

HIGHER EDUCATION (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Huw Lewis AM on **27 October 2014**

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
4	Section 1, page 1, line 14, after 'limit', insert 'or other requirement included'.	Adran 1, tudalen 1, llinell 15, ar ôl 'ffioedd' yn y lle cyntaf y mae'n ymddangos, mewnosoder 'neu â gofyniad arall sydd wedi ei gynnwys'.	<p>The purpose of this amendment is to update the description of Part 2 in section 1 of the Bill.</p> <p>The effect of the amendment is to clarify that Part 2 of the Bill not only deals with a failure to comply with a fee limit within an institution's approved plan but also a failure to comply with a general requirement of an institution's approved plan.</p>
5	Section 6, page 5, line 20, leave out 'provisions' at the first place where it appears and insert 'requirements'.	Adran 6, tudalen 5, llinell 20, hepgorer 'ddarpariaethau' a mewnosoder 'ofynion'.	<p>The purpose of this amendment is to remove a reference to 'provisions' and to replace it with a reference to 'requirements'.</p> <p>The effect of this amendment is to remove the defined expression 'general provisions' from the Bill and replace it with the defined expression 'general requirements'.</p>
6	Section 6, page 5, line 21, after 'section', insert 'which require the governing body of the institution to do (or not to do) specified things'.	Adran 6, tudalen 5, llinell 22, ar ôl 'hon', mewnosoder 'sy'n ei gwneud yn ofynnol i gorff llywodraethu sefydliad wneud (neu beidio â gwneud) pethau penodedig'.	<p>The purpose of this amendment is to insert a definition of 'general requirements' in the Bill.</p> <p>The effect of this amendment is that the meaning of 'general requirements' is narrower than the meaning of 'general provisions' in that 'general requirements' are the provisions of a fee and access plan which impose specific requirements on the governing body of the institution to which the plan relates.</p>

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7	Section 9, page 6, line 14, leave out 'provide for an approved plan to be varied' and insert 'make provision permitting the governing body of a regulated institution to vary the institution's approved plan'.	Adran 9, tudalen 6, llinell 17, hepgorer 'ddarparu i gynllun a gymeradwywyd gael ei amrywio' a mewnosoder 'wneud darpariaeth sy'n caniatáu i gorff llywodraethu sefydliad rheoleiddiedig amrywio cynllun y sefydliad a gymeradwywyd'.	<p>The purpose of this amendment is to clarify the scope of the regulations made may be made under section 9 of the Bill.</p> <p>The effect of this amendment is to clarify that regulations under section 9 of the Bill may permit the governing body of a regulated institution (rather than a third party or HEFCW) to vary the institution's approved plan.</p>
8	Section 9, page 6, after line 15, insert— '(3) The regulations may make provision about the making and determination of applications for approval of a variation.'	Adran 9, tudalen 6, ar ôl llinell 19, mewnosoder— '(3) Caiff y rheoliadau wneud darpariaeth ynghylch gwneud ceisiadau am gymeradwyaeth i amrywiad a phenderfynu ar y ceisiadau hynny.'	<p>The purpose of this amendment is to add a new subsection 9(3), as a consequence of amendment 7, which allow provisions relating to the making and determination of applications for approval of a variation to be included in regulations.</p> <p>The effect of this amendment is to clarify that regulations under section 9 can make provision about making and determining applications for variation of a plan. This could include making provision of the kind that could be made under section 2(4) or section 7(3) of the Bill.</p>
9	Page 8, line 2, leave out section 13 and insert— '[] Directions in respect of failure to comply with general requirements of approved plan (1) This section applies if HEFCW are satisfied that the governing body of a regulated institution has failed, or is likely to fail, to comply with a general requirement of the institution's approved plan.	Tudalen 8, llinell 2, hepgorer adran 13 a mewnosoder— '[] Cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd (1) Mae'r adran hon yn gymwys os yw CCAUC wedi ei fodloni bod corff llywodraethu sefydliad rheoleiddiedig wedi methu, neu'n debygol o fethu, â chydymffurfio â gofyniad cyffredinol	<p>The purpose of the amendment is to replace the current section 13 of the Bill and in doing so replace the current regulation-making power in that section with a new HEFCW function on the face of the Bill. .</p> <p>The effect of this amendment is to enable HEFCW to direct the governing body of a regulated institution to take steps (or refrain from taking steps) for the purpose of dealing with or preventing a failure by the governing body of a regulated institution to comply</p>

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	<p>(2) HEFCW may direct the governing body to take (or not to take) specified steps for the purpose of dealing with or preventing the failure to comply.</p> <p>(3) But HEFCW may not give a direction under this section if they are satisfied that the governing body has taken all reasonable steps to comply with the requirement in question.</p> <p>(4) For procedural provision about directions under this section, see sections 40 to 43.'</p>	<p>yng nghynllun y sefydliad a gymeradwywyd.</p> <p>(2) Caiff CCAUC gyfarwyddo'r corff llywodraethu i gymryd (neu i beidio â chymryd) camau penodedig at y diben o ymdrin â'r methiant i gydymffurfio neu atal methiant o'r fath.</p> <p>(3) Ond ni chaiff CCAUC roi cyfarwyddyd o dan yr adran hon os yw wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â'r gofyniad o dan sylw.</p> <p>(4) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 40 i 43.'</p>	<p>with a general requirement of the institution's approved fee and access plan. HEFCW will only be able to give a direction to the governing body of a regulated institution where they are satisfied that the governing body has failed, or is likely to fail, to comply with such requirement.</p> <p>HEFCW will not be able to give a direction under section 13 if they are satisfied that the governing body in question has taken all reasonable steps to comply with the requirement in question.</p>
10	Section 15, page 9, line 5, leave out 'provisions' and insert 'requirements'.	Adran 15, tudalen 9, llinell 5, hepgorer 'darpariaethau' a mewnosoder 'gofynion'.	Consequential to amendment 5.
11	In the Welsh text only, in section 32, page 16, line 12, leave out 'â' in the second place it appears and insert 'â'r'.	Adran 32, tudalen 16, llinell 12, hepgorer 'â' yn yr ail le y mae'n ymddangos a mewnosoder 'â'r'.	<p>The purpose of the amendment is to correct a typographical error in the Welsh text of the Bill in section 32.</p> <p>The effect of this amendment is to ensure consistency of drafting between the English and Welsh texts of the Bill.</p>
12	Section 36, page 18, line 12, leave out 'the general provisions' and insert 'a general requirement'.	Adran 36, tudalen 18, llinell 14, hepgorer 'darpariaethau cyffredinol cynllun' a mewnosoder 'gofyniad cyffredinol yng nghynllun'.	Consequential to amendment 5.
13	Section 36, page 18, line 17, leave out 'the general provisions' and insert 'a general requirement'.	Adran 36, tudalen 18, llinell 20, hepgorer 'darpariaethau cyffredinol' a mewnosoder 'gofyniad cyffredinol mewn'.	Consequential to amendment 5.
14	Section 36, page 18, line 18, leave out 'those provisions' and insert 'the requirement'.	Adran 36, tudalen 18, llinell 22, hepgorer 'darpariaethau hynny' a mewnosoder 'gofyniad'.	Consequential to amendment 5.

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18	Section 40, page 20, after line 9, insert- '() a direction under section [section to be inserted by amendment 9] (directions in respect of failure to comply with general requirements of approved plan).'	Adran 40, tudalen 20, ar ôl llinell 9, mewnosoder— '() cyfarwyddyd o dan adran [adran l'w mewnosod gan welliant 9] (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd).'	reasonable steps to comply with a requirement. The purpose of this amendment is to extend the provisions to which sections 41 to 43 of the Bill (warning notices and review procedures) apply. The effect of this amendment to section 40(1) is that where HEFCW proposes to give a direction under section 13, it must give the governing body in question a warning notice. The governing body will be able to make representations to HEFCW about their proposals and HEFCW must take those representations into account when deciding whether to give the direction. If HEFCW decide to give the governing body the direction, the governing body may apply for a review of that decision (subject to the grounds upon which a review may be made).
19	Section 48, page 22, after line 28, insert- '() compliance with section 10(1) by institutions within section 10(2) generally or by a particular institution.'	Adran 48, tudalen 22, ar ôl llinell 29, mewnosoder— '() cydymffurfedd ag adran 10(1) gan sefydliadau o fewn adran 10(2) yn gyffredinol neu gan sefydliad penodol.'	The purpose of this amendment is to insert a new paragraph into subsection 48(1) which refers expressly to compliance with section 10(1). The effect of this amendment is to clarify that Welsh Ministers are able to direct HEFCW to report to the Welsh Ministers on compliance with applicable fee limits for regulated courses by institutions generally or by a particular institution.
20	Section 48, page 22, line 29, leave out 'provisions' and insert 'general requirements'.	Adran 48, tudalen 22, llinell 30, hepgorer 'darpariaethau' a mewnosoder 'gofynion cyffredinol'.	The purpose of this amendment is to replace the current reference in section 48(1)(a) to "provisions" of approved plans generally with a reference to the "general requirements" of approved plans generally. The effect of this amendment is to ensure that the

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			Welsh Ministers are able to direct HEFCW to provide a special report on compliance with the general requirements of approved plans generally.
21	Section 48, page 22, line 30, leave out 'provisions' and insert 'general requirements'.	Adran 48, tudalen 22, llinell 31, hepgorer 'darpariaethau' a mewnosoder 'gofynion cyffredinol'.	<p>The purpose of this amendment is to replace the current reference in section 48(1)(a) to "provisions" of a particular approved plan with a reference to the "general requirements" of a particular approved plan.</p> <p>The effect of this amendment is to ensure that the Welsh Ministers are able to direct HEFCW to provide a special report on compliance with the general requirements of a particular approved plan.</p>
22	Section 49, page 23, after line 24, insert- '() section [section to be inserted by amendment 9] (directions in respect of failure to comply with general requirements of approved plan);'.	Adran 49, tudalen 23, ar ôl llinell 26, mewnosoder— '() adran [adran i'w mewnosod gan welliant 9] (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd);'.	<p>The purpose of this amendment is to extend the scope of the statement in respect of intervention functions that HEFCW must prepare under section 49 of the Bill.</p> <p>The effect of this amendment is to ensure that HEFCW's statement under section 49 of the Bill will extend to how HEFCW propose to exercise their functions under section 13.</p>
23	Section 52, page 24, leave out line 35.	Adran 52, tudalen 24, hepgorer llinell 36.	Consequential to amendment 9.
24	Section 54, page 26, line 10, leave out 'provisions' ("darpariaethau" and insert 'requirements' ("gofynion".	Adran 54, tudalen 26, llinell 4, hepgorer 'darpariaethau cyffredinol' ("general provisions" a mewnosoder 'gofynion cyffredinol' ("general requirements'.	Consequential to amendment 5.