

## HIGHER EDUCATION (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Huw Lewis AM on 15 October 2015; further amendments for consideration at Stage 2 will be tabled by the Minister for Education and Skills in due course.

| No. | GOVERNMENT AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | GWELLIANT Y LLYWODRAETH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PURPOSE AND EFFECT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 1   | Section 1, page 2, line 5, leave out 'provision about certain supplementary functions of HEFCW,' and insert 'supplementary provision about functions of HEFCW, including provision'.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Adran 1, tudalen 2, llinell 6, hepgorer 'ynghylch swyddogaethau atodol penodol CCAUC,' a mewnosoder 'atodol ynghylch swyddogaethau CCAUC, gan gynnwys darpariaeth'.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Consequential to amendments 2 & 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2   | <p>To insert a new section –</p> <p><b>'46 Compatibility with charity law and governing documents of institutions</b></p> <p>(1) Nothing in this Act confers power on HEFCW to require the governing body of an institution to do anything that is incompatible with—</p> <p>(a) any legal obligation or legal restriction that applies to the governing body by virtue of the institution being a charity, or</p> <p>(b) the governing documents of the institution.</p> <p>(2) For the purposes of subsection (1)(b), the governing documents of an institution are—</p> <p>(a) in the case of an institution established by Royal charter—</p> <p>(i) the institution's charter, and</p> <p>(ii) any instrument relating to the conduct of the</p> | <p>I fewnosod adran newydd—</p> <p><b>'46 Cydnawsedd â chyfraith elusennau a dogfennau llywodraethu sefydliadau</b></p> <p>(1) Nid oes dim byd yn y Ddeddf hon yn rhoi pŵer i CCAUC i'w gwneud yn ofynnol i gorff llywodraethu sefydliad wneud unrhyw beth sy'n anghydnaws—</p> <p>(a) ag unrhyw rwymedigaeth gyfreithiol neu gyfyngiad cyfreithiol sy'n gymwys i'r corff llywodraethu yn rhinwedd bod y sefydliad yn elusen, neu</p> <p>(b) â dogfennau llywodraethu'r sefydliad.</p> <p>(2) At ddibenion is-adran (1)(b), dogfennau llywodraethu sefydliad yw—</p> <p>(a) yn achos sefydliad a sefydlwyd drwy siarter Frenhinol—</p> <p>(i) siarter y sefydliad, a</p> <p>(ii) unrhyw offeryn sy'n ymwneud</p> | <p>The purpose of the amendment is to insert a new section ('Compatibility with charity law and governing documents of institutions) into the Bill.</p> <p>The effects of this amendment are twofold: firstly, the amendment ensures that HEFCW cannot require the governing body of an institution to do anything that is incompatible with any legal obligation or restriction that applies to the governing body as a result of the institution being a charity. Secondly, the amendment ensures HEFCW cannot require the governing body of an institution to do anything that is incompatible with the institution's governing documents.</p> |

| No. | GOVERNMENT AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | GWELLIANT Y LLYWODRAETH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | PURPOSE AND EFFECT                                                                                                                                                                                                                                         |
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|     | <p>institution the making or amendment of which requires the approval of the Privy Council;</p> <p>(b) in the case of an institution conducted by a higher education corporation, the corporation's instrument of government and the institution's articles of government;</p> <p>(c) in the case of an institution conducted by a further education corporation, the corporation's instrument of government and articles of government;</p> <p>(d) in the case of an institution designated under section 129 of the Education Reform Act 1988 or section 28 of the Further and Higher Education Act 1992, the institution's instrument of government and articles of government;</p> <p>(e) in the case of an institution not falling within paragraphs (a) to (d) that is conducted by a company, the company's memorandum and articles of association.</p> | <p>â rhedeg y sefydliad, y mae'n ofynnol cael cymeradwyaeth y Cyfrin Gyngor er mwyn gwneud neu ddiwygio'r offeryn hwnnw;</p> <p>(b) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg uwch, offeryn llywodraethu'r gorfforaeth ac erthyglau llywodraethu'r sefydliad;</p> <p>(c) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg bellach, offeryn llywodraethu'r gorfforaeth a'i herthyglau llywodraethu;</p> <p>(d) yn achos sefydliad a ddynodwyd o dan adran 129 o Ddeddf Diwygio Addysg 1988 neu adran 28 o Ddeddf Addysg Bellach ac Uwch 1992, offeryn llywodraethu'r sefydliad a'i erthyglau llywodraethu;</p> <p>(e) yn achos sefydliad nad yw'n dod o fewn paragraffau (a) i (d) sy'n cael ei redeg gan gwmni, memorandwm y cwmni a'i erthyglau cymdeithasu.'.</p> |                                                                                                                                                                                                                                                            |
| 3   | <p>To insert a new section –</p> <p><b>'46 Duty to take into account importance of protecting academic freedom</b></p> <p>In exercising functions by virtue of this Act, HEFCW must take into account the importance of protecting</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>I fewnosod adran newydd—</p> <p><b>'46 Dyletswydd i ystyried pwysigrwydd diogelu rhyddid academiaidd</b></p> <p>Wrth arfer swyddogaethau yn rhinwedd y Ddeddf hon, rhaid i CCAUC ystyried pwysigrwydd diogelu</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The purpose of the amendment is to insert a new section ('Duty to take into account importance of protecting academic freedom') into the Bill.</p> <p>The effect of the amendment is that HEFCW must take into account the importance of protecting</p> |

| No. | GOVERNMENT AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                         | GWELLIANT Y LLYWODRAETH                                                                                                                                                                                                                                                                                                                                                                                                                                     | PURPOSE AND EFFECT                                                                                                                                                                                                                                                                                                        |
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|     | <p>academic freedom including, in particular, the freedom of institutions-</p> <p>(a) to determine the contents of particular courses and the manner in which they are taught, supervised or assessed,</p> <p>(b) to determine the criteria for the admission of students and to apply those criteria in particular cases, and</p> <p>(c) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.</p> | <p>rhyddid academaidd gan gynnwys, yn benodol, rhyddid sefydliadau—</p> <p>(a) i benderfynu ar gynnwys cyrsiau penodol a'r dull o'u haddysgu, eu goruchwyllo neu eu hasesu,</p> <p>(b) i benderfynu ar y meini prawf ar gyfer derbyn myfyrwyr ac i gymhwysu'r meini prawf hynny mewn achosion penodol, ac</p> <p>(c) i benderfynu ar y meini prawf ar gyfer dethol a phenodi staff academaidd ac i gymhwysu'r meini prawf hynny mewn achosion penodol.'</p> | <p>academic freedom when exercising their functions under the Bill. This includes, but is not limited to, the freedom of institutions to determine the contents of particular courses and the manner in which they are taught, the criteria for the admission of students and the selection and appointment of staff.</p> |