

LORDS AMENDMENTS TO THE  
HIGHER EDUCATION AND RESEARCH BILL

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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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**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.”

**Clause 2**

**2** Page 1, line 9, at end insert—

“(za) the need to protect the institutional autonomy of English higher education providers,”

**3** Page 1, line 15, at end insert “while also having regard to the benefits for students and employers resulting from collaboration between such providers,”

- 4 Page 2, line 6, at end insert –
- “( ) The reference in subsection (1)(a) to choice in the provision of higher education by English higher education providers includes choice amongst a diverse range of –
- (a) types of provider,
  - (b) higher education courses, and
  - (c) means by which they are provided (for example, full-time or part-time study, distance learning or accelerated courses).”

- 5 Page 2, line 10, leave out from “protect” to end of line 17 and insert “the institutional autonomy of English higher education providers.”

- 6 Page 2, line 19, after “but” insert “, whether or not the guidance is framed in that way,”

- 7 Page 2, line 31, at end insert –
- “(7) In this Part, “the institutional autonomy of English higher education providers” means –
- (a) the freedom of English higher education providers within the law to conduct their day to day management in an effective and competent way,
  - (b) the freedom of English higher education providers –
    - (i) to determine the content of particular courses and the manner in which they are taught, supervised and assessed,
    - (ii) to determine the criteria for the selection, appointment and dismissal of academic staff and apply those criteria in particular cases, and
    - (iii) to determine the criteria for the admission of students and apply those criteria in particular cases, and
  - (c) the freedom within the law of academic staff at English higher education providers –
    - (i) to question and test received wisdom, and
    - (ii) to put forward new ideas and controversial or unpopular opinions,without placing themselves in jeopardy of losing their jobs or privileges they may have at the providers.”

#### Clause 8

- 8 Page 5, line 34, after “OfS” insert “, or a person nominated by the OfS,”
- 9 Page 5, line 38, leave out from “its” to end and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and 59(1) (compiling, making available and publishing”
- 10 Page 5, line 39, after “the” insert “designated”

#### Clause 9

- 11 Page 6, line 14, at end insert –
- “( ) the number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with the provider.”

### 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.”

### Clause 13

13 Page 8, line 27, leave out subsection (2)

14 Page 8, line 29, at end insert –

- “(2A) Where there are one or more sector-recognised standards, the condition mentioned in subsection (1)(a), so far as relating to standards –
- (a) may relate only to the standards applied in respect of matters for which there are sector-recognised standards, and
  - (b) may require the application of sector-recognised standards only in respect of those matters.
- (2B) In this Part, “sector-recognised standards” means standards that apply to higher education and accord with guidance which –
- (a) is determined by persons representing a broad range of registered higher education providers, and
  - (b) commands the confidence of registered higher education providers.”

### 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.”

#### **Clause 19**

- 16 Page 12, line 27, leave out subsection (8)
- 17 Page 12, line 29, leave out from “when” to end of line 30 and insert “–
  - (a) an appeal under section 20(1)(a) or (b), or a further appeal, could be brought in respect of the decision to remove, or
  - (b) such an appeal is pending.”
- 18 Page 12, line 32, at end insert –
  - “(11) Where subsection (9) ceases to prevent a removal taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the removal takes effect.
  - (12) But that is subject to what has been determined on any appeal under section 20(1)(a) or (b), or any further appeal, in respect of the decision to remove.”

#### **Clause 20**

- 19 Page 12, line 35, leave out from “against” to end and insert “either or both of the following –
  - (a) a decision of the OfS to remove it from the register under section 18;
  - (b) a decision of the OfS as to the date specified under section 19(6) as the date on which the removal takes effect.”
- 20 Page 13, line 3, after “decision” insert “(including the date on which the removal takes effect)”

#### **Clause 23**

- 21 Page 14, line 43, at end insert –
  - “( ) Where there are one or more sector-recognised standards, an assessment under this section of the standards applied –
    - (a) must relate only to the standards applied in respect of matters for which there are sector-recognised standards, and
    - (b) must assess those standards against sector-recognised standards only.”
- 22 Page 15, line 1, leave out subsection (3)

### 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.”

### Clause 26

24 Page 16, line 30, after “are” insert “—  
(a) ”

25 Page 16, line 30, at end insert “, and  
(b) the functions of the relevant body under section (*Grant, variation or revocation of authorisation: advice on quality etc*) (advice on quality etc to the OfS when granting degree awarding powers etc).”

26 Page 16, line 32, after second “functions” insert “under section 23”

27 Page 16, line 32, leave out “do not cease to be exercisable by the OfS” and insert “—  
(a) so far as they relate to the assessment of the standards applied to higher education provided by a provider, cease to be exercisable by the OfS, and  
(b) otherwise do not cease to be exercisable by the OfS.”

28 Page 16, line 35, after second “of” insert “any of”

### Clause 27

29 Page 17, line 6, leave out from “body” to “may” in line 7

30 Page 17, line 10, after “standards”) insert “, or section (*Grant, variation or revocation of authorisation: advice on quality etc*) (advice on quality etc to the OfS when granting degree awarding powers etc),”

31 Page 17, line 24, after “23(1)” insert “or (*Grant, variation or revocation of authorisation: advice on quality etc*)”

32 Page 17, line 28, leave out “section 23(1)” and insert “sections 23(1) and (*Grant, variation or revocation of authorisation: advice on quality etc*)”

### Clause 30

33 Page 18, line 40, leave out “applicable”

34 Page 19, line 2, leave out “applicable”

35 Page 19, line 2, leave out “in relation to an institution”

36 Page 19, line 4, leave out “applicable to that institution”

### Clause 35

37 Page 21, line 4, at end insert –

“( ) In performing those functions, subsection (1) applies instead of section 2(1)(za) (duty of OfS to have regard to the need to protect institutional autonomy) in relation to the freedoms mentioned in subsection (7)(b) and (c) of that section.”

### After Clause 36

38 Insert the following new Clause –

#### **“Duty to monitor etc the provision of arrangements for student transfers**

(1) The OfS –

- (a) must monitor the availability of schemes or other arrangements provided by registered higher education providers for student transfers,
- (b) must monitor the extent to which the arrangements monitored under paragraph (a) are utilised by students generally or students of a particular description,
- (c) must include in its annual report a summary of conclusions drawn by it, for the financial year to which the report relates, from its monitoring under paragraphs (a) and (b), and
- (d) may facilitate, encourage, or promote awareness of, the provision of arrangements by registered higher education providers for student transfers.

(2) For the purposes of this section, “a student transfer” is where –

- (a) a student transfers from a higher education course (“course X”) provided by a UK higher education provider (“the transferring provider”) to a different higher education course (“course Y”) provided by the same or a different UK higher education provider (“the receiving provider”),
- (b) the receiving provider recognises, or takes account of, the study undertaken, or a level of achievement attained, by the student –
  - (i) on course X, or
  - (ii) on another higher education course provided by the transferring provider,

- when the receiving provider is determining the study to be undertaken, or the level of achievement attained, by the student on course Y, and
- (c) either the transferring provider or the receiving provider is a registered higher education provider, or both are registered higher education providers.
- (3) For the purposes of subsection (2), there may be an interval between the student ceasing to undertake course X and starting to undertake course Y.
- (4) The duty under subsection (1)(a) may be discharged by the OfS monitoring as described in that provision—
- (a) arrangements for student transfers provided by all registered higher education providers or a particular description of such provider;
- (b) all such arrangements for student transfers or a particular description of such arrangement or student transfer.
- (5) In this section—
- “annual report” means the annual report under paragraph 13 of Schedule 1;
- “financial year” has the same meaning as in that Schedule (see paragraph 12(6));
- “higher education course”—
- (a) in the case of a provider in England or Wales, has the meaning given in section 77(1);
- (b) in the case of a provider in Scotland, means a course falling within section 38 of the Further and Higher Education (Scotland) Act 1992;
- (c) in the case of a provider in Northern Ireland, means a course of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15));
- “UK higher education provider” means an English higher education provider or a higher education provider in Wales, Scotland or Northern Ireland.
- (6) For the purposes of applying the definition of “higher education provider” in section 77(1) to the reference in the definition of “UK higher education provider” in subsection (5) to a higher education provider in Wales, Scotland or Northern Ireland, the reference to “higher education” in the definition of “higher education provider” in section 77(1)—
- (a) in the case of an institution in Wales, has the meaning given in section 77(1);
- (b) in the case of an institution in Scotland, has the same meaning as in section 38 of the Further and Higher Education (Scotland) Act 1992;
- (c) in the case of an institution in Northern Ireland, has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”

### Clause 37

39 Page 21, line 26, leave out “or by another eligible higher education provider”

40 Page 21, line 29, leave out “or by another eligible higher education provider,”

**Clause 40**

- 41 Page 23, line 6, leave out paragraph (b)
- 42 Page 23, line 9, leave out “, research awards or foundation degrees” and insert “or research awards”
- 43 Page 23, line 11, leave out “, research awards or foundation degrees” and insert “or research awards”
- 44 Page 23, line 12, leave out “, research awards or foundation degrees” and insert “or research awards”
- 45 Page 23, line 15, after “degree” insert “(including a foundation degree)”
- 46 Page 23, line 24, at end insert –  
““foundation degree only authorisation” means authorisation under subsection (1) to grant taught awards where foundation degrees are the only degrees which the provider is authorised to grant.”
- 47 Page 23, leave out line 25 and insert –  
“(4) An order under subsection (1) which would give a provider foundation degree only authorisation may be made only if –  
(a) the provider is an English further education provider,”
- 48 Page 23, line 32, leave out “41(3)” and insert “41(2)”
- 49 Page 23, line 40, leave out “, research awards or foundation degrees” and insert “or research awards”
- 50 Page 24, line 3, leave out “, research award or foundation degree” and insert “or research award”
- 51 Page 24, line 7, leave out “, research award or foundation degree” and insert “or research award”
- 52 Page 24, leave out lines 18 and 19
- 53 Page 24, line 21, at end insert –  
“( ) See sections 41, 42 and (*Grant, variation or revocation of authorisation: advice on quality etc*) which make further provision about orders under subsection (1).”

**Clause 41**

- 54 Page 24, line 25, leave out “, research awards and foundation degrees” and insert “and research awards”
- 55 Page 24, line 27, leave out “and degrees”
- 56 Page 24, line 29, leave out “(a)”
- 57 Page 24, line 41, leave out subsection (3) and insert –  
“(3) But in the case of a foundation degree only authorisation, the references in subsection (2)(c) and (d) to degrees are to foundation degrees only.”
- 58 Page 25, line 7, leave out “, research award or foundation degree” and insert “or research award”
- 59 Page 25, line 9, leave out “and (3)(b)”

### Clause 42

- 60 Page 25, line 16, at end insert—  
 “( ) The OfS may make such an order revoking an authorisation given to a provider only if condition A, B or C is satisfied.”
- 61 Page 25, line 17, leave out from beginning to “if” and insert “Condition A is satisfied”
- 62 Page 25, line 18, at end insert—  
 “(4) Condition B is satisfied if—  
     (a) the OfS has concerns regarding the quality of, or the standards applied to, higher education which has been or is being provided by the provider, and  
     (b) it appears to the OfS that those concerns are so serious that—  
         (i) its powers by a further order under section 40(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and  
         (ii) it is appropriate to revoke the authorisation.  
 (5) Condition C is satisfied if—  
     (a) due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and  
     (b) it appears to the OfS that those concerns are so serious that—  
         (i) its powers by a further order under section 40(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and  
         (ii) it is appropriate to revoke the authorisation.  
 (6) Where there are one or more sector-recognised standards, for the purposes of subsections (4)(a) and (5)(a)—  
     (a) the OfS’s concerns regarding the standards applied must be concerns regarding the standards applied in respect of matters for which there are sector-recognised standards, and  
     (b) those concerns must be regarding those standards as assessed against sector-recognised standards.”
- 63 Page 25, line 18, at end insert—  
 “( ) See sections (*Grant, variation or revocation of authorisation: advice on quality etc*) and 44 which make further provision about further orders under section 40(1).”

### Clause 43

- 64 Page 25, line 21, leave out “or an English further education provider”
- 65 Page 25, line 25, leave out “, research awards or foundation degrees” and insert “or research awards”

66 Page 25, line 29, at end insert –

“( ) When applying section 40(4) and (5) in the case of such an order, the reference in section 40(5) to a foundation degree granted other than by virtue of section 41(2)(c) or (d) (honorary and staff degrees) is to be read as a reference to a foundation degree granted other than by virtue of whatever is the equivalent of section 41(2)(c) or (d) in the case of the provider.”

67 Page 25, line 29, at end insert –

“( ) The OfS may make an order under subsection (1) revoking an authorisation given to a provider only if condition A, B or C is satisfied.”

68 Page 25, line 30, leave out from beginning to “if” in line 31 and insert “Condition A is satisfied”

69 Page 25, line 31, at end insert –

“(4A) Condition B is satisfied if –

- (a) the OfS has concerns regarding the quality of, or the standards applied to, higher education which has been or is being provided by the provider, and
- (b) it appears to the OfS that those concerns are so serious that –
  - (i) its powers by an order under subsection (1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
  - (ii) it is appropriate to revoke the authorisation.

(4B) Condition C is satisfied if –

- (a) due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and
- (b) it appears to the OfS that those concerns are so serious that –
  - (i) its powers by an order under subsection (1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
  - (ii) it is appropriate to revoke the authorisation.

(4C) Where there are one or more sector-recognised standards, for the purposes of subsections (4A)(a) and (4B)(a) –

- (a) the OfS’s concerns regarding the standards applied must be concerns regarding the standards applied in respect of matters for which there are sector-recognised standards, and
- (b) those concerns must be regarding those standards as assessed against sector-recognised standards.”

70 Page 25, line 39, at end insert –

“( ) See sections (*Grant, variation or revocation of authorisation: advice on quality etc*) and 44 which make further provision about orders under subsection (1).”

**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).”

#### Clause 44

- 72 Page 26, line 18, leave out from second “the” to end of line 20 and insert “notice of the decision must specify the date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1).”
- 73 Page 26, line 24, after “The” insert “order under section 40(1) or 43(1) implementing the decision to vary or revoke the authorisation may not be made and the”
- 74 Page 26, line 24, leave out from “when” to end of line 26 and insert “ –
- (a) an appeal under section 45(1)(a) or (b), or a further appeal, could be brought in respect of the decision to vary or revoke, or
  - (b) such an appeal is pending.”
- 75 Page 26, line 27, after “prevent” insert “the order under section 40(1) or 43(1) being made or”

76 Page 26, line 29, at end insert—

“(10) Where subsection (8) ceases to prevent a variation or revocation taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1).

(11) But that is subject to what has been determined on any appeal under section 45(1)(a) or (b), or any further appeal, in respect of the decision to vary or revoke.”

#### Clause 45

77 Page 26, leave out lines 32 and 33 and insert “either or both of the following—

(a) a decision of the OfS to vary or revoke, by a further order under section 40(1) or an order under section 43(1), an authorisation given to it;

(b) a decision of the OfS as to the date specified under section 44(6) as the date on which the variation or revocation takes effect.”

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.”

79 Page 26, line 40, at end insert—

“( ) vary the date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1);”

80 Page 26, line 42, after “decision” insert “(including the date on which the variation or revocation takes effect)”

#### Clause 46

81 Page 27, line 5, leave out “and foundation degrees”

82 Page 27, line 7, leave out “and foundation degrees”

83 Page 27, line 16, leave out “or a foundation degree”

84 Page 27, line 18, leave out “or a foundation degree”

85 Page 27, line 21, leave out “or foundation degrees”

#### Clause 47

86 Page 27, line 38, leave out “and foundation degrees”

87 Page 27, line 39, leave out “and foundation degrees”

88 Page 28, line 8, leave out “or foundation degrees”

89 Page 28, line 12, leave out “or foundation degree”

90 Page 28, line 16, leave out “or a foundation degree”

91 Page 28, line 18, leave out “or a foundation degree”

92 Page 28, line 21, leave out “or foundation degrees”

93 Page 28, line 29, leave out “or a foundation degree”

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

**After Clause 50**

95 Insert the following new Clause –

**“Saving for right to grant degrees under the Ecclesiastical Licences Act 1533**

Nothing done under this Part is to affect the right of the Archbishop of Canterbury, or any other person, by virtue of the Ecclesiastical Licences Act 1533 to grant a degree where the recipient is not required –

- (a) to complete an appropriate course of study or an appropriate programme of supervised research, or
- (b) to satisfy an appropriate examination, test or other assessment.”

**Clause 53**

96 Page 33, line 43, at end insert –

“( ) The OfS may make an order under subsection (1) only if condition A, B or C is satisfied.”

97 Page 34, leave out line 1 and insert –

“( ) Condition A is satisfied if – ”

98 Page 34, line 2, leave out “it” and insert “the OfS”

99 Page 34, line 7, at end insert –

“( ) Condition B is satisfied if, disregarding any transitional or saving provision made by an order under section 40(1) or 43(1) –

- (a) the institution is neither authorised to grant taught awards nor authorised to grant research awards, or
- (b) foundation degrees are the only degrees which the institution is authorised to grant.

( ) Condition C is satisfied if, due to a change in circumstances since the authorisation, consent or other approval was given, it appears to the OfS to be no longer appropriate for the institution to include the word “university” in its name.”

**Clause 54**

100 Page 34, line 34, leave out from second “the” to end of line 35 and insert “notice of the decision must specify the date on which the revocation takes effect under the order to be made under section 53(1).”

101 Page 34, line 39, after “The” insert “order under section 53(1) implementing the decision to revoke the authorisation, consent or other approval may not be made and the”

102 Page 34, line 39, leave out from “when” to end of line 41 and insert “ –

- (a) an appeal under section 55(1)(a) or (b), or a further appeal, could be brought in respect of the decision to revoke, or
- (b) such an appeal is pending.”

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

104 Page 34, line 43, at end insert –

- “(10) Where subsection (8) ceases to prevent a revocation taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the revocation takes effect under the order to be made under section 53(1).
- (11) But that is subject to what has been determined on any appeal under section 55(1)(a) or (b), or any further appeal, in respect of the decision to revoke.”

#### Clause 55

105 Page 35, line 3, leave out from “against” to end of line 5 and insert “either or both of the following –

- (a) a decision of the OfS to revoke, by an order under section 53(1), an authorisation, consent or other approval given to the institution to include the word “university” in its name;
- (b) a decision of the OfS as to the date specified under section 54(6) as the date on which the revocation takes effect.”

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.”

107 Page 35, line 12, at end insert –

- “( ) vary the date on which the revocation takes effect under the order to be made under section 53(1);”

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

#### Before Clause 59

109 Insert the following new Clause –

#### “Duty to compile and make available higher education information

- (1) The relevant body must –
- (a) compile appropriate information relating to registered higher education providers and the higher education courses they provide, and
- (b) make the information available in an appropriate form and manner to the OfS, UKRI and the Secretary of State.
- (2) In this section “the relevant body” means –
- (a) the designated body (see section 60), or
- (b) if there is no such body, the OfS.
- (3) What is “appropriate” for the purposes of subsection (1)(a) and (b) is to be determined –
- (a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or
- (b) otherwise, by the OfS.
- (4) A notification under subsection (3) may relate to one or both of the paragraphs of subsection (1).

- (5) When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), it must in particular consider what would be helpful to the persons mentioned in subsection (1)(b).
- (6) The OfS must from time to time obtain and consider, or require the designated body to obtain and consider, the views of the persons listed in subsection (7) about the information that should be made available under this section.
- (7) Those persons are –
  - (a) UKRI,
  - (b) the Secretary of State, and
  - (c) such other persons as the body seeking views considers appropriate.
- (8) In performing the duty under subsection (1)(a), the relevant body must –
  - (a) cooperate with other persons who collect information from registered higher education providers, and
  - (b) have regard to the desirability of reducing the burdens on such providers relating to the collection of information.
- (9) In carrying out other functions under this section, the OfS and the designated body must have regard to the desirability of reducing the burdens described in subsection (8)(b).
- (10) The functions conferred by this section do not affect any other functions of the OfS regarding information.”

#### Clause 59

- 110** Page 37, line 3, leave out from “of,” to end of line 5 and insert “appropriate information relating to registered higher education providers and the higher education courses they provide”
- 111** Page 37, line 10, leave out paragraph (a) and insert –  
“(a) at appropriate times, and”
- 112** Page 37, line 12, leave out from “published” to end of line 13 and insert “in an appropriate form and manner.”
- 113** Page 37, line 13, at end insert –  
“(4A) What is “appropriate” for the purposes of subsections (1), (3) and (4) is to be determined –  
  - (a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or
  - (b) otherwise, by the OfS.
(4B) A notification under subsection (4A) may relate to one or more of subsections (1), (3) and (4).”
- 114** Page 37, line 14, leave out from beginning to “must” in line 15 and insert “When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), (3) or (4), it”
- 115** Page 37, line 17, leave out “in England”
- 116** Page 37, line 21, after “consult” insert “, or require the designated body to consult,”

- 117 Page 37, line 28, leave out “in England”
- 118 Page 37, line 39, leave out “its”
- 119 Page 37, line 39, after “OfS” insert “and the designated body”
- 120 Page 37, line 44, leave out “in England”

#### Clause 60

- 121 Page 38, line 2, leave out first “section” and insert “sections (*Duty to compile and make available higher education information*) and”
- 122 Page 38, line 6, leave out “section” and insert “sections (*Duty to compile and make available higher education information*) and”
- 123 Page 38, line 10, leave out from “decision” to end of line 11 and insert “about what is appropriate for the purposes of section (*Duty to compile and make available higher education information*)(1) or section 59(1), (3) or (4).”
- 124 Page 38, line 14, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) or”

#### Clause 61

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

#### Clause 68

- 126 Page 42, line 17, leave out from “protect” to end of line 24 and insert “the institutional autonomy of English higher education providers.”
- 127 Page 42, line 25, leave out “So”

#### Clause 71

- 128 Page 44, line 32, leave out from “protect” to end of line 39 and insert “the institutional autonomy of English higher education providers.”
- 129 Page 44, line 41, after “but” insert “, whether or not the directions are framed in that way,”

#### Clause 72

- 130 Page 45, line 25, leave out “or” and insert “and”

#### Clause 77

- 131 Page 47, line 38, after “see” insert “ –  
 (a) section 10(9) (mandatory fee limit condition for certain providers),  
 (b) ”
- 132 Page 47, line 39, leave out “and (6)”
- 133 Page 47, line 39, after “education)” insert “,  
 (c) section 31(5)(b) (content of an access and participation plan: equality of opportunity), and

- (d) section (*Duty to monitor etc the provision of arrangements for student transfers*)(5) and (6) (*duty to monitor etc the provision of arrangements for student transfers*).

#### Clause 79

- 134 Page 48, line 29, at end insert –  
““foundation degree only authorisation” has the meaning given by section 40(3);”
- 135 Page 48, line 40, at end insert –  
““the institutional autonomy of English higher education providers” has the meaning given by section 2(7);”
- 136 Page 48, line 45, at end insert –  
““sector-recognised standards” has the meaning given by section 13(2B);”
- 137 Page 49, line 14, at end insert –  
“( ) When construing references in this Part to a time when an appeal could be brought, any possibility of an appeal out of time is to be ignored.”

#### Clause 80

- 138 Page 50, line 42, at end insert –  
“(ha) in relation to England, for contributions made in respect of an alternative payment to be dealt with, with the consent of the Treasury, otherwise than by payment into the Consolidated Fund;”
- 139 Page 50, line 43, at beginning insert “in relation to Wales,”

#### Clause 82

- 140 Page 52, line 34, after “persons” insert “(whether before or after the regulations are made)”
- 141 Page 52, line 46, after “persons” insert “(whether before or after the regulations are made)”

#### Clause 83

- 142 Page 53, line 13, at end insert –  
“( ) in the words before paragraph (a), omit “in England or Wales”,  
( ) in the opening words of paragraph (a) –  
(i) after “university” insert “in England or Wales”, and  
(ii) after “the 1992 Act” insert “or section 37 or 87 of the Higher Education and Research Act 2017 (“the 2017 Act”)”;
- 143 Page 53, line 14, leave out from “section 40” to end to line 15 and insert “or 43 of the 2017 Act”,
- 144 Page 53, line 15, at end insert –  
“( ) in paragraph (b), after “institution” insert “in England or Wales”,  
( ) in paragraph (c), after “institution” insert “in England or Wales”,

- 
- ( ) in paragraph (d), at beginning insert “an institution in Wales which is”,
- 145** Page 53, line 17, after “(da)” insert “an institution in England which is”
- 146** Page 53, line 19, at end insert –  
“(ba) in paragraph (e) –  
(i) after “institution” insert “in England or Wales”, and  
(ii) for “another paragraph” substitute “any of the preceding paragraphs”,
- 147** Page 53, line 19, at end insert –  
“(bb) after paragraph (e) insert –  
“(ea) an institution in England (other than one within any of the preceding paragraphs of this section) which provides higher education courses leading to the grant of an award by or on behalf of –  
(i) another institution in England within another paragraph of this section, or  
(ii) the Office for Students where the grant is authorised by regulations under section 47(1) of the 2017 Act;”, and”
- 148** Page 53, leave out lines 20 and 21 and insert –  
“( ) in paragraph (f) –  
(i) after “institution” insert “in England or Wales”, and  
(ii) after “the 1992 Act” insert “or section 40 or 43 of the 2017 Act”.”
- 149** Page 53, line 21, at end insert –  
“( ) In section 12(3) (qualifying complaints), for “paragraph (e)” substitute “paragraph (da), (e), (ea)”.”
- 150** Page 53, line 24, leave out “in England”
- 151** Page 53, line 33, leave out “in England”
- 152** Page 53, line 40, leave out “paragraph (e)” and insert “paragraph (da), (e), (ea)”
- 153** Page 53, line 41, leave out “either of those paragraphs” and insert “the paragraph in question”
- 154** Page 54, line 25, leave out from “insert” to end of line 26 and insert ““, and includes an institution which is treated as continuing to be a qualifying institution for the purposes of Part 2 of that Act (see section 20A(2) of that Act)”.”
- 155** Page 54, line 30, leave out “paragraph (da)” and insert “paragraphs (da) and (ea)”

**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.”

**Clause 86**

157 Page 55, line 18, 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 87**

158 Page 55, line 26, at end insert –

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

159 Page 55, line 38, at end insert –

- “( ) For the purposes of this Part, “knowledge exchange”, in relation to science, technology, humanities or new ideas, means a process or other activity by which knowledge is exchanged where –
  - (a) the knowledge is in, or in connection with, science, technology, humanities or new ideas (as the case may be), and
  - (b) the exchange contributes, or is likely to contribute, (whether directly or indirectly) to an economic or social benefit in the United Kingdom or elsewhere.”

### Clause 89

- 160 Page 57, 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.”
- 161 Page 57, line 18, after “contributing” insert “(whether directly or indirectly)”
- 162 Page 57, line 18, after “growth” insert “, or an economic benefit,”
- 163 Page 57, 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,”
- 164 Page 57, 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 90

- 165 Page 57, 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 91

- 166 Page 58, line 3, after “research” insert “into, or knowledge exchange in relation to, science, technology, humanities or new ideas”
- 167 Page 58, line 7, after “research” insert “into, or knowledge exchange in relation to, science, technology, humanities or new ideas”
- 168 Page 58, leave out lines 11 and 12 and insert “ –
- (a) the undertaking of research into science, technology, humanities or new ideas by eligible higher education providers receiving financial support which is within subsection (2), or
- (b) the undertaking of knowledge exchange in relation to science, technology, humanities or new ideas by eligible education providers receiving such financial support.”

**Clause 95**

- 169 Page 59, line 35, after “subsection (1)” insert “in respect of those functions”
- 170 Page 60, line 3, after “subsection (1)” insert “in respect of those functions”
- 171 Page 60, line 9, 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,”
- 172 Page 60, line 16, 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 97**

- 173 Page 61, line 1, 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 89(1) pursuant to arrangements under that section,”
- 174 Page 61, line 2, after “principle” insert “, in any case”
- 175 Page 61, line 4, 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).”

**Clause 105**

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

**Clause 110**

- 177 Page 65, line 40, leave out “subsection (3)” and insert “subsections (3) and (4)”
- 178 Page 66, line 2, 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 112**

- 179** Page 66, line 20, at end insert –
- “(3A) Where the OfS has a consultation function involving registered higher education providers, references to registered higher education providers in the provisions describing the consultees are to be read as references to English higher education providers –
- (a) for the purposes of applying subsection (2) at any time when there are no registered higher education providers, and
  - (b) for the purposes of applying subsection (3) in relation to any thing done under subsection (2) in reliance upon paragraph (a) of this subsection.
- (3B) For the purposes of subsection (3A), “a consultation function involving registered higher education providers” is a function of consulting –
- (a) registered higher education providers (whether generally or a description of such providers), or
  - (b) persons with a connection (however described) to such providers.
- (3C) In subsections (3A) and (3B), “English higher education provider” and “registered higher education provider” have the same meaning as in Part 1 (see sections 77 and 79).”

**Clause 113**

- 180** Page 66, line 42, at end insert –
- “( ) regulations under section 9(1) (prescribed description of providers for whom a transparency condition is mandatory);”
- 181** Page 67, line 4, at end insert –
- “( ) regulations under section 37(3) (prescribed description of providers eligible for financial support);”
- 182** Page 67, line 12, after “or” insert “of”
- 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) ”
- 184** Page 67, line 17, leave out “applies”
- 185** Page 67, line 17, at end insert –
- “( ) paragraph 5 (accelerated courses).”
- 186** Page 67, line 24, after “OfS” insert “(whether before or after the regulations are made)”

**Clause 118**

- 187** Page 68, line 33, 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 109 to 111;
  - (b) sections 113 to 115;

- (c) section 117;
- (d) this section;
- (e) section 119.”

188 Page 69, line 16, at end insert –

“( ) Section 83(2)(ba)(ii) and (3) come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations made by statutory instrument appoint.”

### Schedule 1

189 Page 71, line 11, leave out from “for” to end of line 12 and insert “ –

- (a) overseeing the performance of the OfS’s access and participation functions,
- (b) performing, in accordance with paragraph 11, any of those functions, or other functions, of the OfS which are delegated to the Director under that paragraph, and
- (c) reporting to the other members of the OfS on the performance of the OfS’s access and participation functions.”

190 Page 71, line 17, leave out “paragraph” and insert “Schedule”

191 Page 73, line 32, at end insert –

“( ) But a function which is one of the OfS’s access and participation functions may only be delegated to the Director.”

192 Page 74, line 20, at end insert –

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

193 Page 74, line 20, at end insert –

“( ) If, at any time in the financial year to which the report relates, all of the OfS’s access and participation functions were not delegated to the Director under paragraph 11, the report must include a statement specifying –

- (a) the period or periods in that year during which those functions were not delegated to the Director, and
- (b) the reasons why they were not so delegated.”

### Schedule 2

194 Page 76, line 3, after “in” insert “the case of each provider and each qualifying course”

195 Page 76, line 15, leave out “applicable”

196 Page 76, line 25, leave out “this paragraph” and insert “sub-paragraph (2)(a)”

197 Page 76, line 26, leave out sub-paragraph (6) and insert –

“(6) “The sub-level amount” means such amount as may be determined by the Secretary of State for the purposes of sub-paragraph (2)(b) –

- (a) as the sub-level amount in respect of the higher amount, or

- (b) where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 113(5)(a), as the sub-level amount in respect of each higher amount.
- (6A) Different amounts may be determined under sub-paragraph (6) for different descriptions of provider.”
- 198** Page 76, line 29, after “descriptions” insert “of provider”
- 199** Page 76, line 36, after “be” insert “equal to or”
- 200** Page 76, line 38, leave out “as the floor amount” and insert “ –
- (a) as the floor amount in respect of the higher amount, or
  - (b) where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 113(5)(a), as the floor amount in respect of each higher amount.
- ( ) Where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 113(5)(a) –
- (a) the reference in sub-paragraph (8)(a) to the higher amount is to the higher amount in respect of which the sub-level amount is determined, and
  - (b) the reference in sub-paragraph (8)(b) to the floor amount is to the floor amount prescribed under sub-paragraph (9) in respect of that higher amount.”
- 201** Page 76, line 39, leave out sub-paragraph (10)
- 202** Page 77, line 8, leave out “applicable”
- 203** Page 77, line 12, leave out “this paragraph” and insert “sub-paragraph (2)(a)”
- 204** Page 77, line 13, leave out sub-paragraph (5) and insert –
- “(5) “The sub-level amount” means such amount as may be determined by the Secretary of State for the purposes of sub-paragraph (2)(b) –
- (a) as the sub-level amount in respect of the basic amount, or
  - (b) where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 113(5)(a), as the sub-level amount in respect of each basic amount.
- (5A) Different amounts may be determined under sub-paragraph (5) for different descriptions of provider.”
- 205** Page 77, line 16, after “descriptions” insert “of provider”
- 206** Page 77, line 23, after “be” insert “equal to or”
- 207** Page 77, line 25, leave out “as the floor amount” and insert “ –
- (a) as the floor amount in respect of the basic amount, or
  - (b) where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 113(5)(a), as the floor amount in respect of each basic amount.
- ( ) Where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 113(5)(a) –
- (a) the reference in sub-paragraph (7)(a) to the basic amount is to the basic amount in respect of which the sub-level amount is determined, and

- (b) the reference in sub-paragraph (7)(b) to the floor amount is to the floor amount prescribed under sub-paragraph (8) in respect of that basic amount.”

208 Page 77, line 26, leave out sub-paragraph (9)

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.”

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.”

### Schedule 3

- 211 Page 79, line 14, leave out from “when” to end of line 16 and insert “ –  
 (a) an appeal under paragraph 3(1)(a) or (b), or a further appeal,  
 could be brought in respect of the penalty, or  
 (b) such an appeal is pending.”

### Schedule 4

- 212 Page 82, line 20, at end insert –  
 “( ) the Secretary of State is satisfied that the designated body is  
 failing to perform in an effective manner its functions under  
 section (*Grant, variation or revocation of authorisation: advice on  
 quality etc*), or”
- 213 Page 83, line 22, leave out “Part 1 of”
- 214 Page 84, line 4, after “protect” insert “ –  
 (a) ”
- 215 Page 84, line 5, at end insert “, and  
 (b) the designated body’s ability to make, or make arrangements for,  
 an impartial assessment of the quality of, and the standards  
 applied to, higher education provided by a provider.”
- 216 Page 84, leave out line 28

### Schedule 6

- 217 Page 90, line 17, leave out “in England”
- 218 Page 91, line 6, leave out “section” and insert “sections (*Duty to compile and make  
 available higher education information*) and”
- 219 Page 91, line 21, leave out “duty of the relevant body under section” and insert  
 “duties of the relevant body under sections (*Duty to compile and make available higher  
 education information*)(1) and”
- 220 Page 92, line 11, leave out “in England”
- 221 Page 92, line 27, leave out “duty under section” and insert “duties under sections  
 (*Duty to compile and make available higher education information*)(1) and”
- 222 Page 92, line 31, leave out “duty under section” and insert “duties under sections  
 (*Duty to compile and make available higher education information*)(1) and”
- 223 Page 92, line 38, leave out “duty under section” and insert “duties under sections  
 (*Duty to compile and make available higher education information*)(1) and”
- 224 Page 92, line 41, leave out “Part 1 of”
- 225 Page 93, line 11, leave out “in England”
- 226 Page 93, line 22, leave out “duty under section” and insert “duties under section  
 (*Duty to compile and make available higher education information*)(1) or”

**Schedule 7**

- 227 Page 94, line 20, leave out from “when” to end of line 22 and insert “ –
- (a) an appeal under paragraph 3(1)(a) or (b), or a further appeal, could be brought in respect of the requirement to pay the costs, or
  - (b) such an appeal is pending.”

**Schedule 8**

- 228 Page 100, line 6, at end insert –
- “23A(1) Section 78 (financial years of higher education corporations) is amended as follows.
- (2) In the heading, at the end insert “: Wales”.
  - (3) In subsection (1), after “higher education corporations” insert “in Wales”.
  - (4) After subsection (2) insert –
    - “(3) In this section “higher education corporation in Wales” means a higher education corporation established to conduct an institution whose activities are carried on, or principally carried on, in Wales.””

**Schedule 9**

- 229 Page 100, line 38, after “matters” insert “, the charitable sector”
- 230 Page 101, line 9, after “matters” insert “, the charitable sector”
- 231 Page 101, line 15, leave out “nine” and insert “twelve”
- 232 Page 101, line 20, at end insert “after consulting the chair of UKRI”
- 233 Page 103, line 11, at end insert –

*“Executive Committee*

- 8A (1) UKRI must establish a committee called “the Executive Committee”.
- (2) The Executive Committee is to consist of –
    - (a) the CEO, who is to be its chair,
    - (b) the CFO,
    - (c) the executive chair of each of the Councils, and
    - (d) such other members as the CEO may appoint.
  - (3) Those appointed under sub-paragraph (2)(d) –
    - (a) must be employees of UKRI, and
    - (b) if they cease to be such employees, may not continue as members appointed under that provision.
  - (4) The Executive Committee may establish sub-committees, and a sub-committee so established is referred to in this Schedule as an “Executive sub-committee”.
  - (5) An Executive sub-committee may include persons who are not members of UKRI, Council members or employees of UKRI.

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

**234** Page 103, line 13, after “Councils” insert “and the Executive Committee”

**235** Page 103, 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.”

**236** Page 104, line 16, after second “committee,” insert “or of the Executive Committee or any Executive sub-committee,”

**237** Page 105, line 8, at end insert—

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

**238** Page 105, 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”

**239** Page 106, line 14, leave out “paragraph” and insert “paragraphs 8A and”

**240** Page 106, line 23, leave out “paragraph” and insert “paragraphs 8A and”

### Schedule 11

**241** Page 108, line 35, leave out “in receipt of remuneration”

**242** Page 109, line 6, at end insert—

“*Education (No. 2) Act 1986*

4A (1) Section 43 of the Education (No. 2) Act 1986 (freedom of speech in universities etc) is amended as follows.

(2) After subsection (4) insert—

“(4A) The establishments in England to which this section applies are—

- (a) any registered higher education provider;
- (b) any establishment of higher or further education which is maintained by a local authority;
- (c) any institution within the further education sector.”

(3) In subsection (5), after “The establishments” insert “in Wales”.

- (4) In subsection (6), in the definition of “governing body”, for “in relation to any university” substitute “–
- (a) in relation to a registered higher education provider, has the meaning given by section 79(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 3(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”.”

**243** Page 113, 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).”

**244** Page 113, line 26, leave out “to the Education Act 2005”

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LORDS AMENDMENTS TO THE  
HIGHER EDUCATION AND RESEARCH  
BILL

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