



# House of Commons

**Tuesday 18 October 2016**

## **PUBLIC BILL COMMITTEE PROCEEDINGS**

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### **HIGHER EDUCATION AND RESEARCH BILL**

*[THIRTEENTH AND FOURTEENTH SITTINGS]*

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#### **GLOSSARY**

*This document shows the fate of each clause, schedule, amendment and new clause.*

*The following terms are used:*

*Agreed to:* agreed without a vote.

*Agreed to on division:* agreed following a vote.

*Negated:* rejected without a vote.

*Negated on division:* rejected following a vote.

*Not called:* debated in a group of amendments, but not put to a decision.

*Not moved:* not debated or put to a decision.

*Withdrawn after debate:* moved and debated but then withdrawn, so not put to a decision.

*Not selected:* not chosen for debate by the Chair.

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Joseph Johnson

Clause **83**, page **51**, line **23**, after “Innovation” insert “or, in Welsh, Ymchwil ac Arloesedd y Deyrnas Unedig,” *Agreed to* **246**

*Clause, as amended, agreed to.*

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Gordon Marsden  
Angela Rayner

Schedule **9**, page **92**, line **11**, after “members” insert— *Withdrawn after debate* **330**  
“(e) at least one member of the OfS Board with at least observer status”

**Higher Education and Research Bill, *continued***

Dr Roberta Blackman-Woods  
Paul Blomfield

*Withdrawn after debate    304*  
Schedule 9, page 92, line 16, after “chair” insert “and the House of Commons  
Select Committees”

Carol Monaghan  
Roger Mullin

*Withdrawn after debate    186*  
Schedule 9, page 92, line 18, after “experience” insert “in the higher education  
sector in England, Scotland, Wales and Northern Ireland”

Joseph Johnson

*Agreed to    247*  
Schedule 9, page 92, line 21, leave out “and new ideas” and insert “, new ideas and  
advancements in humanities”

Joseph Johnson

*Agreed to    248*  
Schedule 9, page 92, line 37, leave out “A Council may include” and insert “A  
majority of the ordinary Council members of a Council must be”

Carol Monaghan  
Roger Mullin

*Not called    187*  
Schedule 9, page 92, line 38, at end insert—  
“(6) UKRI 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.”

Joseph Johnson

*Agreed to    249*  
Schedule 9, page 93, line 34, leave out “The Secretary of State” and insert “UKRI”

Joseph Johnson

*Agreed to    250*  
Schedule 9, page 93, line 35, leave out “, allowances and expenses”

Joseph Johnson

*Agreed to    251*  
Schedule 9, page 93, line 37, leave out “The Secretary of State” and insert “UKRI”

Joseph Johnson

*Agreed to    252*  
Schedule 9, page 93, line 43, leave out “the Secretary of State” and insert “UKRI”

Joseph Johnson

*Agreed to    253*  
Schedule 9, page 94, line 8, leave out “, allowances and expenses”

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**Higher Education and Research Bill, *continued***

Joseph Johnson

*Agreed to* 254

Schedule 9, page 94, line 9, at end insert—

“( ) UKRI must pay, or make provision for paying, to or in respect of a person who is an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of allowances or expenses.”

Joseph Johnson

*Agreed to* 255

Schedule 9, page 94, line 9, at end insert—

“( ) UKRI may pay, or make provision for paying—

- (a) to or in respect of a person who is or has been an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of pensions or gratuities, and
- (b) to or in respect of a person who has been an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of allowances or expenses.”

Gordon Marsden  
Angela Rayner*Withdrawn after debate* 331

Schedule 9, page 95, line 26, leave out “any” and insert “some”

Gordon Marsden  
Angela Rayner*Withdrawn after debate* 332

Schedule 9, page 97, line 1, leave out “except with the consent of the Secretary of State”

*Schedule, as amended, agreed to.*Gordon Marsden  
Angela Rayner*Withdrawn after debate* 314

Clause 84, page 51, line 39, after “Secretary of State” insert “following consultation”

*Clause agreed to.*Gordon Marsden  
Angela Rayner*Not called* 315

Clause 85, page 52, line 8, after “out” insert “basic, applied and strategic”

**Higher Education and Research Bill, *continued***

Gordon Marsden  
Angela Rayner

*Not called* **317**

Clause **85**, page **52**, line **8**, after “humanities” insert “social sciences, arts”

Gordon Marsden  
Angela Rayner

*Not called* **316**

Clause **85**, page **52**, line **9**, after “support” insert “basic, applied and strategic”

Gordon Marsden  
Angela Rayner

*Not called* **318**

Clause **85**, page **52**, line **10**, after “humanities” insert “social sciences, arts”

Gordon Marsden  
Angela Rayner

*Not called* **319**

Clause **85**, page **52**, line **12**, after “technology” insert “humanities, social sciences, arts”

Dr Roberta Blackman-Woods  
Paul Blomfield

*Not called* **336**

Clause **85**, page **52**, line **12**, after “technology” insert “arts, social sciences and humanities,”

Joseph Johnson

*Agreed to* **256**

Clause **85**, page **52**, line **12**, leave out “and new ideas” and insert “, new ideas and advancements in humanities”

Gordon Marsden  
Angela Rayner

*Not called* **320**

Clause **85**, page **52**, line **14**, after “humanities” insert “social sciences, arts”

Gordon Marsden  
Angela Rayner

*Not called* **321**

Clause **85**, page **52**, line **16**, after “humanities” insert “social sciences, arts”

Paul Blomfield

*Withdrawn after debate* **289**

Clause **85**, page **52**, line **18**, at end insert—  
“(h) provide postgraduate training and skills development, working together with the OfS.”

Carol Monaghan  
Roger Mullin

*Withdrawn after debate* **180**

Clause **85**, page **52**, line **21**, at end insert “but must be exercised in such a way as to be for the benefit of England, Scotland, Wales and Northern Ireland.”

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**Higher Education and Research Bill, continued**

Dr Roberta Blackman-Woods  
Paul Blomfield

*Withdrawn after debate* **310**

Clause **85**, page **52**, line **21**, at end insert—

“(2A) The functions conferred by paragraphs (a) – (e) of subsection (1) may be carried out in partnership with other funding bodies”

*Clause, as amended, agreed to.*

*Clause 86 agreed to.*

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Joseph Johnson

*Agreed to* **257**

Clause **87**, page **53**, line **11**, leave out “Economic and other”

Joseph Johnson

*Agreed to* **258**

Clause **87**, page **53**, line **15**, at end of entry in second column insert “aimed at improving human health”

Joseph Johnson

*Agreed to* **259**

Clause **87**, page **53**, line **16**, leave out “Earth sciences and ecology” and insert “Environmental and related sciences”

Joseph Johnson

*Agreed to* **260**

Clause **87**, page **53**, line **18**, after “physics” insert “, space science, nuclear physics”

Gordon Marsden  
Angela Rayner

*Not called* **322**

Clause **87**, page **53**, line **34**, after “life” insert “and social and cultural wellbeing”

Gordon Marsden  
Angela Rayner

*Not called* **323**

Clause **87**, page **53**, line **36**, after “State” insert “following consultation”

*Clause, as amended, agreed to.*

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**Higher Education and Research Bill, continued**

Carol Monaghan  
Roger Mullin

*Not called* 181

Clause 88, page 54, line 4, at end insert “having regard to the economic policies of the UK Government, the Scottish Government the Welsh Government and the Northern Ireland Executive”

Gordon Marsden  
Angela Rayner

*Withdrawn after debate* 324

Clause 88, page 54, line 8, after “relate” insert “to maintain its focus on assisting businesses and”

*Clause agreed to.*

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Gordon Marsden  
Angela Rayner

*Withdrawn after debate* 325

Clause 89, page 54, line 13, at end insert—

“(1) 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.”

Gordon Marsden  
Angela Rayner

*Not called* 326

Clause 89, page 54, line 33, after “appropriate” insert “including relevant bodies in the devolved administrations”

*Clause agreed to.*

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Joseph Johnson

*Agreed to* 261

Clause 90, page 54, line 39, at end insert—

“( ) Arrangements under subsection (1) may result in a function of UKRI being exercisable by more than one Council.”

Joseph Johnson

*Agreed to* 262

Clause 90, page 54, line 42, leave out “in other ways”

*Clause, as amended, agreed to.*

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**Higher Education and Research Bill, *continued***

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Gordon Marsden  
Angela Rayner

*Withdrawn after debate* **327**

- Clause 91, page 55, line 8, after “approval” insert—  
 “(c) consult with a Committee of Executive Chairs of Councils in the development of UKRI’s strategy.”

Carol Monaghan  
Roger Mullin

*Not called* **182**

- Clause 91, page 55, line 16, at end insert—  
 “(4A) Before exercising his powers under subsection (4), the Secretary of State must 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.”

*Clause agreed to.*

*Clause 92 agreed to.*

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Joseph Johnson

*Agreed to* **263**

- Clause 93, page 56, line 6, at end insert—  
 “( ) Where a grant is made in respect of functions exercisable by Research England pursuant to arrangements under section 89, terms and conditions under subsection (1) may be imposed only if—  
 (a) they are requirements to be met before financial support of a specified amount or of a specified description is given by Research England in respect of activities carried on by an institution, and  
 (b) they apply to every institution, or every institution within a specified description, in respect of whose activities that support may be provided.”

Carol Monaghan  
Roger Mullin

*Not called* **284**

- Clause 93, page 56, line 6, at end insert—  
 “(1A) In making grants to UKRI under subsection (1), the Secretary of State must specify the separate allocation of funding to be made by UKRI to—  
 (a) functions exercisable by the Councils mentioned in section 87(1) pursuant to arrangements under that section,  
 (b) functions exercisable by Innovate UK pursuant to arrangements under section 88, and  
 (c) functions exercisable by Research England pursuant to arrangements under section 89.  
 (1B) No variation may be made to the allocation of funding specified by the Secretary of State in subsection (1A) unless the House of Commons has passed a resolution approving any such variation and the variation has the consent of the Northern Ireland Executive, the Scottish Government and the Welsh Government.”

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Higher Education and Research Bill, *continued*

Joseph Johnson

*Agreed to* 264

Clause 93, page 56, line 22, at end insert—

“( ) In this section “specified” means specified in the terms and conditions.”

*Clause, as amended, agreed to.*


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Carol Monaghan  
Roger Mullin
*Not called* 184

Clause 94, page 56, line 24, at beginning insert “Subject to subsections (4A) and (4B),”

Gordon Marsden  
Angela Rayner*Withdrawn after debate* 328

Clause 94, page 56, line 24, leave out “directions” and insert “recommendations”

Joseph Johnson

*Agreed to* 265

Clause 94, page 56, line 25, at end insert—

“( ) The Secretary of State may give a direction under this section in respect of functions exercisable by Research England pursuant to arrangements under section 89, only if —

- (a) it relates to requirements to be met before financial support of a specified amount or of a specified description is given by Research England in respect of activities carried on by an institution, and
- (b) it relates to every institution, or every institution within a specified description, in respect of whose activities that support may be provided.”

Carol Monaghan  
Roger Mullin*Withdrawn after debate* 285

Clause 94, page 56, line 25, at end insert—

“(1A) Within six months of this Act coming into force, the Secretary of State shall give a direction to UKRI to commission an independent evaluation of the matters under subsection (1B) and shall lay the report of the evaluation before the House of Commons.

(1B) The evaluation under subsection (1A) shall consider—

- (a) the effect of the absence of post study work visas for persons graduating from higher education institutions in the United Kingdom to be granted leave to remain in the UK on completion of their studies to work for up to two years for an employer on—
  - (i) the economy, efficiency and effectiveness of the higher education sector, and
  - (ii) the UK economy, and



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**Higher Education and Research Bill, *continued***

- (b) how post study work visa arrangements, applying either broadly or to classes of students, disciplines and institutions, could operate in the UK and their effect of each on—
  - (i) the economy, efficiency and effectiveness of the higher education sector, and
  - (ii) the UK economy.”

Joseph Johnson

*Agreed to* 266

Clause 94, page 56, line 26, leave out “But”

Joseph Johnson

*Agreed to* 267

Clause 94, page 56, line 34, at end insert—

“( ) In this section “specified” means specified in the direction.”

Carol Monaghan

Roger Mullin

*Not called* 183

Clause 94, page 56, line 34, at end insert—

“(4A) In giving direction to UKRI, the Secretary of State must act in the best interests of all constituent parts of the United Kingdom and, before giving such direction, must consult—

- (a) the Scottish Government,
- (b) the Welsh Government, and
- (c) the Northern Ireland Executive

on research and innovation policies and their priorities.

(4B) Before giving any direction to UKRI under subsection (1), the Secretary of State must seek agreement to the terms of that direction from—

- (a) the Scottish Government,
- (b) the Welsh Government, and
- (c) the Northern Ireland Administration.”

*Clause, as amended, agreed to.*

Gordon Marsden

Angela Rayner

*Withdrawn after debate* 329

Clause 95, page 57, line 4, leave out “reasonable”

*Clause agreed to.*

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**Higher Education and Research Bill, *continued***

Carol Monaghan  
Roger Mullin

*Not called*    **185**

Clause 96, page 57, line 14, at end insert—

- “(3) In exercising functions under this Part, the Secretary of State must act in the best interests of England, Scotland, Wales and Northern Ireland, having consulted—
- (a) the Scottish Government,
  - (b) the Welsh Government, and
  - (c) the Northern Ireland Executive
- before exercising these functions.”

*Clause agreed to.*

*Clause 97 agreed to.*

*Clause 98 agreed to.*

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Joseph Johnson

*Agreed to*    **268**

Clause 99, page 58, line 5, leave out “in relation to” and insert “into”

*Clause, as amended, agreed to.*

*Clause 100 agreed to.*

*Clause 101 agreed to.*

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Joseph Johnson

*Agreed to*    **269**

Clause 102, page 59, line 4, leave out “social science” and insert “social sciences”

*Clause, as amended, agreed to.*

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Gordon Marsden  
Angela Rayner

*Not called*    **334**

Clause 103, page 59, line 11, leave out “may” and insert “must”

Gordon Marsden  
Angela Rayner

*Not called*    **333**

Clause 103, page 59, line 12, after “functions” insert—

- “(1A) The OfS and UKRI must cooperate with one another on—
- (a) the health of disciplines,

**Higher Education and Research Bill, continued**

- (b) awarding of research degrees,
- (c) post-graduate training,
- (d) shared facilities,
- (e) knowledge exchange and
- (f) skills development”

Gordon Marsden  
Angela Rayner

*Not called* 335

Clause 103, page 59, line 13, leave out subsection (2)

*Clause agreed to.*

Joseph Johnson

*Agreed to* 270

Schedule 10, page 98, line 13, after “means” insert “the Secretary of State or”

Joseph Johnson

*Agreed to* 271

Schedule 10, page 99, line 14, leave out from “provide” to end of line 15 and insert—

- “(a) for the scheme to be modified by agreement after it comes into effect, and
- (b) for any such modifications to have effect from the date when the original scheme comes into effect.”

*Schedule, as amended, agreed to.*

*Clause 105 agreed to.*

*Clause 106 agreed to.*

*Clause 107 agreed to.*

*Clause 108 agreed to.*

*Clause 109 agreed to.*

*Clause 110 agreed to.*

Joseph Johnson

*Agreed to* 111

Schedule 11, page 102, line 30, at end insert—

“21A(1) Section 82 (joint exercise of functions) is amended as follows.

- (2) Omit subsections (1) to (1B).
- (3) In subsection (2), for “Great Britain” substitute “Wales and Scotland”.
- (4) In subsection (2A), after “Scottish” insert “Further and”.

**Higher Education and Research Bill, continued**

(5) In subsection (3)(a)—

- (a) for “a higher education funding council” substitute “the HEFCW”,
- (b) for “the National Assembly of Wales” substitute “the Welsh Ministers”,
- (c) for “it is discharging its” substitute “they are discharging their”, and
- (d) after “Scottish” insert “Further and”.

*Schedule, as amended, agreed to.*

Joseph Johnson

*Agreed to 272*

Schedule 12, page 109, line 24, at end insert—

“20A The Government of Wales Act 2006 is amended as follows.

20B (1) Schedule 3A (functions exercisable concurrently or jointly with the Welsh Ministers) (which is inserted by the Wales Act 2016) is amended as follows.

- (2) In the Table in paragraph 1(2), in the entry relating to the Science and Technology Act 1965, in the column headed “Functions”, after “relating to” insert “United Kingdom Research and Innovation and”.

Joseph Johnson

*Agreed to 273*

Schedule 12, page 109, line 28, at end insert—

“21A(1) In Part 2 of Schedule 7A (specific reservations) (which is inserted by the Wales Act 2016), Section C11 (Research Councils) is amended as follows.

- (2) In the heading, at the beginning insert “United Kingdom Research and Innovation and”.

(3) In paragraph 85—

- (a) at the beginning insert “United Kingdom Research and Innovation (“UKRI”), and”, and
- (b) after “relating to” insert “UKRI and”.

(4) In paragraph 86—

- (a) omit “Arts and Humanities Research Council within the meaning of Part 1 of the Higher Education Act 2004, and the”,
- (b) for “that Act” substitute “the Higher Education Act 2004”, and
- (c) for “that Council” substitute “UKRI”.

Joseph Johnson

*Agreed to 274*

Schedule 12, page 109, line 37, at beginning insert “In the English language text,”

Joseph Johnson

*Agreed to 275*

Schedule 12, page 110, line 4, at end insert—

“( ) In the Welsh language text, omit the entries relating to—

- (a) Cyngor Cyfleusterau Gwyddoniaeth a Thechnoleg,
- (b) Cyngor Ymchwil Biotechnoleg a Gwyddorau Biolegol,
- (c) Y Cyngor Ymchwil Economaidd a Chymdeithasol,

**Higher Education and Research Bill, continued**

- (d) Y Cyngor Ymchwil Meddygol,
- (e) Cyngor Ymchwil Peirianeg a Gwyddorau Ffisegol,
- (f) Cyngor Ymchwil yr Amgylchedd Naturiol, and
- (g) Y Cyngor Ymchwil i'r Celfyddydau a'r Dyniaethau."

Joseph Johnson

*Agreed to* **276**Schedule **12**, page **110**, line **5**, at beginning insert "In the English language text,"

Joseph Johnson

*Agreed to* **277**Schedule **12**, page **110**, line **7**, in column 1 after "Innovation" insert "(*"Ymchwil ac Arloesedd y Deyrnas Unedig"*)"

Joseph Johnson

*Agreed to* **278**Schedule **12**, page **110**, line **10**, at end insert—

“( ) In the Welsh language text, insert at the appropriate place under the heading “cyffredinol”—

“Ymchwil ac Arloesedd y  
Deyrnas Unedig (*"United  
Kingdom Research and  
Innovation"*)

Safonau cyflenwi gwasanaethau

Safonau llunio polisi

Safonau gweithredu

Safonau cadw cofnodion””

Joseph Johnson

*Agreed to* **279**Schedule **12**, page **110**, line **12**, leave out from “Crown)” to end of line 14 and insert “, in paragraph (a), for “the Natural Environment Research Council” substitute “United Kingdom Research and Innovation””

Joseph Johnson

*Agreed to* **280**Schedule **12**, page **110**, line **14**, at end insert—

“(2) Subsections (2) and (3) of section 34 of the Antarctic Act 1994 (power to extend to the Channel Islands, Isle of Man and British overseas territories) apply in relation to section 10 of the Antarctic Act 2013 as amended by sub-paragraph (1).”

Joseph Johnson

*Agreed to* **312**Schedule **12**, page **110**, line **18**, leave out sub-paragraph (2)*Schedule, as amended, agreed to.*

**Higher Education and Research Bill, *continued***

Joseph Johnson

*Agreed to*    **112**

Clause 111, page 61, line 23, at end insert—  
“() section 25 (rating the quality of, and standards applied to, higher education);”

Joseph Johnson

*Agreed to*    **113**

Clause 111, page 61, line 25, at end insert—  
“() section 75 (meaning of “English higher education provider” etc);”

Joseph Johnson

*Agreed to*    **281**

Clause 111, page 61, line 37, at end insert—  
“() Subsection (3) does not apply to the amendments and repeals made by paragraph 13 of Schedule 12 to section 41 of the Patents Act 1977 which have the same extent as that section.”

*Clause, as amended, agreed to.*

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Joseph Johnson

*Agreed to*    **114**

Clause 112, page 61, line 39, after “103” insert “and section (*Joint working*)”

Joseph Johnson

*Agreed to*    **115**

Clause 112, page 61, line 39, after “103” insert “and section (*Advice to Northern Ireland departments*)”

Joseph Johnson

*Agreed to*    **313**

Clause 112, page 61, line 39, after “103” insert “and section (*Pre-commencement consultation*)”

Joseph Johnson

*Agreed to*    **282**

Clause 112, page 61, line 40, at end insert—  
“(1A) Sections 78, 79 and 80 come into force, so far as relating to a matter specified in an entry in column 1 of the following table, on such day as the person specified in the corresponding entry in column 2 of the table may by regulations made by statutory instrument appoint, after consulting the person (if any) specified in the corresponding entry in column 3 of the table.

**Higher Education and Research Bill, continued**

TABLE

<i>1. Matters:</i>	<i>2. Commencement by:</i>	<i>3. After consulting:</i>
Powers exercisable by the Welsh Ministers	The Welsh Ministers	
Powers exercisable by the Secretary of State concurrently with the Welsh Ministers	The Secretary of State	The Welsh Ministers
Powers exercisable by the Secretary of State in relation to Wales	The Secretary of State	The Welsh Ministers
Other matters	The Secretary of State.”	

Joseph Johnson

*Agreed to* 283

Clause 112, page 61, line 40, at end insert—

“(1A) Section (*Amendments to powers to support research*) comes into force at the end of the period of two months beginning with the day on which this Act is passed.”

Joseph Johnson

*Agreed to* 118

Clause 112, page 62, line 3, leave out subsection (3)

*Clause, as amended, agreed to.*


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*Clause 113 agreed to.*
**NEW CLAUSES**

Joseph Johnson

*Added* NC2

To move the following Clause—

**“Retention of fee related income**

- (1) The OfS must pay its fee income to the Secretary of State except to the extent that the Secretary of State, with the consent of the Treasury, directs otherwise.
- (2) “Fee income” means the sums received by the OfS by way of—
  - (a) fees charged under section 63 (registration fees) or 64 (other fees), or
  - (b) costs recovered by virtue of regulations made under section 63(2)(f) or 64(2)(g).
- (3) The OfS must pay its other fee related income to the Secretary of State.

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**Higher Education and Research Bill, *continued***

- (4) “Other fee related income” means the sums received by the OfS by way of—
- (a) penalties imposed by virtue of regulations made under section 63(2)(g) or 64(2)(h), or
  - (b) interest charged by virtue of regulations made under section 63(2)(i) or 64(2)(j).”
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Joseph Johnson

*Added*    **NC3**

To move the following Clause—

**“Joint working**

- (1) A relevant authority may exercise any of its functions jointly with another relevant authority if the condition in subsection (2) is met.
  - (2) The condition is that it appears to the relevant authorities concerned that exercising the function jointly—
    - (a) will be more efficient, or
    - (b) will enable them more effectively to exercise any of their functions.
  - (3) In this section “relevant authority” means—
    - (a) the OfS,
    - (b) UKRI, but only in relation to functions exercisable by Research England pursuant to arrangements made under section 89,
    - (c) the Higher Education Funding Council for Wales,
    - (d) the Scottish Further and Higher Education Funding Council,
    - (e) the Secretary of State to the extent that the Secretary of State is exercising functions under section 14 of the Education Act 2002 (power to give financial assistance for purposes related to education or children etc),
    - (f) the Welsh Ministers to the extent that they are exercising their functions under Part 2 of the Learning and Skills Act 2000 (further and sixth form education in Wales), or
    - (g) the Department for the Economy in Northern Ireland, or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, in relation to funding higher education, or research, in Northern Ireland but only to the extent that the Department is exercising functions in connection with such funding.
  - (4) For the purposes of subsection (3)(g) “higher education” has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”
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**Higher Education and Research Bill, *continued***

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Joseph Johnson

*Added* NC7

To move the following Clause—

**“Amendments to powers to support research**

- (1) In section 5 of the Science and Technology Act 1965 (further powers of Secretary of State), after subsection (1) insert—
  - “(1ZA) The power to give financial support under subsection (1)(a) includes, in particular, power to make a grant, loan or other payment, on such terms and conditions as the relevant authority considers appropriate.
  - (1ZB) The terms and conditions may, in particular—
    - (a) enable the relevant authority to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with,
    - (b) require the payment of interest in respect of any period during which a sum due to the relevant authority in accordance with any of the terms and conditions remains unpaid, and
    - (c) require a person to whom financial support is given to provide the relevant authority with any information it requests for the purpose of the exercise of any of its functions.
  - (1ZC) In subsections (1ZA) and (1ZB), “the relevant authority” means—
    - (a) in the case of the power of the Secretary of State to give financial support under subsection (1)(a), the Secretary of State;
    - (b) in the case of the power of the Welsh Ministers to give financial support under subsection (1)(a), the Welsh Ministers;
    - (c) in the case of the power of the Scottish Ministers to give financial support under subsection (1)(a), the Scottish Ministers.”
- (2) In section 10 of the Higher Education Act 2004 (research in arts and humanities), after subsection (4) insert—
  - “(5) The powers under this section to give financial support include, in particular, power to make a grant, loan or other payment, on such terms and conditions as the relevant authority considers appropriate.
  - (6) The terms and conditions may, in particular—
    - (a) enable the relevant authority to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with,
    - (b) require the payment of interest in respect of any period during which a sum due to the relevant authority in accordance with any of the terms and conditions remains unpaid, and
    - (c) require a person to whom financial support is given to provide the relevant authority with any information it requests for the purpose of the exercise of any of its functions.
  - (7) In subsections (5) and (6), “the relevant authority” means—
    - (a) in the case of the power under subsection (1)(a), the Secretary of State;
    - (b) in the case of the power under subsection (2)(a), the Welsh Ministers;
    - (c) in the case of the power under subsection (3)(a), the Scottish Ministers;

**Higher Education and Research Bill, *continued***

- (d) in the case of the power under subsection (4)(a), the Northern Ireland Department having responsibility for higher education.””
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Joseph Johnson

*Added* NC16

To move the following Clause—

**“Pre-commencement consultation**

- (1) Subsections (2) and (3) apply in relation to a provision of this Act under or by virtue of which the OfS has a function of consulting another person.
  - (2) At any time before the provision comes into force (and whether before or after the passing of this Act), the Secretary of State, the DFA or HEFCE or any of them acting jointly—
    - (a) may carry out any consultation that the OfS would have power or a duty to carry out after the provision comes into force, and
    - (b) for that purpose, may prepare drafts of any documents to which the consultation relates.
  - (3) At any time after the provision comes into force, the OfS may elect to treat any consultation carried out or other thing done under subsection (2) by the Secretary of State, the DFA or HEFCE (or any of them acting jointly) as carried out or done by the OfS.
  - (4) Subsections (5) and (6) apply in relation to a provision of this Act under or by virtue of which UKRI has a function of consulting another person.
  - (5) At any time before the provision comes into force (and whether before or after the passing of this Act), the Secretary of State or HEFCE or the Secretary of State and HEFCE acting jointly—
    - (a) may carry out any consultation that UKRI would have power or a duty to carry out after the provision comes into force, and
    - (b) for that purpose, may prepare drafts of any documents to which the consultation relates.
  - (6) At any time after the provision comes into force, UKRI may elect to treat any consultation carried out or other thing done under subsection (5) by the Secretary of State or HEFCE (or the Secretary of State and HEFCE acting jointly) as carried out or done by UKRI.
  - (7) In this section—
 

“the DFA” means the Director of Fair Access to Higher Education;

“HEFCE” means the Higher Education Funding Council for England.”
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Joseph Johnson

*Added* NC17

To move the following Clause—

**“Advice to Northern Ireland departments**

- (1) The OfS and UKRI may provide such advisory services as the Department for the Economy in Northern Ireland or the Department of Agriculture, Environment and

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**Higher Education and Research Bill, *continued***

Rural Affairs in Northern Ireland may require in connection with the discharge of the Department's functions relating to higher education in Northern Ireland.

- (2) The services may be provided on such terms as may be agreed.
- (3) For the purposes of this section "higher education" has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15))."

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Wes Streeting

*Not called* NC1

To move the following Clause—

**"Consultation**

- (1) In exercising its functions the governing body of a registered higher education provider must have regard to any guidance given from time to time by the OfS about consultation with—
  - (a) persons who are enrolled on a course at the institution,
  - (b) persons who are likely to enrol on a course at the institution, or
  - (c) employees of the institution,in connection with the taking of any decisions affecting them.
- (2) The governing body consults in accordance with sub-section (1) if it consults a number of persons within a prescribed group that, taken together, appear to the governing body to represent, or promote the interests of, a broad and diverse range of persons within that group.
- (3) Any guidance under this section about consultation with persons falling within paragraphs (1)(a) or (1)(b) must provide for the views of such a person to be considered in light of his or her age and understanding.
- (4) For the purposes of subsection (1), "course" includes any graduate or postgraduate course."

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Dr Roberta Blackman-Woods

*Negated on division* NC5

To move the following Clause—

**"De-registration: notification of students**

- (1) The governing body of a higher education provider must inform all students enrolled on a course if it—
  - (a) is notified by the OfS of its intention to suspend the provider's registration under section 17(1),
  - (b) is notified by the OfS of its intention to remove it from the register under section 19(1),
  - (c) is notified by the OfS that it will refuse to approve a new access and participation plan under section 21(2), or
  - (d) has applied to be removed from the register under section 22(1),

**Higher Education and Research Bill, *continued***

- (2) The governing body of an institution must notify students under subsection (1) by the date on which—
- (a) the suspension takes effect,
  - (b) the de-registration takes effect, whether enforced or voluntary, or
  - (c) the expiry date of any existing access and participation plan that will not be renewed and the period of time for which approval of a new plan will be refused,
- whichever is applicable.”

Gordon Marsden  
Angela Rayner

*Negated on division* NC6

To move the following Clause—

**“Committee on Degree Awarding Powers and University Title**

- (1) The OfS must establish a committee called the “Committee on Degree Awarding Powers and University Title”.
- (2) The function of the Committee is to provide advice to the OfS on—
  - (a) the general exercise of its functions under sections 40, 42, 43 and 53 of this Act, and section 77 of the Further and Higher Education Act 1992;
  - (b) particular uses of its powers under section 40(1) of this Act; and
  - (c) particular uses of its powers under section 77 of the Further and Higher Education Act 1992.
- (3) The OfS must seek the advice of the Committee before—
  - (a) authorising a registered higher education provider or qualifying further education provider to grant taught awards, research awards or foundation degrees under section 40(1) of this Act;
  - (b) varying any authorisation made under section 40(1) of this Act so as to authorise a registered higher education provider or qualifying further education provider to grant a category of award or degree that, prior to the variation of the authorisation, it was not authorised to grant; and
  - (c) providing consent under section 77 of the Further and Higher Education Act 1992 for an education institution or body corporate to change its names so as to include the word “university” in the name of the institution or body corporate.
- (4) The OfS must also seek the advice of UKRI before authorising a registered higher education provider or qualifying further education provider to grant research awards under section 40(1) of this Act.
- (5) The OfS does not need to seek the advice of the Committee before—
  - (a) revoking an authorisation to grant taught awards, research awards or foundation degrees; or
  - (b) varying any authorisation to grant taught awards, research awards, or foundation degrees so as to revoke the authorisation of a registered higher education provider or qualifying further education provider to grant a category of award that, prior to the variation of the authorisation, it was authorised to grant.
- (6) Subsection (4) applies whether the authorisation being revoked or varied was given—
  - (a) by an order made under section 40(1) of this Act;

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**Higher Education and Research Bill, *continued***

- (b) by or under any Act of Parliament, other than under section 40(1) of this Act; or
  - (c) by Royal Charter.
  - (7) In providing its advice to the OfS, the Committee must in particular consider the need for students, employers and the public to have confidence in the higher education system and the awards which are granted by it.
  - (8) The OfS must have regard to the advice given to it by the Committee on both the general exercise of its functions referred to in subsection 2 and any particular uses of its powers referred to in subsection 3.
  - (9) The majority of the members of the Committee must be individuals who appear to the OfS to have experience of providing higher education on behalf of an English higher education provider or being responsible for the provision of higher education by such a provider.
  - (10) In appointing members of the Committee who meet these criteria, the OfS must have regard to the desirability of their being currently engaged at the time of their appointment in the provision of higher education or in being responsible for such provision.
  - (11) The majority of the members of the Committee must be individuals who are not members of the OfS.
  - (12) Schedule 1 applies to the Committee on Degree Awarding Powers and University Title as it applies to committees established under paragraph 8 of that Schedule.”
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Angela Rayner  
Gordon Marsden

*Negatived on division* NC8

To move the following Clause—

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

The Education (Student Support) (Amendment) Regulations 2015 (Statutory Instrument no. 1951/ 2015) are revoked.”

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Paul Blomfield

*Not called* NC9

To move the following Clause—

**“Automatic review of authorisation**

- (1) The OfS must review an authorisation given by a previous order under section 40(1) if—
  - (a) the ownership of the registered provider is transferred to another legal person; or
  - (b) the owner of the registered provider has had restrictions placed on its degree-awarding powers in another jurisdiction, or
  - (c) for any other reason it would be in the student or public interest to do so.

**Higher Education and Research Bill, *continued***

- (2) In this section “review” means consider whether to vary or revoke authorisation within the meaning of section 42.”
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Paul Blomfield  
Wes Streeting

*Not called* NC10

To move the following Clause—

**“Impact of changes to financial support for students on access and participation**

- (1) The OfS must, within six months of the day on which this Act is passed, report to the Secretary of State an assessment of the impact of changes to student financial support arrangements made within the previous twenty-four months on access and participation, and make recommendations.
  - (2) The OfS may, in making the assessment of such changes as specified in section (1), make recommendations to the Secretary of State about further necessary changes to student support to enhance or mitigate the impact of that change on access and participation.
  - (3) The OfS must, within twelve months of any change to student financial support arrangements coming into force and after two twelve month periods thereafter, report to the Secretary of State an assessment of the impact of the change on access and participation and make recommendations.
  - (4) The OfS may, in making the assessment of such changes as specified in section (3), make recommendations to the Secretary of State about further necessary changes to student support to enhance or mitigate the impact of that change on access and participation.
  - (5) The Secretary of State must lay the reports specified in subsections (1) and (3) before both Houses of Parliament.”
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Paul Blomfield

*Not called* NC11

To move the following Clause—

**“Access to support for modular study**

The Secretary of State must, within six months of the day on which this Act is passed, set out arrangements in regulations made under sections 22 and 42 of the Teaching and Higher Education Act 1998, as amended, to provide support for students studying for institutional credits, as distinct from working towards a full qualification.”

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**Higher Education and Research Bill, continued**

Paul Blomfield

*Negatived on division* **NC12**

To move the following Clause—

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

- (1) The Secretary of State must, within six months of the day on which this Act is passed, set out in regulations to apply across the UK the availability of financial support for higher education courses to students with certain immigration statuses.
  - (2) The regulations specified in subsection (1) must at a minimum
    - (a) make provision for all those 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) make provision for those who have claimed asylum and been granted a form of leave to remain in the UK to be eligible—
      - (i) for 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) for student loans for a higher education course, if they have been ordinarily resident in the United Kingdom and Islands since being granted leave and 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 not considered as “qualifying persons” under regulations made under the Higher Education Act 2004.
  - (4) In this section “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.”
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Wes Streeting  
Paul Blomfield*Not called* **NC13**

To move the following Clause—

**“Student support: restricted modification of repayment terms**

- (1) Section 22 of the Teaching and Higher Education Act 1998 (power to give financial support to students) is amended in accordance with subsections (2) to (4).
- (2) In subsection (2)(g) at the beginning insert “Subject to subsections (3)(A) and (3)(B),”.
- (3) In subsection (2)(g) leave out from “section” to the end of subsection (2)(g).

**Higher Education and Research Bill, *continued***

- (4) After subsection (3) insert—
- “(3A) Other than in accordance with subsection (3B), no provision may be made under subsection (2)(g) relating to the repayment of a loan that has been made available under this section once the parties to that loan (including the borrower) have agreed the terms and conditions of repayment, including during—
- (a) the period of enrolment on a course specified under subsection (1)(a) or (1)(b), and
  - (b) the period of repayment.
- (3B) Any modification to any requirement or other provision relating to the repayment of a loan made available under this section and during the periods specified in subsection (3A) shall only be made if approved by an independent panel.
- (3C) The independent panel shall approve modifications under subsection (3B) if such modifications meet conditions to be determined by the panel.
- (3D) The approval conditions under subsection (3C) must include that—
- (a) the modification is subject to consultation with representatives of the borrowers,
  - (b) the majority of the representative group consider the modification to be favourable to the majority of students and graduates who have entered loans, and
  - (c) there is evidence that those on low incomes will be protected.
- (3E) The independent panel shall consist of three people appointed by the Secretary of State, who (between them) must have experience of—
- (a) consumer protection,
  - (b) loan modification and mediation,
  - (c) the higher education sector, and
  - (d) student finance.”
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Wes Streeting  
Paul Blomfield

*Not called* **NC14**

To move the following Clause—

**“Student loans: regulation**

- (1) Any loan granted under section 22(1) of the Teaching and Higher Education Act 1998, (“student loans”) 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.”
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**Higher Education and Research Bill, *continued***

Gordon Marsden  
Angela Rayner

*Not called* NC15

To move the following Clause—

**“Higher Education loans: restrictions on modification of repayment conditions**

- (1) A loan made by the Secretary of State to eligible students in connection with their undertaking a higher education course or further education course under the Teaching and Higher Education Act 1998 shall—
  - (a) not be subject to changes in repayment conditions retroactively without agreement from both Houses of Parliament;
  - (b) not be subject to changes in repayment conditions in the event of the loan being sold to private concerns, unless these changes are made to all loans, in the manner prescribed above;
  - (c) be subject to beneficial changes, principally to the repayment threshold, in line with average earnings.
- (2) In section 8 of the Sale of Student Loans Act 2008, for subsection (1) substitute—

“(1) Loans made in accordance with regulations under section 22 of the Teaching and Higher Education Act 1998 (c. 30) are to be regulated by the Consumer Credit Act 1974 (c. 39).”

*Bill, as amended, to be reported.*

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