

Changes to legislation: Higher Education Act 2004, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4 **E+W**

Section 16

TERMINATION OF DESIGNATION OF OPERATOR OF STUDENT COMPLAINTS SCHEME

PART 1 **E+W**

CIRCUMSTANCES IN WHICH DESIGNATION TERMINATED

Introduction

- 1 This Part of this Schedule sets out the circumstances in which the designation of a body corporate under section 13 is terminated.

Commencement Information

- I1** Sch. 4 para. 1 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I2 Sch. 4 para. 1 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

Agreement

- 2 The designation is terminated if the designated operator and the Secretary of State or the Assembly (as the case may be) make an agreement which specifies a date when the designation is to terminate.

Commencement Information

- I3** Sch. 4 para. 2 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I4 Sch. 4 para. 2 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

- 3 In this case the designation is terminated on the date specified in the agreement.

Commencement Information

- I5** Sch. 4 para. 3 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I6 Sch. 4 para. 3 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

Notice given by the designated operator

- 4 (1) The designation is terminated if the designated operator gives the Secretary of State or the Assembly (as the case may be) notice which specifies a date when the designation is to terminate.
- (2) Notice under this paragraph is valid only if the period between—

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- (a) the date when the notice is given, and
 - (b) the date specified in the notice,
- is one year or longer.

Commencement Information

- I7** Sch. 4 para. 4 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I8 Sch. 4 para. 4 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

5 In this case the designation is terminated on the date specified in the notice.

Commencement Information

- I9** Sch. 4 para. 5 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I10 Sch. 4 para. 5 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

Notice given by Secretary of State or Assembly

- 6 (1) The designation is terminated if the Secretary of State or the Assembly (as the case may be) gives the designated operator notice which specifies a date when the designation is to terminate.
- (2) Notice under this paragraph may not be given unless the Secretary of State or the Assembly—
- (a) is no longer satisfied that the designated operator meets all of the conditions in Schedule 1, or
 - (b) is satisfied that the designated operator has failed to comply with section 14.
- (3) Notice under this paragraph is valid only if the period between—
- (a) the date when the notice is given, and
 - (b) the date specified in the notice,
- is such as the Secretary of State or the Assembly considers reasonable.

Commencement Information

- I11** Sch. 4 para. 6 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I12 Sch. 4 para. 6 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

7 In this case the designation is terminated on the date specified in the notice.

Commencement Information

- I13** Sch. 4 para. 7 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I14 Sch. 4 para. 7 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

Operator ceases to exist

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

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Commencement Information

- I15** Sch. 4 para. 8 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**
I16 Sch. 4 para. 8 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

- 9 In this case the designation is terminated on the date when the operator ceases to exist.

Commencement Information

- I17** Sch. 4 para. 9 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**
I18 Sch. 4 para. 9 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

PART 2 **E+W**

AGREEMENT MADE OR NOTICE GIVEN UNDER PART 1: SUPPLEMENTARY PROVISION

Introduction

- 10 (1) This Part of this Schedule applies where—
- (a) the designated operator and the Secretary of State or the Assembly have made an agreement under paragraph 2,
 - (b) the designated operator has given notice under paragraph 4, or
 - (c) the Secretary of State or the Assembly has given notice under paragraph 6.

- (2) In this Part—

“original instrument of termination” means the agreement or notice referred to in sub-paragraph (1);

“termination date” means the date specified in an agreement under paragraph 2, or notice under paragraph 4 or 6, as the date when the designation in question is to terminate.

Commencement Information

- I19** Sch. 4 para. 10 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**
I20 Sch. 4 para. 10 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

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

- 11 (1) Where this Part of this Schedule applies—
- (a) the designated operator and the Secretary of State or the Assembly may not make an agreement, or a new agreement, under paragraph 2,
 - (b) the designated operator may not give a notice, or a new notice, under paragraph 4, and
 - (c) the Secretary of State or the Assembly may not—
 - (i) give a notice under paragraph 6 except in accordance with sub-paragraph (2) below, or
 - (ii) give a new notice under paragraph 6.

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- (2) The Secretary of State or the Assembly may give a notice under paragraph 6 if—
- (a) the original instrument of termination is—
 - (i) an agreement under paragraph 2, or
 - (ii) a notice under paragraph 4, and
 - (b) the termination date specified in the notice under paragraph 6 falls before the termination date specified in the original instrument of termination.

Commencement Information

- I21** Sch. 4 para. 11 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I22 Sch. 4 para. 11 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

Circumstances in which agreement or notice superseded

- 12 The original instrument of termination is superseded only if—
- (a) notice under paragraph 6 is given in accordance with paragraph 11(2), or
 - (b) the designation in question is terminated in accordance with paragraph 8 (operator ceases to exist).

Commencement Information

- I23** Sch. 4 para. 12 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I24 Sch. 4 para. 12 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

Agreement or notice not capable of variation or cancellation or revocation

- 13 (1) An agreement made under paragraph 2 may not be varied or cancelled.
- (2) Accordingly such an agreement continues in force until—
- (a) the designation is terminated in accordance with the agreement, or
 - (b) the agreement is superseded in accordance with paragraph 12.

Commencement Information

- I25** Sch. 4 para. 13 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I26 Sch. 4 para. 13 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

- 14 (1) Notice given under paragraph 4 or 6 may not be varied or revoked.
- (2) Accordingly such notice continues in force until—
- (a) the designation is terminated in accordance with the notice, or
 - (b) the notice is superseded in accordance with paragraph 12.

Commencement Information

- I27** Sch. 4 para. 14 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2
I28 Sch. 4 para. 14 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(1) s. 11 renumbered as s. 11(1) by [2022 asc 1 s. 128\(2\)\(a\)](#)
- s. 11(1)(a) words substituted by [2022 asc 1 Sch. 4 para. 16\(2\)](#)
- s. 11(2)-(5) inserted by [2022 asc 1 s. 128\(2\)\(b\)](#)
- s. 12(2A) inserted by [2022 asc 1 s. 128\(3\)\(a\)](#)
- Sch. 2 para. 3(2)(d) inserted by [2023 c. 16 Sch. para. 19](#)