

SCHEDULES

SCHEDULE 4

Section 16

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 which the designation of a body corporate under section 13 is terminated.

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

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—
- (a) the date when the notice is given, and
 - (b) the date specified in the notice,
- is one year or longer.
- 5 In this case the designation is terminated on the date specified in the notice.

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.

Status: This is the original version (as it was originally enacted).

- (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.

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

Operator ceases to exist

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

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

PART 2

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.

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.
- (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.

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).

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.
- 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.