



Higher Education Act 2004

2004 CHAPTER 8

PART 2

REVIEW OF STUDENT COMPLAINTS

18 Provision where designation of operator to cease

(1) Where—

- (a) an agreement to terminate a designation has been made under paragraph 2 of Schedule 4,
- (b) notice to terminate a designation has been given under paragraph 4 or 6 of Schedule 4, or
- (c) the designated operator has ceased to exist,

the Secretary of State (in relation to England) or, as the case requires, the Assembly (in relation to Wales) may by order make such provision as he or it thinks fit for, or in connection with, the review of qualifying complaints.

(2) The provision that may be made under this section includes any one or more of the following—

- (a) provision requiring the designated operator to provide the scheme in accordance with specified requirements;
- (b) provision modifying, or requiring the designated operator to modify, the provisions of the scheme;
- (c) provision about the fees payable under the scheme, including provision requiring the repayment of fees already paid;
- (d) provision for a specified person to take over provision of the scheme;
- (e) provision for any provision of this Part that applies in relation to a scheme provided by the designated operator to apply (with or without modifications) in relation to a scheme provided by a person specified by virtue of paragraph (d);
- (f) provision for a specified person to review qualifying complaints, or specified descriptions of qualifying complaints, otherwise than under the scheme;

Changes to legislation: Higher Education Act 2004, Section 18 is up to date with all changes known to be in force on or before 22 March 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

- (g) provision requiring the payment of fees by the governing bodies of qualifying institutions to a person specified by virtue of paragraph (f);
 - (h) provision requiring the designated operator to provide such information and assistance as the Secretary of State or the Assembly considers necessary—
 - (i) for the Secretary of State or the Assembly to make provision under this section; or
 - (ii) for any person to comply with, or act under or in accordance with, provision made under this section.
- (3) The Secretary of State or the Assembly may be specified by virtue of subsection (2)(d), but not by virtue of subsection (2)(f).
- (4) In this section—
“the scheme” means the scheme for the review of qualifying complaints that the designated operator provides or has been providing;
“specified” means specified in an order under this section.

Commencement Information

- I1** S. 18 in force for E. at 1.11.2004 by [S.I. 2004/2781](#), [art. 2](#)
- I2** S. 18 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](#)