

Higher Education and Research Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 3

VISCOUNT YOUNGER OF LECKIE

- 1 Page 2, line 12, at end insert “while also having regard to the benefits for students and employers resulting from collaboration between such providers,”

Clause 3

VISCOUNT YOUNGER OF LECKIE
BARONESS GARDEN OF FROGNAL

- 2 Page 2, line 23, 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).”

Clause 3

VISCOUNT YOUNGER OF LECKIE

- 3 Page 2, line 36, after “but” insert “, whether or not the guidance is framed in that way,”

Clause 10

VISCOUNT YOUNGER OF LECKIE

- 4 Page 6, line 33, 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.”

Clause 14

VISCOUNT YOUNGER OF LECKIE

- 5 Page 9, line 4, leave out subsection (2)
- 6 Page 9, line 6, 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 24

VISCOUNT YOUNGER OF LECKIE

- 7 Page 15, line 27, 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.”
- 8 Page 15, line 28, leave out subsection (3)

Clause 26

VISCOUNT YOUNGER OF LECKIE

- 9 Page 16, line 43, leave out subsection (5)
- 10 Page 16, line 44, leave out subsection (6)

Clause 27

VISCOUNT YOUNGER OF LECKIE

- 11 Page 17, line 14, after “are” insert “ –

- (a) ”
- 12 Page 17, line 14, 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).”
- 13 Page 17, line 16, after “the functions” insert “under section 24”
- 14 Page 17, line 16, 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.”
- 15 Page 17, line 19, after “performance of” insert “any of”

Clause 28

VISCOUNT YOUNGER OF LECKIE

- 16 Page 17, line 34, leave out from “body” to “may” in line 35
- 17 Page 17, line 38, 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),”
- 18 Page 18, line 8, after “section 24(1)” insert “or (*Grant, variation or revocation of authorisation: advice on quality etc*)”
- 19 Page 18, line 12, leave out “section 24(1)” and insert “sections 24(1) and (*Grant, variation or revocation of authorisation: advice on quality etc*)”

Clause 31

VISCOUNT YOUNGER OF LECKIE

- 20 Page 19, line 26, leave out “applicable”
- 21 Page 19, line 28, leave out “applicable”
- 22 Page 19, line 28, leave out “in relation to an institution”
- 23 Page 19, line 30, leave out “applicable to that institution”

After Clause 37

VISCOUNT YOUNGER OF LECKIE

- 24 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 and the extent to which those arrangements are utilised by students generally or students of a particular description,
- (b) 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 paragraph (a), and
 - (c) 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 79(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 79(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 79(1) –
- (a) in the case of an institution in Wales, has the meaning given in section 79(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 38

VISCOUNT YOUNGER OF LECKIE

25 Page 22, line 11, leave out “or by another eligible higher education provider”

26 Page 22, line 14, leave out “or by another eligible higher education provider,”

Clause 41

VISCOUNT YOUNGER OF LECKIE

27 Page 25, line 2, at end insert –

“() See sections 42, 43 and (*Grant, variation or revocation of authorisation: advice on quality etc*) which make further provision about orders under subsection (1).”

Clause 43

VISCOUNT YOUNGER OF LECKIE

28 Page 25, line 30, 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.”

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

30 Page 25, line 32, 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 41(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 41(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.”

31 Page 25, line 32, at end insert –

“() See sections (*Grant, variation or revocation of authorisation: advice on quality etc*) and 45 which make further provision about further orders under section 41(1).”

Clause 44

VISCOUNT YOUNGER OF LECKIE

32 Page 25, line 35, leave out “or an English further education provider”

33 Page 26, line 8, 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.”

34 Page 26, line 9, leave out from beginning to “if” in line 10 and insert “Condition A is satisfied”

35 Page 26, line 10, at end insert –

- “(5A) 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.

- (5B) 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.
- (5C) Where there are one or more sector-recognised standards, for the purposes of subsections (5A)(a) and (5B)(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.”

36 Page 26, line 18, at end insert—

- “() See sections (*Grant, variation or revocation of authorisation: advice on quality etc*) and 45 which make further provision about orders under subsection (1).”

After Clause 44

VISCOUNT YOUNGER OF LECKIE

37 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 41(1) authorising the provider to grant taught awards or research awards,
 - (b) a further order under section 41(1)—
 - (i) varying an authorisation given to the provider by a previous order under section 41(1), or
 - (ii) revoking such an authorisation on the ground that condition B in section 43(4) is satisfied, or
 - (c) an order under section 44(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 44(5A) 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 45 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 107).”

Clause 54

VISCOUNT YOUNGER OF LECKIE

- 38** Page 34, line 34, at end insert –
 “() The OfS may make an order under subsection (1) only if condition A, B or C is satisfied.”
- 39** Page 34, leave out line 35 and insert –
 “() Condition A is satisfied if –”
- 40** Page 34, line 41, at end insert –
 “() Condition B is satisfied if, disregarding any transitional or saving provision made by an order under section 41(1) or 44(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 73

VISCOUNT YOUNGER OF LECKIE

- 41** Page 46, line 41, after “but” insert “, whether or not the directions are framed in that way,”

Clause 79

VISCOUNT YOUNGER OF LECKIE

- 42** Page 49, line 38, after “see” insert “ –
 (a) ”
- 43** Page 49, line 39, leave out “and (6)”
- 44** Page 49, line 39, after “education)” insert “, and
 (b) 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 81

VISCOUNT YOUNGER OF LECKIE

- 45** Page 51, line 1, at end insert –
 ““sector-recognised standards” has the meaning given by section 14(2B);”

Clause 85

VISCOUNT YOUNGER OF LECKIE

- 46 Page 57, line 17, leave out from “insert” to the end of line 18 and insert ““, and includes an institution which is treated as continuing to be a qualifying institution for the purposes of Part 2 of that Act (see section 20A(2) of that Act)””
- 47 Page 57, line 22, leave out “paragraph (da)” and insert “paragraphs (da) and (ea)”

Clause 88

LORD PRIOR OF BRAMPTON

- 48 Page 58, line 12, at end insert –
- “(4) Before making regulations under subsection (2), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
 - (5) UKRI must, if requested to do so by the Secretary of State, carry out such a consultation, on behalf of the Secretary of State, of such persons.
 - (6) In such a case, UKRI must carry out the consultation in accordance with such directions as the Secretary of State may give.”

Clause 91

LORD PRIOR OF BRAMPTON

- 49 Page 60, line 12, leave out subsection (3) and insert –
- “(3) A “relevant specialist employee”, in relation to a Council, means –
 - (a) a researcher or scientist employed by UKRI to work in the Council’s field of activity (see the table in subsection (1)), or
 - (b) a person who has knowledge, experience or specialist skills which is or are relevant to the Council’s field of activity and is employed by UKRI to work in that field of activity.”
- 50 Page 60, line 18, after “contributing” insert “(whether directly or indirectly)”
- 51 Page 60, line 18, after “growth” insert “, or an economic benefit,”
- 52 Page 60, line 18, after “Kingdom,” insert –
- “() advancing knowledge (whether in the United Kingdom or elsewhere and whether directly or indirectly) in, or in connection with, science, technology, humanities or new ideas,”
- 53 Page 60, line 24, at end insert –
- “(6) Before making regulations under subsection (5), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
 - (7) UKRI must, if requested to do so by the Secretary of State, carry out such a consultation, on behalf of the Secretary of State, of such persons.
 - (8) In such a case, UKRI must carry out the consultation in accordance with such directions as the Secretary of State may give.”

Clause 92

LORD PRIOR OF BRAMPTON

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

Clause 97

LORD PRIOR OF BRAMPTON

- 55 Page 62, line 39, after “subsection (1)” insert “in respect of those functions”
- 56 Page 63, line 9, after “subsection (1)” insert “in respect of those functions”
- 57 Page 63, line 15, at end insert –
- “() provide for the allocation of the whole or a part of the grant to a particular Council and for subsequent changes in that allocation,”
- 58 Page 63, line 22, at end insert –
- “() Where the Secretary of State makes a grant to UKRI under subsection (1), the Secretary of State must publish –
- (a) the amount of the grant, and
 - (b) if the terms and conditions of the grant allocate the whole or a part of that amount to a particular Council –
 - (i) the name of the Council, and
 - (ii) the amount of the grant which is so allocated to it.”

Clause 99

LORD PRIOR OF BRAMPTON

- 59 Page 64, line 7, at end insert –
- “(za) the Haldane principle, where the grant or direction mentioned in subsection (1) is in respect of functions exercisable by one or more of the Councils mentioned in section 91(1) pursuant to arrangements under that section,”
- 60 Page 64, line 8, after “principle” insert “, in any case”
- 61 Page 64, line 10, at end insert –
- “(2A) The “Haldane principle” is the principle that decisions on individual research proposals are best taken following an evaluation of the quality and likely impact of the proposals (such as a peer review process).”

Clause 112

VISCOUNT YOUNGER OF LECKIE

- 62 Page 69, line 9, leave out “subsection (3)” and insert “subsections (3) and (4)”
- 63 Page 69, line 14, at end insert –
- “(4) Provision made under subsection (1) by virtue of subsection (2)(b) may not revoke a Royal Charter in its entirety.”

Clause 115

VISCOUNT YOUNGER OF LECKIE

- 64 Page 70, line 11, at end insert –
- “() regulations under section 10(1) (prescribed description of providers for whom a transparency condition is mandatory);”
- 65 Page 70, line 16, at end insert –
- “() regulations under section 38(3) (prescribed description of providers eligible for financial support);”
- 66 Page 70, line 24, after “or” insert “of”
- 67 Page 70, line 27, at end insert “any of the following provisions of that Schedule applies –
- (a) paragraph 4(1A) (first regulations prescribing the higher, basic and floor amounts);
- (b) ”
- 68 Page 70, line 29, leave out “applies”
- 69 Page 70, line 29, at end insert –
- “() paragraph 5 (accelerated courses).”

Clause 120

VISCOUNT YOUNGER OF LECKIE

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

Schedule 1

VISCOUNT YOUNGER OF LECKIE

- 71 Page 78, line 29, at end insert –

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

Schedule 2

VISCOUNT YOUNGER OF LECKIE

- 72 Page 80, line 14, after “in” insert “the case of each provider and each qualifying course”
- 73 Page 80, line 26, leave out “applicable”
- 74 Page 80, line 36, leave out “this paragraph” and insert “sub-paragraph (2)(a)”
- 75 Page 80, line 37, 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 115(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.”
- 76 Page 80, line 40, after “descriptions” insert “of provider”
- 77 Page 81, line 9, 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 115(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 115(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.”
- 78 Page 81, line 10, leave out sub-paragraph (10)
- 79 Page 81, line 21, leave out “applicable”
- 80 Page 81, line 25, leave out “this paragraph” and insert “sub-paragraph (2)(a)”
- 81 Page 81, line 26, 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 115(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.”

82 Page 81, line 29, after “descriptions” insert “of provider”

83 Page 81, line 38, 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 115(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 115(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.”

84 Page 81, line 39, leave out sub-paragraph (9)

85 Page 82, line 11, 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.”

86 Page 82, line 36, 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 4

VISCOUNT YOUNGER OF LECKIE

- 87 Page 86, line 32, 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”
- 88 Page 88, line 13, after “protect” insert “ –
 (a) ”
- 89 Page 88, line 14, 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.”
- 90 Page 88, leave out line 37

Schedule 8

VISCOUNT YOUNGER OF LECKIE

- 91 Page 104, line 6, at end insert –
 “23A(1) Section 78 (financial years of higher education corporations) is amended as follows.
- (2) In the heading, at the end insert “: Wales”.
 - (3) In subsection (1), after “higher education corporations” insert “in Wales”.
 - (4) After subsection (2) insert –
 “(3) In this section “higher education corporation in Wales” means a higher education corporation established to conduct an institution whose activities are carried on, or principally carried on, in Wales.””

Schedule 9

LORD PRIOR OF BRAMPTON

- 92 Page 104, line 38, after “matters” insert “, the charitable sector”
- 93 Page 105, line 9, after “matters” insert “, the charitable sector”
- 94 Page 105, line 15, leave out “nine” and insert “twelve”
- 95 Page 105, line 20, after “Council” insert “after consulting the chair of UKRI”
- 96 Page 107, line 11, at end insert—
- “Executive Committee*
- 8A (1) UKRI must establish a committee called “the Executive Committee”.
- (2) The Executive Committee is to consist of—
- (a) the CEO, who is to be its chair,
- (b) the CFO,
- (c) the executive chair of each of the Councils, and
- (d) such other members as the CEO may appoint.
- (3) Those appointed under sub-paragraph (2)(d)—
- (a) must be employees of UKRI, and
- (b) if they cease to be such employees, may not continue as members appointed under that provision.
- (4) The Executive Committee may establish sub-committees, and a sub-committee so established is referred to in this Schedule as an “Executive sub-committee”.
- (5) An Executive sub-committee may include persons who are not members of UKRI, Council members or employees of UKRI.
- (6) UKRI must pay such allowances as the Secretary of State may determine to any person who—
- (a) is a member of an Executive sub-committee, but
- (b) is not a member of UKRI, a Council member or an employee of UKRI.”
- 97 Page 107, line 13, after “Councils” insert “and the Executive Committee”
- 98 Page 107, line 33, leave out sub-paragraphs (1) and (2) and insert—
- “(1) UKRI, a Council and the Executive Committee may each determine their own procedure and the procedure of any relevant committee.
- (1A) “Relevant committee” means—
- (a) in the case of UKRI, a general committee,
- (b) in the case of a Council, a Council sub-committee established by it, and
- (c) in the case of the Executive Committee, an Executive sub-committee.
- (2) But sub-paragraph (1) is subject to the rest of this paragraph.”
- 99 Page 108, line 16, after “general committee,” insert “or of the Executive Committee

- or any Executive sub-committee,”
- 100 Page 109, line 8, at end insert –
 “() The report must include a statement regarding how UKRI has cooperated with the OfS during that year.”
- 101 Page 109, line 31, leave out from beginning to third “the” and insert “But UKRI may do any of the following only in accordance with terms and conditions specified from time to time by”
- 102 Page 110, line 14, leave out “paragraph” and insert “paragraphs 8A and”
- 103 Page 110, line 23, leave out “paragraph” and insert “paragraphs 8A and”

Schedule 11

VISCOUNT YOUNGER OF LECKIE

- 104 Page 112, line 35, leave out “in receipt of remuneration”
- 105 Page 113, line 6, at end insert –
 “*Education (No. 2) Act 1986*
- 4A (1) Section 43 of the Education (No. 2) Act 1986 (freedom of speech in universities etc) is amended as follows.
- (2) After subsection (4) insert –
 “(4A) The establishments in England to which this section applies are –
 (a) any registered higher education provider;
 (b) any establishment of higher or further education which is maintained by a local authority;
 (c) any institution within the further education sector.”
- (3) In subsection (5), after “The establishments” insert “in Wales”.
- (4) In subsection (6), in the definition of “governing body”, for “in relation to any university” substitute “ –
 (a) in relation to a registered higher education provider, has the meaning given by section 81(1) of the Higher Education and Research Act 2017;
 (b) in relation to a university in Wales,”.
- (5) In subsection (6), after the definition of “governing body” insert –
 ““registered higher education provider” has the meaning given by section 4(10) of the Higher Education and Research Act 2017;”.
- (6) After subsection (6) insert –
 “(6A) For the purposes of this section –
 (a) an establishment is taken to be in England if its activities are carried on, or principally carried on, in England;
 (b) an establishment is taken to be in Wales if its activities are carried on, or principally carried on, in Wales.”

(7) In subsection (7)(a), after “subsection” insert “(4A)(b) or”.

106 Page 117, line 25, at end insert—

“29A(1) The Education Act 2005 is amended as follows.

(2) In section 92 (joint exercise of functions)—

- (a) in subsection (2), for “Higher Education Funding Council for England” substitute “Office for Students”, and
- (b) omit subsection (5).”

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