

Higher Education and Research Bill

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

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

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

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Schedule 9

LORD PRIOR OF BRAMPTON
LORD MENDELSON

- 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- 160** [*Withdrawn*]
- 161** [*Withdrawn*]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;

Schedule 9 - continued

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

- 163** [Withdrawn]
- LORD PRIOR OF BRAMPTON
LORD MENDELSON
- 164** Page 105, line 9, after “matters” insert “, the charitable sector”
- LORD MENDELSON
- 164A** Page 105, line 14, at end insert –
“() a senior independent member, and”
- LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE
LORD MENDELSON
- 165** Page 105, line 15, leave out “nine” and insert “twelve”
- LORD SHARKEY
LORD WILLIS OF KNARESBOROUGH
LORD MENDELSON
- 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.”
- LORD MENDELSON
- 166A** Page 105, line 18, after “chair” insert “, the senior independent member”
- LORD PRIOR OF BRAMPTON
LORD MENDELSON
- 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 MENDELSON
- 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,

Schedule 9 - continued

- (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 MENDELSON

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,
- (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 MENDELSON

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”

Schedule 9 - continued

LORD OXBURGH
LORD BROERS

- 173A★ Page 109, line 34, at end insert “except insofar as they fall within the range of activities exercised by Research Councils hitherto”

LORD PRIOR OF BRAMPTON
LORD MENDELSON

- 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 MENDELSON

- 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 MENDELSON

- 177 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
LORD WILLIS OF KNARESBOROUGH

- 177A 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.”

Clause 91 - continued

LORD PRIOR OF BRAMPTON
LORD MENDELSON

- 178** 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

- 178A** 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 MENDELSON

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

- 180** Page 60, line 18, after “growth” insert “, or an economic benefit,”

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

- 181** 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,”

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE
LORD MENDELSON

- 182** 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

LORD PRIOR OF BRAMPTON
 BARONESS BROWN OF CAMBRIDGE
 LORD MENDELSON

- 183** 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

LORD WALLACE OF TANKERNESS
 LORD PATEL

- 184** 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 MENDELSON

- 185** Page 62, line 39, after “subsection (1)” insert “in respect of those functions”
- 186** Page 63, line 9, after “subsection (1)” insert “in respect of those functions”
- 187** 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,”
- 188** 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

- 189** 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,”
- 190** Page 64, line 8, after “principle” insert “, in any case”
- 191** 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).”
- 192** [*Withdrawn*]

Clause 100

LORD WALLACE OF TANKERNESS

- 193** Page 64, line 19, leave out subsection (1) and insert –
 “() In exercising its functions, UKRI must have regard to –
 (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

- 194** 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

- 194A** 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

- 195 Page 69, line 9, leave out “subsection (3)” and insert “subsections (3) and (4)”
- 196 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

- 197 Page 70, line 11, at end insert –
 “() regulations under section 10 (1)(prescribed description of providers for whom a transparency condition is mandatory);”
- 198 Page 70, line 16, at end insert –
 “() regulations under section 38 (3)(prescribed description of providers eligible for financial support);”
- 199 Page 70, line 24, after “or” insert “of”
- 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;

Schedule 11 - continued

- (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”.

- 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.”

Higher Education and Research Bill

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

13 March 2017
