



# Higher Education Act 2004

## 2004 CHAPTER 8

### PART 2

#### REVIEW OF STUDENT COMPLAINTS

#### 12 Qualifying complaints

- (1) In this Part “qualifying complaint” means, subject to [<sup>F1</sup>subsections (2) and (3)], a complaint about an act or omission of a qualifying institution which is made by a person—
- (a) as a student or former student at that institution, or
  - (b) as a student or former student at another institution (whether or not a qualifying institution) undertaking a course of study, or programme of research, leading to the grant of one of the qualifying institution’s awards.
- (2) A complaint which falls within subsection (1) is not a qualifying complaint to the extent that it relates to matters of academic judgment.
- [<sup>F2</sup>(3) The designated operator may determine that a complaint within subsection (1) about an act or omission of a qualifying institution within [<sup>F3</sup>paragraph (da), (e), (ea)] or (f) of section 11 is a qualifying complaint only if it is made by a person who is undertaking or has undertaken a particular course or a course of a particular description.]

#### Textual Amendments

- F1** Words in s. 12(1) substituted (1.9.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), **ss. 89(3)(a)**, 100(5); [S.I. 2015/1575](#), art. 2 (with art. 3); [S.I. 2015/1605](#), art. 2 (with art. 3); [S.I. 2015/1575](#), art. 2 (with art. 3); [S.I. 2015/1605](#), art. 2 (with art. 3)
- F2** S. 12(3) inserted (1.9.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), **ss. 89(3)(b)**, 100(5); [S.I. 2015/1575](#), art. 2 (with art. 3); [S.I. 2015/1605](#), art. 2 (with art. 3); [S.I. 2015/1575](#), art. 2 (with art. 3); [S.I. 2015/1605](#), art. 2 (with art. 3)
- F3** Words in s. 12(3) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 89(3)**, 124(5); [S.I. 2018/241](#), reg. 2(l)

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**Changes to legislation:** Higher Education Act 2004, Section 12 is up to date with all changes known to be in force on or before 12 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](#)

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#### **Commencement Information**

- I1** S. 12 in force for E. at 1.11.2004 by [S.I. 2004/2781](#), **art. 2**
- I2** S. 12 in force for W. at 1.12.2004 by [S.I. 2004/3144](#), **Sch. Pt. 1**

**Changes to legislation:**

Higher Education Act 2004, Section 12 is up to date with all changes known to be in force on or before 12 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.

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**Changes and effects yet to be applied to :**

- s. 12(3) words substituted by [2022 asc 1 s. 128\(3\)\(b\)](#)

**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](#)