN OF FROGNAL  
 LORD STOREY

490 Insert the following new Clause –

**“UKRI report: international specialist employees**

- (1) Within six months of section 84 coming into force, and every year thereafter, UKRI shall report to the Secretary of State on –
  - (a) EU (excluding people from the UK), and
  - (b) non-EU,
 specialist employees employed by UKRI and English higher education providers.
- (2) For the purposes of this section “specialist employee” –
  - (a) in relation to a Council, has the same meaning as in section 88(3), and
  - (b) in relation to an English higher education provider, means the academic staff of the institution.
- (3) Should any report made under subsection (1) identify a decrease in the number of international specialist employees since the previous report, the Secretary of State must make an assessment of the impact of that reduction on UKRI’s ability to deliver its functions under section 87.
- (4) The Secretary of State shall lay any report produced under this section before each House of Parliament.”

**Clause 88**

BARONESS BROWN OF CAMBRIDGE  
LORD MAIR  
LORD BROERS

**490A** Page 56, line 3, after “loans” insert “, investments”

BARONESS BROWN OF CAMBRIDGE  
LORD KREBS

**490B** Page 56, line 18, at end insert –

“( ) In exercising the power under section 87, UKRI and the Research Councils must operate fair, open and transparent competitions for funding.”

LORD WALLACE OF TANKERNESS

*Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Clause 88 stand part of the Bill.*

**Clause 89**

BARONESS BROWN OF CAMBRIDGE  
LORD KREBS

**490C** Page 56, line 21, leave out “such” and insert “the”

**490D** Page 56, line 22, leave out “as UKRI may determine”

LORD SHARKEY  
LORD WILLIS OF KNARESBOROUGH  
LORD STEVENSON OF BALMACARA

**491** Page 56, line 23, at end insert “, and must in making the arrangements provide that the functions may be carried out in direct partnership with other funding bodies.”

LORD MACKAY OF CLASHFERN

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

LORD WILLIS OF KNARESBOROUGH  
LORD SHARKEY  
LORD CAMERON OF DILLINGTON

**493** Page 57, line 18, after “growth” insert “, resilience and other policy objectives”

**494** Page 57, line 19, after “life” insert “including social inclusion and community cohesion”

LORD MENDELSON

**494A** Page 57, line 19, after “life” insert “and social and cultural wellbeing”



**Clause 89 - continued**

LORD WILLIS OF KNARESBOROUGH  
LORD SHARKEY  
LORD CAMERON OF DILLINGTON

**495** Page 57, line 20, at end insert –  
“(c) improving the United Kingdom’s science and knowledge base”

BARONESS BROWN OF CAMBRIDGE  
LORD KREBS

**495A** Page 57, line 20, at end insert –  
“(c) improving knowledge and understanding through research in the areas within its remit.”

BARONESS BROWN OF CAMBRIDGE  
LORD MAIR  
LORD BROERS

**495B** Page 57, line 20, at end insert –  
“( ) Arrangements may not be made under this section for the exercise by the science and humanities Councils of Innovate UK’s function described in section 90(3)(a).”

LORD MENDELSON

**495BA** Page 57, line 21, after “State” insert “, following consultation,”

**Clause 90**

BARONESS BROWN OF CAMBRIDGE  
LORD MAIR  
LORD BROERS

**495C** Page 57, line 27, leave out “UKRI” and insert “Innovate UK’s Council”

**495D** Page 57, line 27, after “determine” insert “including the power to make grants, loans, payments and to form, participate in forming or invest in commercial arrangements including a company, partnership or other similar form of organisation,”

LORD MENDELSON

**495E** Page 57, line 28, at end insert “, and in the public interest.”

**495F** Page 57, line 32, after “relate,” insert “to maintain its focus on assisting businesses and”

**495G** Page 57, line 36, at end insert –  
“( ) Innovate UK must report annually on its contribution to UK economic growth through carrying out its functions as set out by UKRI. This report shall be evaluated by the National Audit Office.”

**Clause 90 - continued**

BARONESS GARDEN OF FROGNAL  
LORD STOREY  
LORD MENDELSON

*The above-named Lords give notice of their intention to oppose the Question that Clause 90 stand part of the Bill.*

**Clause 91**

LORD MENDELSON

**495H** Page 57, line 37, at end insert –

“( ) Research England may –

(a) provide non-hypothecated funding to eligible higher education providers for the purpose of supporting basic, strategic and applied research; and

(b) support knowledge exchange and skills provision.”

**495J** Page 57, line 42, after “provider” insert “or an independent research organisation”

BARONESS WOLF OF DULWICH  
BARONESS BROWN OF CAMBRIDGE

**496** Page 58, line 1, leave out “either or both” and insert “any or all”

VISCOUNT YOUNGER OF LECKIE

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

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

BARONESS WOLF OF DULWICH

**499** Page 58, line 7, at end insert –

“( ) the undertaking of activities, or provision of facilities, to support interaction between the provider and external parties, where this promotes the social or economic impact of the research undertaken by the provider.”

BARONESS BROWN OF CAMBRIDGE

**499A** Page 58, line 7, at end insert –

“( ) the undertaking of activities or provision of facilities by the provider in support of innovation, enterprise and local economic growth.”

LORD MENDELSON

**499B** Page 58, line 7, at end insert –

“( ) the undertaking of knowledge exchange activities, and  
( ) support for postgraduate students.”

**Clause 91 - continued**

## VISCOUNT YOUNGER OF LECKIE

- 500** 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.”

## LORD MENDELSON

- 500ZA** Page 58, line 11, after “providers” insert “or an independent research organisation”
- 500A** Page 58, line 15, after “appropriate” insert “including relevant bodies in the devolved administrations”

**Clause 93**

## LORD MENDELSON

- 500B** Page 58, line 36, at end insert –
- “( ) consult a committee of the executive chairs of the Councils in the development of the strategy.”
- 500C** Page 58, line 39, at end insert –
- “( ) 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,”

## LORD PATEL

## LORD WALLACE OF TANKERNESS

## LORD WATSON OF INVERGOWRIE

- 501** Page 59, line 2, at end insert –
- “( ) The Secretary of State must, before exercising powers under subsection (4), 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.”

## LORD MENDELSON

- 501A** Page 59, line 4, at end insert –
- “( ) UKRI must report annually on its performance in encouraging cross disciplinary research and innovation, and each such report must be laid before each House of Parliament.”

**Clause 94**

LORD MENDELSON

**501B** Page 59, line 28, at end insert –

“( ) UKRI must arrange for the Councils to report annually to each House of Parliament on areas and subjects of research which are currently de-prioritised and to highlight emerging areas which are not fully integrated into UKRI’s current research and innovation strategy.”

**Clause 95**

LORD PATEL

LORD WALLACE OF TANKERNESS

LORD WATSON OF INVERGOWRIE

**502** Page 59, line 32, at end insert –

“( ) In making grants to UKRI under subsection (1), the Secretary of State must specify the separate allocation of funding to be made by UKRI in respect of functions exercisable by –

- (a) the Councils mentioned in section 89(1), pursuant to arrangements under that section,
- (b) Innovate UK, pursuant to arrangements made under section 90, and
- (c) Research England, pursuant to arrangements made under section 91,

and UKRI funding may not, without the specific approval of Parliament by means of a resolution of each House, vary the allocation of funding specified by the Secretary of State under this subsection.”

BARONESS WOLF OF DULWICH

BARONESS GARDEN OF FROGNAL

LORD STEVENSON OF BALMACARA

**503** Page 60, line 3, after “(1)” insert “must respect the principle of institutional autonomy set out in section 2(6A), and”**Clause 96**

LORD MENDELSON

**503ZA** Page 60, line 19, leave out “directions” and insert “recommendations”

BARONESS BROWN OF CAMBRIDGE

LORD KREBS

**503A** Page 60, line 20, at end insert “subject to upholding the Haldane Principle”

**Clause 96 - continued**

LORD PATEL  
LORD WALLACE OF TANKERNESS  
LORD WATSON OF INVERGOWRIE

**504** Page 60, line 20, at end insert –

“( ) The Secretary of State must, before giving a direction under subsection (1), obtain the agreement to the terms of the direction under subsection (1) from the Scottish Government, the Welsh Government and the Northern Ireland Executive.”

BARONESS WOLF OF DULWICH  
LORD STEVENSON OF BALMACARA  
BARONESS GARDEN OF FROGNAL

**505** Page 60, line 29, at end insert –

“( ) In giving directions under this section, the Secretary of State must have regard to the principle of institutional autonomy in respect of English higher education providers.”

**Clause 97**

LORD STEVENSON OF BALMACARA

**505ZA** Page 61, line 2, leave out “balanced funding principle” and insert “need for a long-term, stable block grant that allows universities to invest strategically in research in ways which foster their future development”

LORD MENDELSON

**505ZB** Page 61, line 6, leave out “reasonable”

BARONESS BROWN OF CAMBRIDGE  
LORD KREBS

**505A** Page 61, line 10, at end insert –

“( ) Funding allocated under subsection (3)(a) and under subsection (3)(b) shall continue to be grounded in separate and complementary evaluation and allocation methods.”

LORD LIDDLE

**505B** Page 61, line 10, at end insert –

“( ) Whenever the Secretary of State makes a new grant to the UKRI, a proportion at least equivalent to the existing balance within the dual funding system must be reserved for Research England.”

**After Clause 97**

LORD MENDELSON

505C Insert the following new Clause –

**“Autonomy of research councils**

Any decision on the allocation of research money is to be made in a way which is compatible with the Haldane Principle, as set out in Annex A to the Department for Business Innovation and Skills' allocation of science and research funding 2011 to 2015.”

**Clause 98**

LORD MENDELSON

505D Page 61, line 14, at end insert –

“( ) In exercising its functions, UKRI must allocate funds on the basis of fair, open and transparent competition, or a fair, open and transparent assessment of research performance.”

BARONESS WOLF OF DULWICH  
LORD STEVENSON OF BALMACARA  
BARONESS GARDEN OF FROGNAL

506 Page 61, line 16, at end insert –

“( ) In exercising its functions, UKRI must have regard to the need to act in a manner compatible with the principle of institutional autonomy in respect of English higher education providers.”

**After Clause 102**

LORD PATEL  
LORD WALLACE OF TANKERNESS  
LORD WATSON OF INVERGOWRIE

507 Insert the following new Clause –

**“General duty on Secretary of State**

In exercising functions under this Part, the Secretary of State must act in the best interests of England, Scotland, Wales and Northern Ireland, and must seek the views of each of the Scottish Government, the Welsh Government and the Northern Ireland Executive before exercising those functions.”

LORD MENDELSON

507ZA Insert the following new Clause –

**“The UKRI Visa Department**

- (1) An office called the UKRI Visa Department shall be established.
- (2) The UKRI Visa Department shall be responsible for the sponsorship of academics, researchers, technicians and others in the research sector whom the department identify as requiring a visa in order to take up an accepted post at a UK research institution.

**After Clause 102 - continued**

- (3) The UKRI Visa Department shall provide information to UK Visas and Immigration in order to process the relevant documentation for those identified under subsection (2).”

**Clause 103**

LORD MENDELSON

- 507ZB** Page 62, line 20, at beginning insert “Subject to subsections (2) to (2B),”
- 507A** Page 62, line 28, at end insert –  
“( ) No action shall be taken by UKRI which would diminish or change the range and coverage of the Research Councils.”
- 507B** Page 62, line 30, leave out “are revoked” and insert “may by regulations be revoked.”
- (2A) Regulations under subsection (2) may not be made until after the end of a period of six years starting from the day on which this Act is passed.
- (2B) During the period specified in subsection (2A) the Secretary of State must commission an independent review of the research councils, and must arrange for the publication and laying before each House of Parliament the report of that review.”

**Clause 105**

VISCOUNT YOUNGER OF LECKIE

- 508** Page 64, line 5, at end insert –  
““knowledge exchange” has the meaning given by section 87;”

**Clause 106**

BARONESS BROWN OF CAMBRIDGE

- 508A** Page 64, line 13, leave out subsection (1) and insert –  
“(1) The OfS and UKRI have a duty to co-operate with one another in the exercise of their functions, including, but not restricted to –  
(a) knowledge exchange;  
(b) the assessment process for research degree awarding powers;  
(c) sharing data to inform research and evaluation studies; and  
(d) providing regular assurance to satisfy respective accountability responsibilities.”

LORD MENDELSON

- 508B** Page 64, line 13, leave out “may” and insert “must”

**Clause 106 - continued**

LORD MENDELSON  
BARONESS GARDEN OF FROGNAL

508C Page 64, line 14, at end insert –

- “( ) The OfS and UKRI must cooperate with one another on areas including, but not limited to –
- (a) the health of disciplines,
  - (b) authorisation of a registered higher education provider to grant research awards,
  - (c) awarding of research degrees,
  - (d) post-graduate training,
  - (e) shared facilities,
  - (f) knowledge exchange funding and activity,
  - (g) issues of financial sustainability of higher education providers, and
  - (h) skills development.”

LORD MENDELSON

508D Page 64, line 15, leave out subsection (2)

LORD MACKAY OF CLASHFERN  
LORD SMITH OF FINSBURY  
LORD STEVENSON OF BALMACARA

509 Page 64, line 16, at end insert –

- “( ) Where a decision to be made by the OfS or UKRI relates to –
- (a) the power to award research degrees; or
  - (b) research students;
- the OfS and UKRI must make the decision jointly.”

BARONESS BROWN OF CAMBRIDGE

509A Page 64, line 16, at end insert –

- “( ) To promote joint working, one member of the Board of the OfS shall be a member of UKRI and vice versa.”

**Clause 113**

LORD LISVANE  
LORD JUDGE  
LORD NORTON OF LOUTH  
BARONESS O'NEILL OF BENGARVE

510 Page 66, line 42, at end insert –

- “( ) guidance under section 2(7) (general duties);”



**Clause 113 - continued**

LORD STEVENSON OF BALMACARA

- 510A** Page 66, line 42, at end insert –
- “( ) regulations under section 9(4) (mandatory transparency condition for certain providers);
  - ( ) regulations under section 10 (mandatory fee limit condition for certain providers);”

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 511** Page 67, line 4, at end insert –
- “( ) an order under section 43(1) (variation or revocation of other authorisations to grant degrees etc.);”
- 512** Page 67, line 4, at end insert –
- “( ) an order under section 53(1) (revocation of authorisation to use “university” title);”

LORD STEVENSON OF BALMACARA

- 512ZA** Page 67, line 4, at end insert –
- “( ) regulations under section 37(3) (financial support for registered higher education providers);
  - ( ) regulations under section 64(1) (registration fees);
  - ( ) regulations under section 65(1) (other fees);
  - ( ) regulations under section 71(1) (Secretary of State’s power to give directions);”
- 512A** Page 67, line 11, leave out from “provision)” to end of line 12
- 512B** Page 67, line 12, at end insert –
- “( ) regulations under paragraph 2 of Schedule 2 (the fee limit where the provider has an access and participation plan).”

VISCOUNT YOUNGER OF LECKIE

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

**Clause 117**

LORD STEVENSON OF BALMACARA

- 514** Page 68, line 6, at end insert –
- “(za) section (*UK universities: functions*);”

**Clause 118**

VISCOUNT YOUNGER OF LECKIE

**515** 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.”

LORD SHARKEY

LORD WILLIS OF KNARESBOROUGH

**516** Page 69, line 16, at end insert –

“( ) Section (*Sharia-compliant student finance: deadline*) comes into force on the day on which this Act is passed.”

# Higher Education and Research Bill

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SIXTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*23 January 2017*

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