The amendments have been marshalled in accordance with the Order of 2nd March 2017, as follows—

Clauses 1 and 2  
Schedule 1  
Clauses 3 to 11  
Schedule 2  
Clauses 12 to 16  
Schedule 3  
Clauses 17 to 27  
Schedule 4  
Clauses 28 to 57  
Schedule 5  
Clauses 58 to 62  
Schedule 6  
Clauses 63 to 69  
Schedule 7  
Clauses 70 to 86  
Schedule 8  
Clause 87  
Schedule 9  
Clauses 88 to 111  
Schedule 10  
Clauses 112 to 118  
Schedules 11 and 12  
Clauses 119 to 121  
Title.

[Amendments marked ★ are new or have been altered]

Amendment No.  

After Clause 82

LORD SHARKEY

144 Insert the following new Clause—

“Sharia-compliant student finance: progress reports

(1) The Secretary of State must publish on the Department for Education’s website, and must bring to the attention of schools in England and Wales as appropriate, a report which—

(a) sets out progress towards the introduction of a scheme of Sharia-compliant student finance; and

(b) provides an estimate of when such a scheme will be available for students entering tertiary education.

(2) A report under subsection (1) must be published within one month of this section coming into force and must be updated quarterly thereafter.
(3) Where any update provided under subsection (2) varies an estimate of when a scheme will be available, the Secretary of State must provide an explanation.”

After Clause 84

LORD WATSON OF INVERGOWRIE
LORD STEVENSON OF BALMACARA

145 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.

(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.”

BARONESS O’NEILL OF BENGARVE
BARONESS WOLF OF DULWICH
LORD NORTON OF LOUTH
LORD STEVENSON OF BALMACARA

146 Insert the following new Clause—

“Unincorporated higher education providers: financial support

Students enrolled on a course provided by a higher education provider that is not incorporated under the law of the United Kingdom do not qualify for publicly funded student support.”

LORD DUBS
LORD JUDD

147 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 to be offered to students with certain immigration statuses.
(2) The regulations specified in subsection (1) must include, but need not be restricted to, provision for—
   
   (a) persons granted humanitarian protection and their family members; and
   
   (b) persons who have been brought to the United Kingdom under the Syrian Vulnerable Persons Relocation Scheme, or any equivalent scheme, and their family members to be eligible for the support set out in subsection (3).
   
(3) The support set out in this subsection is—

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

(4) 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;
   
   “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.”

Clause 85

VISCOUNT YOUNGER OF LECKIE

Page 57, line 17, leave out from “insert” to end of line 18 and insert “, and includes an institution which is treated as continuing to be a qualifying institution for the purposes of Part 2 of that Act (see section 20A(2) of that Act).”"

Page 57, line 22, leave out “paragraph (da)” and insert “paragraphs (da) and (ea)”

After Clause 85

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

Insert the following new Clause—

“Students and academic staff at higher education providers

(1) The Secretary of State has a duty to encourage international students to attend higher education providers covered by this Act, and UKRI must 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, in particular with projects and programmes funded by the European Union.
After Clause 85 - continued

(2) The Secretary of State shall ensure that no student, either undergraduate or postgraduate, who has received an offer to study at such a higher education provider, be treated for public policy purposes as a long term migrant to the UK, for the duration of their studies at such an establishment.

(3) Persons, who are not British citizens, who receive an offer to study as an undergraduate or postgraduate, or who receive an offer of employment as a member of academic staff at a higher education provider, shall not, in respect of that course of study, or 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

151 Insert the following new Clause—

“Study Visas

The Secretary of State must, in respect of applications from potential international students for visas to allow them to attend courses of higher education in the United Kingdom, publish, on an annual basis, the number and type of higher education study visas granted, categorised by—

(a) institution,
(b) country, and
(c) agent (where a student is represented by an agent),

and what proportion each category represents of all the applications made.”

After Clause 86

BARONESS DEECH
LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

152 Insert the following new Clause—

“Higher education providers: freedom of speech and preventing unlawful speech

(1) All English higher education providers must ensure that their students, staff and invited speakers are able to practise freedom of speech within the law in the provider’s premises, forums and events and must put in place measures to prevent unlawful speech.

(2) Subsection (1) extends to the premises, forums and events of the provider's student unions.”

LORD STOREY
BARONESS GARDEN OF FROGNAL

153 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 an unfair advantage over other such students.
After Clause 86 - continued

(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;

(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 DUBS
BARONESS HAMWEE
LORD JUDD

Insert the following new Clause—

“Independent review of the Prevent strategy in higher education institutions

(1) Before the end of the period of three months beginning on the day on which this Act is passed, the Secretary of State must appoint an independent reviewer to—

(a) conduct an independent review of the operation and effectiveness of the Prevent strategy in relevant higher education institutions; and

(b) submit a report to the Secretary of State on the findings of the review.

(2) The report must address, though may not be limited to, the following matters—

(a) the operation and effectiveness of the Prevent strategy in higher education institutions;

(b) the interaction of Prevent with—

(i) other legal duties on higher education institutions; and

(ii) the criminal law as it relates to higher education institutions;
(c) existing arrangements for the inspection and monitoring of higher education institutions’ compliance with the Prevent duty; and
(d) the nature and extent of training provided to staff working in higher education institutions.

(3) The independent reviewer may invite evidence from civil society groups and others with expertise in, or experience of, Prevent.

(4) An individual must not be appointed to the role of independent reviewer if that individual—
(a) has a close association with Her Majesty’s Government; or
(b) has concurrent obligations as a Government appointed reviewer.

(5) The reviewer must have access to security sensitive information on the same basis as the reviewer appointed under section 36 of the Terrorism Act 2006.

(6) In appointing the reviewer, the Secretary of State must have regard to the need to ensure the reviewer has the relevant qualifications, including legal qualifications, to carry out his functions.

(7) The Secretary of State, after consultation with the independent reviewer, must provide the reviewer with such staff as are sufficient to ensure that the reviewer is able properly to carry out his functions.

(8) The Secretary of State must pay to the reviewer—
(a) expenses incurred in carrying out his functions under this section; and
(b) such allowances as the Secretary of State determines.

(9) The Secretary of State must lay before each House of Parliament a copy of the report received under subsection (1)(b).

(10) In this section, “Prevent” means the Prevent strand of Her Majesty’s Government’s counter-terrorism strategy CONTEST, including the statutory Prevent structure; and “statutory Prevent structure” means the provisions set out at Part 5 of the Counter-Terrorism and Security Act 2015.”

Schedule 8

VISCOUNT YOUNGER OF LECKIE

Page 104, line 6, at end insert—

“23A (1) Section 78 (financial years of higher education corporations) is amended as follows.

(2) In the heading, at the end insert “: Wales”.

(3) In subsection (1), after “higher education corporations” insert “in Wales”.

(4) After subsection (2) insert—

“(3) In this section “higher education corporation in Wales” means a higher education corporation established to conduct an institution whose activities are carried on, or principally carried on, in Wales.”

[Withdrawn]

[Withdrawn]
Schedule 9 - continued

158 [Withdrawn]

Schedule 9

LORD PRIOR OF BRAMPTON  
LORD MENDELSOHN

159 Page 104, line 38, after “matters” insert “, the charitable sector”

160 [Withdrawn]

161 [Withdrawn]

LORD STEVENSON OF BALMACARA

162 Page 105, 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.”

163 [Withdrawn]

LORD PRIOR OF BRAMPTON  
LORD MENDELSOHN

164 Page 105, line 9, after “matters” insert “, the charitable sector”

LORD MENDELSOHN

164A Page 105, line 14, at end insert—  
“( ) a senior independent member, and”

LORD PRIOR OF BRAMPTON  
BARONESS BROWN OF CAMBRIDGE  
LORD MENDELSOHN

165 Page 105, line 15, leave out “nine” and insert “twelve”

LORD SHARKEY  
LORD WILLIS OF KNARESBOROUGH  
LORD MENDELSOHN

165A Page 105, line 16, at end insert “, of whom at least three shall be lay members.”

BARONESS BROWN OF CAMBRIDGE  
LORD STEVENSON OF BALMACARA

166 Page 105, line 16, at end insert—  
“( ) In the case of Innovate UK, the Council must have a non-executive Chair, and the non-executive Chair and the majority of the Council members must be from science-related business backgrounds.”
Schedule 9 - continued

LORD MENDELSOHN

166A Page 105, line 18, after “chair” insert “, the senior independent member”

LORD PRIOR OF BRAMPTON
LORD MENDELSOHN

167 Page 105, line 20, at end insert “after consulting the chair of UKRI”

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE
LORD KREBS
LORD MENDELSOHN

168 Page 107, line 11, at end insert—

“Executive Committee

8A(1) UKRI must establish a committee called “the Executive Committee”.

(2) The Executive Committee is to consist of—
   (a) the CEO, who is to be its chair,
   (b) the CFO,
   (c) the executive chair of each of the Councils, and
   (d) such other members as the CEO may appoint.

(3) Those appointed under sub-paragraph (2)(d)—
   (a) must be employees of UKRI, and
   (b) if they cease to be such employees, may not continue as members
       appointed under that provision.

(4) The Executive Committee may establish sub-committees, and a sub-committee
   so established is referred to in this Schedule as an “Executive sub-committee”.

(5) An Executive sub-committee may include persons who are not members of
   UKRI, Council members or employees of UKRI.

(6) UKRI must pay such allowances as the Secretary of State may determine to any
   person who—
      (a) is a member of an Executive sub-committee, but
      (b) is not a member of UKRI, a Council member or an employee of UKRI.”

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE
LORD MENDELSOHN

169 Page 107, line 13, after “Councils” insert “and the Executive Committee”

170 Page 107, line 33, leave out sub-paragraphs (1) and (2) and insert—

“(1) UKRI, a Council and the Executive Committee may each determine their own
   procedure and the procedure of any relevant committee.

(1A) “Relevant committee” means—
      (a) in the case of UKRI, a general committee,
Schedule 9 - continued

(b) in the case of a Council, a Council sub-committee established by it, and
(c) in the case of the Executive Committee, an Executive sub-committee.

(2) But sub-paragraph (1) is subject to the rest of this paragraph.”

171 Page 108, line 16, after “committee,” insert “or of the Executive Committee or any Executive sub-committee,”

LORD PRIOR OF BRAMPTON

172 Page 109, line 8, at end insert—

“( ) The report must include a statement regarding how UKRI has cooperated with the OfS during that year.”

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE
LORD MENDELSOHN

173 Page 109, line 31, leave out from beginning to third “the” and insert “But UKRI may do any of the following only in accordance with terms and conditions specified from time to time by”

LORD PRIOR OF BRAMPTON
LORD MENDELSOHN

174 Page 110, line 14, leave out “paragraph” and insert “paragraphs 8A and”

175 Page 110, line 23, leave out “paragraph” and insert “paragraphs 8A and”

Clause 88

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE
LORD KREBS
LORD MENDELSOHN

176 Page 58, line 12, at end insert—

“(4) Before making regulations under subsection (2), the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(5) UKRI must, if requested to do so by the Secretary of State, carry out such a consultation, on behalf of the Secretary of State, of such persons.

(6) In such a case, UKRI must carry out the consultation in accordance with such directions as the Secretary of State may give.”
Clause 89

LORD MENDELSOHN

Page 58, line 28, at end insert—

“( ) In performing its functions, UKRI must have regard to the need to protect the institutional autonomy of English higher education providers, as set out in section 3(7).”

Clause 91

LORD SHARKEY

Page 59, line 25, at end insert “, and must in making the arrangements, delegate to the Councils the authority to enter into direct partnerships with other funding bodies in the exercise of these functions, subject to the prevailing rules and disciplines concerning the management of public funds.”

LORD PRIOR OF BRAMPTON

LORD MENDELSOHN

Page 60, line 12, leave out subsection (3) and insert—

“(3) A “relevant specialist employee”, in relation to a Council, means—

(a) a researcher or scientist employed by UKRI to work in the Council’s field of activity (see the table in subsection (1)), or

(b) a person who has knowledge, experience or specialist skills which is or are relevant to the Council’s field of activity and is employed by UKRI to work in that field of activity.”

LORD WILLIS OF KNARESBOROUGH

LORD SHARKEY

Page 60, line 14, at end insert—

“( ) Arrangements under this section must have regard to the package of flexibility measures for Research Councils’ institutes, providing certain exemptions from central government constraints and flexibility around pay, procurement, marketing, budget exchange for non-grant income, and depreciation, as announced by Her Majesty’s Government at the March 2015 Budget.”

LORD PRIOR OF BRAMPTON

LORD MENDELSOHN

Page 60, line 18, after “contributing” insert “(whether directly or indirectly)”

Page 60, line 18, after “growth” insert “, or an economic benefit,”
Clause 91 - continued

Page 60, line 18, after “Kingdom,” insert—
“( ) advancing knowledge (whether in the United Kingdom or elsewhere and whether directly or indirectly) in, or in connection with, science, technology, humanities or new ideas,”

Page 60, line 24, at end insert—
“(6) Before making regulations under subsection (5), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
(7) UKRI must, if requested to do so by the Secretary of State, carry out such a consultation, on behalf of the Secretary of State, of such persons.
(8) In such a case, UKRI must carry out the consultation in accordance with such directions as the Secretary of State may give.”

Clause 92

Page 60, line 31, leave out subsection (3) and insert—
“(3) Arrangements under this section must require Innovate UK, when exercising any function to which the arrangements relate, to have regard to—
(a) the need to support (directly or indirectly) persons engaged in business activities in the United Kingdom,
(b) the need to promote innovation by persons carrying on business in the United Kingdom, and
(c) the desirability of improving quality of life in the United Kingdom.”

Clause 95

Page 62, line 6, at end insert—
“( ) Before approving the strategy under subsection (1), the Secretary of State must consult with the Scottish Government, the Welsh Government and the Northern Ireland Executive.”
Clause 97

LORD PRIOR OF BRAMPTON
LORD MENDELSOHN

Page 62, line 39, after “subsection (1)” insert “in respect of those functions”

Page 63, line 9, after “subsection (1)” insert “in respect of those functions”

Page 63, line 15, at end insert—
“( ) provide for the allocation of the whole or a part of the grant to a particular Council and for subsequent changes in that allocation,”

Page 63, line 22, at end insert—
“( ) Where the Secretary of State makes a grant to UKRI under subsection (1), the Secretary of State must publish—
(a) the amount of the grant, and
(b) if the terms and conditions of the grant allocate the whole or a part of that amount to a particular Council—
(i) the name of the Council, and
(ii) the amount of the grant which is so allocated to it.”

Clause 99

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE
LORD STEVENSON OF BALMACARA
LORD KREBS

Page 64, line 7, at end insert—
“(za) the Haldane principle, where the grant or direction mentioned in subsection (1) is in respect of functions exercisable by one or more of the Councils mentioned in section 91 (1) pursuant to arrangements under that section,”

Page 64, line 8, after “principle” insert “, in any case”

Page 64, line 10, at end insert—
“(2A) The “Haldane principle” is the principle that decisions on individual research proposals are best taken following an evaluation of the quality and likely impact of the proposals (such as a peer review process).”

[Withdrawn]

Clause 100

LORD WALLACE OF TANKERNESS

Page 64, line 19, leave out subsection (1) and insert—
“( ) In exercising its functions, UKRI must have regard to—
Clause 100 - continued

(a) the promotion of research and innovation in Scotland, Wales and Northern Ireland, and
(b) the need to use its resources in the most efficient, effective and economic way.”

LORD WALLACE OF TANKERNESS

LORD PATEL

Page 64, line 22, at and insert—

“( ) The Secretary of State, in exercising the functions of the Secretary of State under this Part, must have regard to the promotion of research and innovation in Scotland, Wales and Northern Ireland.”

Clause 108

LORD MACKAY OF CLASHFERN

LORD SMITH OF FINSBURY

LORD STEVENSON OF BALMACARA

Page 67, line 26, 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.”

Clause 112

VISCOUNT YOUNGER OF LECKIE

Page 69, line 9, leave out “subsection (3)” and insert “subsections (3) and (4)”

Page 69, line 14, at end insert—

“(4) Provision made under subsection (1) by virtue of subsection (2)(b) may not revoke a Royal Charter in its entirety.”

Clause 115

VISCOUNT YOUNGER OF LECKIE

Page 70, line 11, at end insert—

“( ) regulations under section 10 (1)(prescribed description of providers for whom a transparency condition is mandatory);”

Page 70, line 16, at end insert—

“( ) regulations under section 38 (3)(prescribed description of providers eligible for financial support);”

Page 70, line 24, after “or” insert “of”
Clause 115 - continued

200 Page 70, line 27, at end insert “any of the following provisions of that Schedule applies—
   (a) paragraph 4(1A)(first regulations prescribing the higher, basic and floor amounts);
   (b) "

201 Page 70, line 29, leave out “applies”

202 Page 70, line 29, at end insert—
   “( ) paragraph 5 (accelerated courses).”

Schedule 11

VISCOUNT YOUNGER OF LECKIE

203 Page 112, line 35, leave out “in receipt of remuneration”

204 Page 113, line 6, at end insert—
   “Education (No. 2) Act 1986
   4A(1) Section 43 of the Education (No. 2) Act 1986 (freedom of speech in universities etc) is amended as follows.
   (2) After subsection (4) insert—
      “(4A) The establishments in England to which this section applies are—
      (a) any registered higher education provider;
      (b) any establishment of higher or further education which is maintained by a local authority;
      (c) any institution within the further education sector.”
   (3) In subsection (5), after “The establishments” insert “in Wales”.
   (4) In subsection (6), in the definition of “governing body”, for “in relation to any university” substitute “—
      (a) in relation to a registered higher education provider, has the meaning given by section 81 (1) of the Higher Education and Research Act 2017;
      (b) in relation to a university in Wales,”.
   (5) In subsection (6), after the definition of “governing body” insert—
      “‘registered higher education provider’ has the meaning given by section 4 (10) of the Higher Education and Research Act 2017.”.
   (6) After subsection (6) insert—
      “(6A) For the purposes of this section—
      (a) an establishment is taken to be in England if its activities are carried on, or principally carried on, in England;
      (b) an establishment is taken to be in Wales if its activities are carried on, or principally carried on, in Wales.”
   (7) In subsection (7)(a), after “subsection” insert “(4A)(b) or”.
Schedule 11 - continued

205 Page 117, line 25, at end insert—
“29A (1) The Education Act 2005 is amended as follows.
(2) In section 92 (joint exercise of functions)—
(a) in subsection (2), for “Higher Education Funding Council for England” substitute “Office for Students”, and
(b) omit subsection (5).”

206 Page 117, line 26, leave out “to the Education Act 2005”

Clause 120

VISCOUNT YOUNGER OF LECKIE

207 Page 72, line 8, leave out subsection (1) and insert—
“(1) The following provisions of this Part come into force on the day on which this Act is passed—
(a) sections 111 to 113;
(b) sections 115 to 117;
(c) section 119;
(d) this section;
(e) section 121.”

LORD SHARKEY

208 Page 72, line 30, at end insert—
“( ) Section (Sharia-compliant student finance: progress reports) comes into force on the day on which this Act is passed.”
THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

9 March 2017