

# Higher Education (Fees) Bill [HL]

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**B I L L**

TO

Ensure that Higher Education institutions in England and Wales and Scotland may not vary fees charged to British students based on a student's place of domicile; and to require organisations using public funds to assist students in paying fees not to vary support based on a student's place of study within the United Kingdom.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Equality of treatment of British citizens by the Scottish Government**

- (1) The Scotland Act 1998 is amended as follows.
- (2) In section 29 (legislative competence) after subsection (2)(d) insert—
- “(da) it would result in residents of England, Wales or Northern Ireland being treated differently to citizens of other EU member states.”

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**2 Variation of student fees in Scotland according to origin of British students**

- (1) The Scotland Act 1998 is amended as follows.
- (2) In Part 2 of Schedule 5, under Head L (miscellaneous) at the end insert—

**“L8. Variation of student fees according to origin of British students**

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The setting of student fees for students domiciled in England, Northern Ireland or Wales studying at Scottish universities at rates different from those for students from Scotland studying at Scottish universities.

*Interpretation*

“Fees” has the meaning given by section 41 of the Higher Education Act 2004.”

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### **3 Variation of student fees in England and Wales according to origin of British students**

- (1) The Higher Education Act 2004 is amended as follows.
- (2) In section 33 (contents of plans) after subsection (5)(f) insert –
- “(g) prohibiting the governing body from setting fees for students domiciled in Scotland and Northern Ireland at rates different from those for students from England and Wales”.

### **4 Provision of financial support to students**

- (1) No organisation providing financial support to British students attending higher education institutions in the United Kingdom shall do so in a way which provides more beneficial support to some students on the basis of the geographical location of their place of study. 10
- (2) Nothing in this section shall prevent an organisation from contributing different cash values of support towards the fees of students attending different higher education institutions, providing that the variance is based on a policy providing for support for a consistent proportion of fees. 15
- (3) In this section –
- “financial support” shall mean the use of any funds raised through local, regional or national taxation –
- (a) to pay, in full or in part; or 20
- (b) to underwrite any loans conditional on their use to pay, in full or in part;
- any fees;
- “fees” has the meaning given by section 41 of the Higher Education Act 2004. 25

### **5 Report on provisions and commencement**

- (1) This section, section 3 and section 6 shall come into force on the day on which this Act is passed.
- (2) The Secretary of State for Education shall, within six months beginning on the day on which this Act is passed, lay before both Houses of Parliament a report explaining the impact of this Act on universities and other higher and further education institutions. 30
- (3) Sections 1, 2 and 4 come into force after –
- (a) twelve months, beginning on the day on which this Act is passed, have passed, and 35
- (b) the Secretary of State has laid before both Houses of Parliament the report required in subsection (2).

### **6 Short title and extent**

- (1) This Act may be cited as the Higher Education (Fees) Act 2012.
- (2) This Act extends to England and Wales, Scotland and Northern Ireland. 40







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To ensure that Higher Education institutions in England and Wales and Scotland may not vary fees charged to British students based on a student's place of domicile; and to require organisations using public funds to assist students in paying fees not to vary support based on a student's place of study within the United Kingdom.

*Lord Forsyth of Drumlean*

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