

# Higher Education and Research Bill

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## MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS REASON AND AMENDMENTS

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*[The page and line references are to HL Bill 76, the bill as first printed for the Lords.]*

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### MOTION A

#### LORDS AMENDMENT 1

##### Before Clause 1

1 Insert the following new Clause—

**“UK universities: functions**

- (1) UK universities are autonomous institutions and must uphold the principles of academic freedom and freedom of speech.
- (2) UK universities must ensure that they promote freedom of thought and expression, and freedom from discrimination.
- (3) UK universities must provide an extensive range of high quality academic subjects delivered by excellent teaching, supported by scholarship and research, through courses which enhance the ability of students to learn throughout their lives.
- (4) UK universities must make a contribution to society through the pursuit, dissemination, and application of knowledge and expertise locally, nationally and internationally; and through partnerships with business, charitable foundations, and other organisations, including other colleges and universities.
- (5) UK universities must be free to act as critics of government and the conscience of society.”

## COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 1 and propose Amendments 1A to 1D in lieu –*

**1A** Page 32, line 18, at end insert –

“( ) After subsection (3) insert –

“(3A) In exercising its power to give consent under subsection (A1), the Office for Students must have regard to factors set out in guidance given by the Secretary of State.

(3B) Before giving guidance under subsection (3A), the Secretary of State must consult –

- (a) bodies representing the interests of English higher education providers,
- (b) bodies representing the interests of students on higher education courses provided by English higher education providers, and
- (c) such other persons as the Secretary of State considers appropriate.”

**1B** Page 32, line 21, leave out from beginning to end of line 23 and insert –

“(5) In this section, “English higher education provider”, “higher education course” and “registered higher education provider” have the same meanings as in Part 1 of the Higher Education and Research Act 2017 (see sections 77 and 79 of that Act).”

**1C** Page 33, line 7, at end insert –

“(5ZA) In exercising its power to give approval under subsection (A1) or (2), the Office for Students must have regard to factors set out in guidance given by the Secretary of State.

(5ZB) Before giving guidance under subsection (5ZA), the Secretary of State must consult –

- (a) bodies representing the interests of English higher education providers,
- (b) bodies representing the interests of students on higher education courses provided by English higher education providers, and
- (c) such other persons as the Secretary of State considers appropriate.”

**1D** Page 33, line 18, at end insert –

“( ) In subsection (7), before the definition of “relevant institution” insert –

““English higher education provider” and “higher education course” have the same meaning as in Part 1 of the Higher Education and Research Act 2017 (see section 77 of that Act);”

**A** **Viscount Younger of Leckie to move, That this House do not insist on its Amendment 1 and do agree with the Commons in their Amendments 1A, 1B, 1C and 1D in lieu.**

## MOTION B

### LORDS AMENDMENT 12

#### After Clause 10

**12** Insert the following new Clause –

#### **“Regulated course fees etc: use in relation to section 25**

- (1) The scheme established under section 25 must not be used to rank English higher education providers as to the regulated course fees they charge to a qualifying person; or the unregulated course fees they charge to an international student; or the number of fee paying students they recruit, whether they are qualifying persons or international students.
- (2) In this section “regulated course fees”, “qualifying person” and “international student” have the same meaning as in section 10.”

### LORDS AMENDMENT 209

#### Schedule 2

**209** Page 77, line 40, at end insert –

- “ (1A) The Secretary of State may not make any of the following –
- (a) the first regulations under paragraph 2 prescribing the higher amount;
  - (b) the first regulations under that paragraph prescribing the floor amount;
  - (c) the first regulations under paragraph 3 prescribing the basic amount;
  - (d) the first regulations under that paragraph prescribing the floor amount,
- unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

### LORDS AMENDMENT 210

#### Schedule 2

**210** Page 78, line 23, at end insert –

- “(6) Sub-paragraphs (2) to (4) do not apply to regulations where –
- (a) the higher amount, basic amount or floor amount in question is in the case of an accelerated course, and
  - (b) paragraph 5 applies to the regulations.
- (7) “Accelerated course” in sub-paragraph (6)(a) has the same meaning as in paragraph 5.
- 5 (1) No regulations may be made under paragraph 2 prescribing –

- (a) the higher amount in the case of an accelerated course at a level which is higher than what would be the higher amount in the case of that course if it were not an accelerated course, or
  - (b) the floor amount in the case of an accelerated course at a level which is higher than what would be the floor amount in the case of that course if it were not an accelerated course,
- unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (2) No regulations may be made under paragraph 3 prescribing—
- (a) the basic amount in the case of an accelerated course at a level which is higher than what would be the basic amount in the case of that course if it were not an accelerated course, or
  - (b) the floor amount in the case of an accelerated course at a level which is higher than what would be the floor amount in the case of that course if it were not an accelerated course,
- unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (3) An “accelerated course” means a higher education course where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award.”

#### COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendments 12, 209 and 210 and propose Amendments 12A to 12G in lieu –*

- 12A** Page 67, line 12, at end insert—
- “(g) regulations under paragraph 2 or 3 of Schedule 2 (regulations prescribing the higher amount, basic amount or floor amount), except regulations to which paragraph 4(2)(b) of that Schedule applies (regulations increasing the higher amount to an amount greater than that required to maintain its value in real terms).”
- 12B** Page 67, line 16, leave out from “4(2)(b)” to end of line 17 and insert “of that Schedule applies (regulations increasing the higher amount to an amount greater than that required to maintain its value in real terms).”
- 12C** Page 76, line 36, at end insert—
- “( ) But any amount determined as “the sub-level amount” for a description of provider by virtue of sub-paragraph (6A) must be equal to the higher amount where—
- (a) the description is of providers who have a rating given to them in accordance with arrangements under section 25, and
  - (b) the amount is in respect of an academic year which begins before 1 August 2020.”
- 12D** Page 77, line 23, at end insert—

“( ) But any amount determined as “the sub-level amount” for a description of provider by virtue of sub-paragraph (5A) must be equal to the basic amount where –

- (a) the description is of providers who have a rating given to them in accordance with arrangements under section 25, and
- (b) the amount is in respect of an academic year which begins before 1 August 2020.”

**12E** Page 77, line 29, at end insert –

*“Accelerated courses*

3A (1) The power for regulations to prescribe different amounts for different cases or purposes by virtue of section 113(5)(a) includes power for regulations under paragraph 2 or 3 to prescribe different amounts as the higher amount, basic amount and floor amount in the case of an accelerated course.

(2) An “accelerated course” means a higher education course where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award.”

**12F** Page 78, line 8, leave out from beginning to end of line 19

**12G** Page 78, line 20, leave out “(3)(a) and (4)(a)”

**B** **Viscount Younger of Leckie to move, That this House do not insist on its Amendments 12, 209 and 210 and do agree with the Commons in their Amendments 12A, 12B, 12C, 12D, 12E, 12F and 12G in lieu.**

## MOTION C

### LORDS AMENDMENT 15

#### Clause 14

**15** Page 8, line 39, at end insert –

“(2A) The list of principles must include a requirement that every provider –

- (a) provides all eligible students with the opportunity to opt in to be added to the electoral register through the process of enrolling with that provider, and
- (b) enters into a data sharing agreement with the local electoral registration officer to add eligible students to the electoral register.

(2B) For the purposes of subsection (2A) –

- (a) a “data sharing agreement” is an agreement between the higher education provider and their local authority whereby the provider shares the –
  - (i) name,
  - (ii) address,

- (iii) nationality,
  - (iv) date of birth, and
  - (v) national insurance data,
- of all eligible students enrolling or enrolled (or both) with the provider who opt in under subsection (2A)(a);
- (b) “eligible” means those persons who are—
    - (i) entitled to vote in accordance with section 1 of the Representation of the People Act 1983, and
    - (ii) a resident in the same local authority as the higher education provider.
- (2C) Subsection (2A) does not apply to the Open University and other distance learning institutions.”

#### COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 15 and propose Amendments 15A and 15B in lieu –*

- 15A** Page 8, line 26, at end insert—
- “(f) a condition requiring the governing body of the provider to take such steps as the OfS considers appropriate for facilitating cooperation between the provider and one or more electoral registration officers in England for the purpose of enabling the electoral registration of students who are on higher education courses provided by the provider.”
- 15B** Page 8, line 32, at end insert—
- “( ) For the purposes of subsection (1)(f) –
    - “electoral registration officer in England” means a registration officer appointed under section 8(2) of the Representation of the People Act 1983;
    - “the electoral registration of students” means the registration of students on a register of electors maintained by such an officer under section 9 of that Act.”
- C** **Viscount Younger of Leckie to move, That this House do not insist on its Amendment 15 and do agree with the Commons in their Amendments 15A and 15B in lieu.**

### MOTION D

#### LORDS AMENDMENT 23

#### Clause 25

- 23** Leave out Clause 25 and insert the following new Clause—

**“Scheme to provide information about the quality of higher education and higher education teaching**

- (1) The Secretary of State must by order bring forward a scheme to assess and provide consistent and reliable information about the quality of education and teaching at English higher education providers and at higher education providers in Wales, Scotland or Northern Ireland which apply to participate in such a scheme.
- (2) The scheme must be wholly or mainly based on the systems in place in higher education providers which ensure that the courses offered are taught to a high standard.
- (3) The Secretary of State, or that body designated by the Secretary of State to develop such a scheme, must, before such a scheme is introduced, and on a regular basis thereafter, obtain independent evaluations, including an evaluation from the Office for National Statistics, of the validity of any data or metrics included in such a scheme.
- (4) Any scheme introduced must evaluate and report on whether an institution meets expectations or fails to meet expectations on quality measures, but must not be used to create a single composite ranking of English higher education providers.
- (5) The Secretary of State’s power to make an order under subsection (1) is exercisable by statutory instrument, a draft of which must be laid before, and approved by, a resolution of each House of Parliament.”

COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 23 and propose Amendments 23A, 23B and 23C in lieu –*

- 23A** Page 16, line 14, leave out subsection (5)
- 23B** Page 16, line 15, leave out subsection (6)
- 23C** Page 16, line 23, at end insert the following new Clause–

**“Report on operation of section 25 schemes**

- (1) Before the end of the initial period, the Secretary of State must appoint a suitable independent person for the purpose of preparing a report under this section.
- (2) A person is “independent” for this purpose if the person–
  - (a) is not, and has never been, a member or employee of the OfS, and
  - (b) is not a servant or agent of the Crown.
- (3) A person is “suitable” for this purpose if the person–
  - (a) has experience of providing higher education on behalf of, or being responsible for the provision of higher education by, a higher education provider, and
  - (b) appears to the Secretary of State to be a person who would command the confidence of registered higher education providers.

- (4) As soon as possible after the end of the initial period, the appointed person—
  - (a) must prepare a report about the operation during that period of the section 25 scheme or schemes which were in operation for the whole or a part of that period, and
  - (b) must send the report to the Secretary of State.
- (5) The report must cover the following in the case of each scheme—
  - (a) the process by which ratings are determined under the scheme and the sources of statistical information used in that process,
  - (b) whether that process, and those sources of statistical information, are fit for use for the purpose of determining ratings under the scheme,
  - (c) the names of the ratings under the scheme and whether those names are appropriate,
  - (d) the impact of the scheme on the ability of higher education providers to which the scheme applies to carry out their functions (including in particular their functions relating to teaching and research),
  - (e) an assessment of whether the scheme is in the public interest, and
  - (f) any other matters that the appointed person considers relevant.
- (6) The Secretary of State must lay the report before Parliament.
- (7) In this section—
  - “the initial period” means the period of one year beginning with the date on which section 25 comes into force;
  - “section 25 scheme” means a scheme to give ratings in accordance with arrangements made under that section.”

**D** **Viscount Younger of Leckie to move, That this House do not insist on its Amendment 23 and do agree with the Commons in their Amendments 23A, 23B and 23C in lieu.**

## MOTION E

### LORDS AMENDMENT 71

#### **After Clause 43**

**71** Insert the following new Clause—

**“Grant, variation or revocation of authorisation: advice on quality etc**

- (1) The OfS must request advice from the relevant body regarding the quality of, or the standards applied to, higher education provided by a provider before making—
  - (a) an order under section 40(1) authorising the provider to grant taught awards or research awards,
  - (b) a further order under section 40(1)—



- 
- (i) varying an authorisation given to the provider by a previous order under section 40(1), or
      - (ii) revoking such an authorisation on the ground that condition B in section 42(4) is satisfied, or
    - (c) an order under section 43(1) –
      - (i) varying an authorisation given to the provider, as described in that provision, to grant taught awards or research awards, or
      - (ii) revoking such an authorisation on the ground that condition B in section 43(4A) is satisfied.
  - (2) In this section “the relevant body” means –
    - (a) the designated assessment body, or
    - (b) if there is no such body, a committee which the OfS must establish under paragraph 8 of Schedule 1 for the purpose of performing the functions of the relevant body under this section.
  - (3) Where the OfS requests advice under subsection (1), the relevant body must provide it.
  - (4) The advice provided by the relevant body must be informed by the views of persons who (between them) have experience of –
    - (a) providing higher education on behalf of, or being responsible for the provision of higher education by –
      - (i) an English higher education provider which is neither authorised to grant taught awards nor authorised to grant research awards,
      - (ii) an English further education provider, and
      - (iii) an English higher education provider which is within neither sub-paragraph (i) nor sub-paragraph (ii),
    - (b) representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers,
    - (c) employing graduates of higher education courses provided by higher education providers,
    - (d) research into science, technology, humanities or new ideas, and
    - (e) encouraging competition in industry or another sector of society.
  - (5) Where the order authorises the provider to grant research awards or varies or revokes such an authorisation, the advice provided by the relevant body must also be informed by the views of UKRI.
  - (6) Subsections (4) and (5) do not prevent the advice given by the relevant body also being informed by the views of others.
  - (7) The OfS must have regard to advice provided to it by the relevant body under subsection (3) in deciding whether to make the order.
  - (8) But that does not prevent the OfS having regard to advice from others regarding quality or standards.
  - (9) Where the order varies or revokes an authorisation, the advice under subsection (1) may be requested before or after the governing body of the provider is notified under section 44 of the OfS’s intention to make the order.

- (10) Where there are one or more sector-recognised standards, for the purposes subsections (1) and (8) –
- (a) the advice regarding the standards applied must be advice regarding the standards applied in respect of matters for which there are sector-recognised standards, and
  - (b) that advice must be regarding those standards as assessed against sector-recognised standards.
- (11) In this section –
- “designated assessment body” means a body for the time being designated under Schedule 4;
- “humanities” and “science” have the same meaning as in Part 3 (see section 105).
- (12) The OfS must not authorise a provider unless –
- (a) the provider has been established for a minimum of four years with satisfactory validation arrangements in place, or
  - (b) the Quality Assessment Committee is assured that the provider is fully able to maintain the required standard expected for the granting of a United Kingdom degree for the duration of the authorisation, and may therefore be authorised to grant taught awards or research awards or both, and has reported to the Secretary of State; and
- the OfS is assured that the provider operated in the public interest and in the interests of students.
- (13) In this section the “Quality Assessment Committee” is the Committee established under section 24 and “validation agreements” has the same meaning as in section 46(4).”

#### COMMONS AMENDMENT IN LIEU

*The Commons disagree to Lords Amendment 71 and propose Amendment 71A in lieu –*

**71A** Page 25, line 39, at end insert the following new Clauses –

#### **“Grant, variation or revocation of authorisation: advice on quality etc**

- (1) The OfS must request advice from the relevant body regarding the quality of, and the standards applied to, higher education provided by a provider before making –
- (a) an order under section 40(1) authorising the provider to grant taught awards or research awards,
  - (b) a further order under section 40(1) –
    - (i) varying an authorisation given to the provider by a previous order under section 40(1), or
    - (ii) revoking such an authorisation on the ground that condition B in section 42(4) is satisfied, or
  - (c) an order under section 43(1) –
    - (i) varying an authorisation given to the provider, as described in that provision, to grant taught awards or research awards, or

- 
- (ii) revoking such an authorisation on the ground that condition B in section 43(4A) is satisfied.
  - (2) Where the OfS requests advice under subsection (1), the relevant body must provide it.
  - (3) The advice provided under subsection (2) must include the relevant body's view as to whether the provider has the ability –
    - (a) to provide, and maintain the provision of, higher education of an appropriate quality, and
    - (b) to apply, and maintain the application of, appropriate standards to that higher education.
  - (4) The advice provided by the relevant body under subsection (2) must be informed by the views of persons who (between them) have experience of –
    - (a) providing higher education on behalf of, or being responsible for the provision of higher education by –
      - (i) an English higher education provider which is neither authorised to grant taught awards nor authorised to grant research awards,
      - (ii) an English further education provider, and
      - (iii) an English higher education provider which is within neither sub-paragraph (i) nor sub-paragraph (ii),
    - (b) representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers,
    - (c) employing graduates of higher education courses provided by higher education providers,
    - (d) research into science, technology, humanities or new ideas, and
    - (e) encouraging competition in industry or another sector of society.
  - (5) Where the order authorises the provider to grant research awards or varies or revokes such an authorisation, the advice provided by the relevant body under subsection (2) must also be informed by the views of UKRI.
  - (6) Subsections (4) and (5) do not prevent the advice given by the relevant body under subsection (2) also being informed by the views of others.
  - (7) The OfS must have regard to advice provided to it by the relevant body under subsection (2) in deciding whether to make the order.
  - (8) But that does not prevent the OfS having regard to advice from others regarding quality or standards.
  - (9) Where the order varies or revokes an authorisation, the advice under subsection (1) may be requested before or after the governing body of the provider is notified under section 44 of the OfS's intention to make the order.
  - (10) Where there are one or more sector-recognised standards –
    - (a) for the purposes of subsections (1) and (8) –
      - (i) the advice regarding the standards applied must be advice regarding the standards applied in respect of matters for which there are sector-recognised standards, and

- (ii) that advice must be regarding those standards as assessed against sector-recognised standards, and
  - (b) “appropriate standards” in subsection (3) means sector-recognised standards.
- (11) In this section “the relevant body” means –
  - (a) the designated assessment body, or
  - (b) if there is no such body, a committee which the OfS must establish under paragraph 8 of Schedule 1 for the purpose of performing the functions of the relevant body under this section.
- (12) Where the OfS is required to establish a committee for the purpose mentioned in subsection (11)(b) –
  - (a) the majority of members of the committee must be individuals who are not members of the OfS, and
  - (b) in appointing members of the committee, the OfS must have regard to the need for the advice provided by the committee to meet the requirements of subsections (4) and (where applicable) (5).
- (13) In this section –
  - “designated assessment body” means a body for the time being designated under Schedule 4;
  - “humanities” and “science” have the same meaning as in Part 3 (see section 105).

#### **Grant of authorisation: notification of new providers**

- (1) The OfS must, as soon as possible after it has been made, notify the Secretary of State if it makes an order under section 40(1) authorising the provider to grant taught awards, where the provider has not previously operated under validation arrangements.
- (2) For the purposes of subsection (1), a provider has previously operated under validation arrangements if, at any time before the date when the order is made –
  - (a) a student at the provider has been granted a taught award by another provider or the OfS, under validation arrangements between the provider and the other provider or the OfS, or
  - (b) the provider has granted a taught award on behalf of another provider or the OfS, under validation arrangements between the provider and the other provider or the OfS.
- (3) In this section “validation arrangements” means –
  - (a) arrangements between one English higher education provider and another English higher education provider under which the first provider –
    - (i) grants a taught award to a person who is a student at the other provider, or
    - (ii) authorises the other provider to grant a taught award on behalf of the first provider, or
  - (b) arrangements between the OfS and a registered higher education provider under which the OfS –

- (i) grants a taught award to a person who is a student at the provider, or
- (ii) authorises the provider to grant a taught award on behalf of the OfS.”

**E** **Viscount Younger of Leckie to move, That this House do not insist on its Amendment 71 and do agree with the Commons in their Amendment 71A in lieu.**

## MOTION F

### LORDS AMENDMENT 78

#### Clause 45

**78** Page 26, line 34, leave out from “appeal” to end of line 37 and insert “shall be on the grounds that the decision was wrong.”

### LORDS AMENDMENT 106

#### Clause 55

**106** Page 35, line 6, leave out from “appeal” to end of line 9 and insert “shall be on the grounds that the decision was wrong.”

### COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendments 78 and 106 and propose Amendments 78A to 78H in lieu –*

**78A** Page 26, line 33, at end insert –

“(1A) On an appeal under subsection (1)(a) against a decision to revoke an authorisation, the Tribunal –

- (a) must consider afresh the decision appealed against, and
- (b) may take into account evidence that was not available to the OfS.”

**78B** Page 26, line 34, after “appeal” insert “under subsection (1), other than an appeal against a decision to revoke an authorisation,”

**78C** Page 26, line 38, after “appeal” insert “under subsection (1)”

**78D** Page 26, line 42, at end insert –

- “(4) In the case of an appeal under subsection (1)(a) against a decision to revoke an authorisation, the Tribunal also has power to substitute for the decision any other decision that the OfS could have made.
- (5) An appeal under subsection (1)(a) against a decision to revoke an authorisation may include an appeal against the decision mentioned in subsection (1)(b) regarding the date when the revocation takes effect; and in the case of such an appeal, references in subsections (1A), (3) and (4) to the decision appealed against are to be read accordingly.”

- 78E** Page 35, line 5, at end insert –  
“(1A) On an appeal under subsection (1)(a), the Tribunal –  
(a) must consider afresh the decision appealed against, and  
(b) may take into account evidence that was not available to the OfS.”
- 78F** Page 35, line 6, after “appeal” insert “under subsection (1)(b)”
- 78G** Page 35, line 10, after “appeal” insert “under subsection (1)”
- 78H** Page 35, line 14, at end insert –  
“(4) In the case of an appeal under subsection (1)(a), the Tribunal also has power to substitute for the decision any other decision that the OfS could have made.  
(5) An appeal under subsection (1)(a) against a decision to revoke an approval may include an appeal against the decision mentioned in subsection (1)(b) regarding the date when the revocation takes effect; and in the case of such an appeal references in subsections (1A), (3) and (4) to the decision appealed against are to be read accordingly.”
- F** **Viscount Younger of Leckie to move, That this House do not insist on its Amendments 78 and 106 and do agree with the Commons in their Amendments 78A, 78B, 78C, 78D, 78E, 78F, 78G and 78H in lieu.**

## MOTION G

### LORDS AMENDMENT 156

#### After Clause 83

- 156** 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 United Kingdom, in particular with projects and programmes funded by the European Union.
  - (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 United Kingdom, 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.”

#### COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 156 and propose Amendments 156A, 156B and 156C in lieu –*

**156A** Page 37, line 20, at end insert –

“(5A) The consideration under subsection (5) of what would be helpful to those described in paragraphs (a) to (c) of that subsection must include a consideration of what would be helpful to –

- (a) international students on higher education courses provided by registered higher education providers;
- (b) people thinking about undertaking such courses who would be international students on such courses;
- (c) registered higher education providers who recruit, or are thinking about recruiting, people who would be international students on such courses.

(5B) When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), it must, in particular, consider whether information about the numbers of international students on higher education courses provided by registered higher education providers would be appropriate information.”

**156B** Page 37, line 22, leave out “subsection (5)” and insert “subsections (5) to (5B)”

**156C** Page 37, line 44, after “provider” insert “;

“international student” means a person –

- (a) who is not within any description of persons prescribed under section 1 of the Education (Fees and Awards) Act 1983 (charging of higher fees in case of students without prescribed connection with the UK) for the purposes of subsection (1) or (2) of that section, and
- (b) whose presence in the United Kingdom, and undertaking of the higher education course in question, are not in breach of primary or secondary legislation relating to immigration.”

**G** **Viscount Younger of Leckie to move, That this House do not insist on its Amendment 156 and do agree with the Commons in their Amendments 156A, 156B and 156C in lieu.**

## MOTION H

### LORDS AMENDMENT 183

#### Clause 113

**183** Page 67, line 15, 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) ”

## LORDS AMENDMENT 184

**Clause 113**

- 184** Page 67, line 17, leave out “applies”

## LORDS AMENDMENT 185

**Clause 113**

- 185** Page 67, line 17, at end insert –  
“( ) paragraph 5 (accelerated courses).”

## COMMONS REASON

*The Commons disagree to Lords Amendments 183, 184 and 185 for the following Reason –*

- 183A** *Because Lords Amendments 183, 184 and 185 are unnecessary in light of Amendments 12A and 12B.*

**H** **Viscount Younger of Leckie to move, That this House do not insist on its Amendments 183, 184 and 185, to which the Commons have disagreed for their Reason 183A.**





# Higher Education and Research Bill

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MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION  
OF COMMONS REASON AND AMENDMENTS

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*26 April 2017*

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