



# Higher Education Act 2004

## CHAPTER 8

### HIGHER EDUCATION ACT 2004

#### PART 1

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- 2 Transfer to Council of property etc of Arts and Humanities Research Board
- 3 Expenses of Council
- 4 Returns, reports etc. by Council to Secretary of State
- 5 Pensions
- 6 Accounts and records of Council
- 7 Northern Ireland: reserved matters
- 8 Activities outside United Kingdom
- 9 Charter of Council
- 10 Research in arts and humanities

#### PART 2

##### REVIEW OF STUDENT COMPLAINTS

- 11 Qualifying institutions
- 12 Qualifying complaints
- 13 Designation of operator of student complaints scheme
- 14 Duties of designated operator
- 15 Duties of qualifying institutions
- 16 Termination of designation
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- 18 Provision where designation of operator to cease
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*Status: Point in time view as at 15/11/2011.*

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- 20 Exclusion of visitor’s jurisdiction in relation to student complaints
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##### *Imposition of conditions as to fees*

- 23 Duty of Secretary of State to impose condition as to student fees, etc.
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- 25 Transitional cases in which condition must not allow fees to exceed basic amount
- 26 Regulations under section 24(6) relating to basic or higher amount
- 27 Power of National Assembly for Wales to impose conditions as to student fees, etc.
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- 36 Variation of plans
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- 41 Interpretation of Part 3

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- 43 Other amendments of section 22 of Teaching and Higher Education Act 1998
- 44 Transfer of certain functions to National Assembly for Wales
- 45 Supply of information held by student support authority

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*Staff disputes: jurisdiction of visitor*

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- 51 Financial provisions
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- 54 Short title, etc.

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SCHEDULES

SCHEDULE 1 — Conditions to be met by operator of student complaints scheme

*Introduction*

- 1 This Schedule sets out the conditions referred to in section...

*Suitability*

- 2 Condition A is that the body corporate is a suitable...

*Capability*

- 3 Condition B is that the body corporate is capable of...

SCHEDULE 2 — Conditions to be met by student complaints scheme

*Introduction.*

- 1 This Schedule sets out the conditions referred to in section...

*Qualifying institutions*

- 2 Condition A is that at any given time the scheme...

*Referral of qualifying complaints*

- 3 (1) Condition B is that the scheme provides that every...

*Individuals to review complaints*

- 4 Condition C is that the scheme requires every qualifying complaint...

*Review of complaint*

- 5 (1) Condition D is that the scheme requires a reviewer—...

*Recommendation of reviewer if complaint justified*

- 6 Condition E is that the scheme provides that, in a...

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*Reviewers to notify parties of decisions, recommendations etc.*

7 Condition F is that the scheme requires a reviewer to...

*Fees*

8 Condition G is that the scheme does not require complainants...

9 Condition H is that any fees payable under the scheme...

*Scheme also applying to bodies that are not qualifying institutions*

10 (1) A scheme does not fail to meet the conditions...

*Interpretation*

11 In this Schedule— “complainant” means the person making a qualifying...

*Power to amend this Schedule*

12 (1) Regulations may amend the preceding provisions of this Schedule....

SCHEDULE 3 — Duties of designated operator of student complaints scheme

*Introduction*

1 This Schedule sets out the duties referred to in section...

*Provision of scheme*

2 The designated operator must provide a scheme for the review...

*Publication of scheme*

3 The designated operator must publish the latest version of the...

*Changes to scheme*

4 The designated operator must not make any change to a...

*Compliance with scheme*

5 The designated operator must comply with any requirements that the...

*Annual report*

6 (1) The designated operator must— (a) produce an annual report...

*Review*

7 (1) This paragraph applies if the Secretary of State or...

*Supply of information*

8 The designated operator must provide the Secretary of State or...

*Period during which the designated operator must comply with duties*

9 (1) The duties set out in this Schedule apply from...

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*Duties to publish information: further provision*

10 Where by virtue of this Schedule the designated operator is...

SCHEDULE 4 — Termination of designation of operator of student complaints scheme

Part 1 — CIRCUMSTANCES IN WHICH DESIGNATION TERMINATED

*Introduction*

1 This Part of this Schedule sets out the circumstances in...

*Agreement*

2 The designation is terminated if the designated operator and the...

3 In this case the designation is terminated on the date...

*Notice given by the designated operator*

4 (1) The designation is terminated if the designated operator gives...

5 In this case the designation is terminated on the date...

*Notice given by Secretary of State or Assembly*

6 (1) The designation is terminated if the Secretary of State...

7 In this case the designation is terminated on the date...

*Operator ceases to exist*

8 The designation is terminated if the designated operator ceases to...

9 In this case the designation is terminated on the date...

Part 2 — AGREEMENT MADE OR NOTICE GIVEN UNDER PART 1:  
SUPPLEMENTARY PROVISION

*Introduction*

10 (1) This Part of this Schedule applies where—

*Effect of agreement or notice on provisions of Part 1 of Schedule*

11 (1) Where this Part of this Schedule applies—

*Circumstances in which agreement or notice superseded*

12 The original instrument of termination is superseded only if—

*Agreement or notice not capable of variation or cancellation or revocation*

13 (1) An agreement made under paragraph 2 may not be...

14 (1) Notice given under paragraph 4 or 6 may not...

SCHEDULE 5 — The Director of Fair Access to Higher Education: supplementary provisions

*Status, appointment and remuneration of Director*

1 The Director and his staff are not to be regarded...

2 (1) The Director is to hold and vacate office in...

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3 There are to be paid to the Director such remuneration...

*Staff*

4 (1) The Director may appoint such staff as he may...

*Arrangements with Higher Education Funding Council for England*

5 The Director and the Higher Education Funding Council for England...

*Finance*

6 The Secretary of State may make payments to the Director....

*Reports*

7 (1) The Director must provide to the Secretary of State,...

*Accounts*

8 (1) It is the duty of the Director—

SCHEDULE 6 — Consequential amendments

*Public Records Act 1958 (c. 51)*

1 In Schedule 1 to the Public Records Act 1958 (definition...

*Parliamentary Commissioner Act 1967 (c. 13)*

2 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

*Superannuation Act 1972 (c. 11)*

3 In Schedule 1 to the Superannuation Act 1972 (which lists...

*House of Commons Disqualification Act 1975 (c. 24)*

4 In Schedule 1 to the House of Commons Disqualification Act...

*Patents Act 1977 (c. 37)*

5 In section 41 of the Patents Act 1977 (amount of...

*Further Education Act 1985 (c. 47)*

6 In section 2 of the Further Education Act 1985 (power...

*Teaching and Higher Education Act 1998 (c. 30)*

7 Omit section 26 of the 1998 Act (imposition of conditions...

8 In section 28 of the 1998 Act (interpretation of Chapter...

9 In section 42 of the 1998 Act (orders and regulations),...

*Freedom of Information Act 2000 (c. 36)*

10 In Schedule 1 to the Freedom of Information Act 2000...

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## SCHEDULE 7 — Repeals

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