



Higher Education and Research Act 2017

CHAPTER 29

HIGHER EDUCATION AND RESEARCH ACT 2017

PART 1

THE OFFICE FOR STUDENTS

Establishment of the Office for Students

- 1 The Office for Students
- 2 General duties

The register of English higher education providers

- 3 The register
- 4 Registration procedure

Registration conditions

- 5 The initial and general ongoing registration conditions
- 6 The specific ongoing registration conditions
- 7 Proportionate conditions

Mandatory registration conditions

- 8 Mandatory ongoing registration conditions for all providers
- 9 Mandatory transparency condition for certain providers
- 10 Mandatory fee limit condition for certain providers
- 11 Duty to publish a list regarding the fee limit condition
- 12 Mandatory access and participation plan condition for certain institutions

Other registration conditions

- 13 Other initial and ongoing registration conditions
- 14 Public interest governance condition

Enforcement of ongoing registration conditions

- 15 Power to impose monetary penalties
- 16 Suspension of registration
- 17 Suspension: procedure
- 18 De-registration by the OfS
- 19 De-registration by the OfS: procedure
- 20 De-registration: appeals
- 21 Refusal to renew an access and participation plan

Voluntary de-registration

- 22 Voluntary de-registration

Quality and standards

- 23 Assessing the quality of, and the standards applied to, higher education
- 24 Quality Assessment Committee
- 25 Rating the quality of, and the standards applied to, higher education
- 26 Report on operation of section 25 schemes
- 27 Performance of assessment functions by a designated body
- 28 Power of designated body to charge fees

Access and participation

- 29 Power to approve an access and participation plan
- 30 Duration of a plan
- 31 Content of a plan: fees
- 32 Content of a plan: equality of opportunity
- 33 Variation of a plan
- 34 Review of decisions on approval or variation
- 35 Advice on good practice
- 36 Duty to protect academic freedom
- 37 Power of Secretary of State to require a report

Student transfers

- 38 Duty to monitor etc the provision of arrangements for student transfers

Powers to give financial support

- 39 Financial support for registered higher education providers
- 40 Financial support for certain institutions
- 41 Financial support: terms and conditions

Powers to grant degrees etc

- 42 Authorisation to grant degrees etc
- 43 Supplementary powers with authorisation
- 44 Variation or revocation of section 42 authorisation
- 45 Variation or revocation of other authorisations to grant degrees etc
- 46 Grant, variation or revocation of authorisation: advice on quality etc

- 47 Grant of authorisation: notification of new providers
- 48 Variation or revocation of authorisation: procedure
- 49 Appeals against variation or revocation of authorisation
- 50 Validation by authorised providers
- 51 Validation by the OfS
- 52 Sections 42 to 49: consequential amendments
- 53 Unrecognised degrees
- 54 Unrecognised degrees: supplementary
- 55 Saving for right to grant degrees under the Ecclesiastical Licences Act 1533

Powers in relation to “university” title

- 56 Use of “university” in title of institution
- 57 Unauthorised use of “university” in title of institution etc
- 58 Revocation of authorisation to use “university” title
- 59 Revocation of authorisation: procedure
- 60 Appeals against revocation of authorisation

Powers of entry and search

- 61 Entering and searching premises with a warrant

Information powers

- 62 Power to require information from unregistered providers
- 63 Cooperation and information sharing by the OfS

Information duties

- 64 Duty to compile and make available higher education information
- 65 Duty to publish higher education information
- 66 Designated body
- 67 Power of designated body to charge fees

Financial sustainability

- 68 Duty to monitor and report on financial sustainability

Efficiency studies etc

- 69 Studies for improving economy, efficiency and effectiveness

Funding of the OfS

- 70 Registration fees
- 71 Other fees
- 72 Retention of fee related income
- 73 Costs recovery
- 74 Grants from the Secretary of State

Regulatory framework

- 75 Regulatory framework

Supplementary functions

- 76 Secretary of State's power to confer supplementary functions

Directions

- 77 Secretary of State's power to give directions

Powers of Secretary of State to obtain information and advice

- 78 Power to require information and advice from the OfS
79 Power to require application-to-acceptance information
80 Use of application-to-acceptance information for research purposes

HEFCE and the DFA

- 81 Higher Education Funding Council for England
82 The Director of Fair Access to Higher Education

Interpretation

- 83 Meaning of "English higher education provider" etc
84 Designation of other providers of higher education
85 Other definitions

PART 2

OTHER EDUCATION MEASURES

Financial support for students

- 86 Power to make alternative payments
87 Section 86: consequential amendments
88 Other amendments relating to financial support

Student complaints scheme

- 89 Qualifying institutions for purposes of student complaints scheme

Deregulation of higher education corporations

- 90 Higher education corporations in England

PART 3

RESEARCH

Establishment of United Kingdom Research and Innovation

- 91 United Kingdom Research and Innovation
92 The Councils of UKRI

Research and innovation functions and role of the Councils

- 93 UK research and innovation functions
94 Financial support: supplementary provision
95 Exercise of functions by science and humanities Councils
96 Exercise of functions by Innovate UK
97 Exercise of functions by Research England
98 Exercise of functions by the Councils: supplementary

Strategies and strategic delivery plans

- 99 UKRI's research and innovation strategy
- 100 Councils' strategic delivery plans

Funding and directions

- 101 Grants to UKRI from the Secretary of State
- 102 Secretary of State's power to give directions to UKRI
- 103 Haldane principle, balanced funding and advice from UKRI

General functions

- 104 General duties
- 105 Power to require information and advice from UKRI
- 106 Studies for improving economy, efficiency and effectiveness
- 107 Provision of research services
- 108 Representing the United Kingdom

Supplementary

- 109 Predecessor bodies and preservation of symbolic property
- 110 Amendments to powers to support research

Interpretation

- 111 Definitions

PART 4

GENERAL

- 112 Cooperation and information sharing between the OfS and UKRI
- 113 Joint working
- 114 Advice to Northern Ireland departments
- 115 Transfer schemes
- 116 Power to make consequential provision etc
- 117 Transitional, transitory or saving provision
- 118 Pre-commencement consultation
- 119 Regulations
- 120 Directions
- 121 General interpretation
- 122 Minor and consequential amendments
- 123 Extent
- 124 Commencement
- 125 Short title

SCHEDULES

SCHEDULE 1 — The Office for Students

- 1 Status
- 2 Membership
- 3 The Director for Fair Access and Participation
- 4 Terms of appointment and tenure of members
- 5 (1) A person may resign from office as a member...

- 6 Remuneration etc of members
- 7 Staffing of the OfS
- 8 Committees
- 9 Procedure
- 10 The validity of any proceedings of the OfS, or of...
- 11 Delegation of functions
- 12 Accounts and audit
- 13 Annual report
- 14 Seal and evidence
- 15 Supplementary powers
- 16 Public records
- 17 Investigation by the Parliamentary Commissioner
- 18 House of Commons disqualification
- 19 Northern Ireland Assembly disqualification
- 20 Freedom of information
- 21 Public sector equality duty

SCHEDULE 2 — The fee limit

- 1 Introduction
- 2 The fee limit where the provider has an access and participation plan
- 3 The fee limit where the provider has no access and participation plan
- 4 Accelerated courses
- 5 Procedure

SCHEDULE 3 — Monetary penalties: procedure, appeals and recovery etc

- 1 Introduction
- 2 Procedure
- 3 Appeals
- 4 Interest and recovery
- 5 Retention of sums received

SCHEDULE 4 — Assessing higher education: designated body

Part 1 — DESIGNATION

- 1 Consultation prior to recommendation
- 2 Recommendation
- 3 Designation
- 4 Bodies suitable to perform assessment functions
- 5 Removal of designation

Part 2 — OVERSIGHT BY THE OFS

- 6 Application
- 7 Oversight arrangements
- 8 Annual report by the designated body
- 9 Triennial report by the OfS
- 10 Power of the OfS to give directions
- 11 Duty of the OfS to inform the Secretary of State about significant concerns

Part 3 — INTERPRETATION

- 12 (1) In this Schedule— “the assessment functions” has the meaning...

SCHEDULE 5 — Powers of entry and search etc

- 1 Power to issue search warrant
- 2 Application for search warrant by an authorised person
- 3 Search warrant

- 4 Powers conferred by search warrant
- 5 Entering and searching premises
- 6 Inspecting, copying, seizing and retaining items
- 7 Offence
- 8 Self-incrimination
- 9 Interpretation

SCHEDULE 6 — English higher education information: designated body

Part 1 — DESIGNATION

- 1 Consultation prior to recommendation
- 2 Recommendation
- 3 Designation
- 4 Bodies suitable to be designated under this Schedule
- 5 Removal of designation

Part 2 — OVERSIGHT BY THE OFS

- 6 Application
- 7 Oversight arrangements
- 8 Annual report by the designated body
- 9 Triennial report by the OFS
- 10 Duty of the OfS to inform the Secretary of State about significant concerns

Part 3 — INTERPRETATION

- 11 (1) In this Schedule— “designated body” means a body for...

SCHEDULE 7 — Costs recovery: procedure, appeals and recovery etc

- 1 Introduction
- 2 Procedure
- 3 Appeals
- 4 Interest and recovery
- 5 Retention of sums received

SCHEDULE 8 — Higher education corporations in England

- 1 Education Reform Act 1988
- 2 In section 122 (orders incorporating higher education institutions maintained by...
- 3 Before section 122A insert— Orders for further education corporations in...
- 4 In section 122A (orders transferring further education corporations to higher...
- 5 In section 123 (provisions supplementary to sections 121 and 122)—...
- 6 Before section 124 insert— Principal powers of a higher education...
- 7 In section 124 (powers of a higher education corporation)—
- 8 Before section 124A insert— Instrument of government of higher education...
- 9 In section 124A (constitution and conduct of higher education corporations)—...
- 10 In section 124B(2)(b) (accounts), at the beginning insert “in the...
- 11 In section 124C (initial and transitional arrangements)—
- 12 Before section 125 insert— Articles of government: higher education corporations...
- 13 In section 125 (articles of government)— (a) in the heading,...
- 14 In section 125A (charitable status of a higher education corporation) —...

- 15 In section 127(1) (transfer of staff to higher education corporations),...
- 16 Before section 128 insert— Dissolution of higher education corporations in...
- 17 In section 128 (dissolution of higher education corporations)—
- 18 In section 129(5)(e) (designation of institutions), before “128” insert “127A...
- 19 In section 157(2)(a) (variation of trust deeds etc: institutions conducted...
- 20 In section 161(1) (interpretation of Part 2)—
- 21 In Schedule 7 (the higher education corporations)—
- 22 In Schedule 7A (instruments of government made by Privy Council),...
- 23 Further and Higher Education Act 1992
- 24 (1) Section 78 (financial years of higher education corporations) is...
- 25 In section 90(1) (interpretation of Act), in the definition of...
- 26 In section 91 (interpretation of Education Acts), in subsection (6)(b),...

SCHEDULE 9 — United Kingdom Research and Innovation

- 1 Status
- 2 Membership of UKRI
- 3 Membership of the Councils
- 4 Terms of appointment and tenure
- 5 (1) This paragraph applies to a person (a “Ministerial appointee”)...
- 6 (1) This paragraph applies to a person (an “UKRI appointee”)...
- 7 Remuneration etc
- 8 Staffing of UKRI
- 9 Executive Committee
- 10 Other committees and sub-committees
- 11 Procedure
- 12 The validity of any proceedings of UKRI, or of any...
- 13 Delegation of functions by UKRI
- 14 Accounts and audit
- 15 Annual report
- 16 Seal and evidence
- 17 Supplementary powers
- 18 Public records
- 19 Investigation by the Parliamentary Commissioner
- 20 House of Commons disqualification
- 21 Northern Ireland Assembly disqualification
- 22 Freedom of information
- 23 Public sector equality duty

SCHEDULE 10 — Transfer schemes

- 1 Transfer schemes
- 2 Supplementary
- 3 Interpretation

SCHEDULE 11 — Minor and consequential amendments relating to Part 1

- 1 Public Records Act 1958
- 2 Parliamentary Commissioner Act 1967
- 3 Superannuation Act 1972
- 4 House of Commons Disqualification Act 1975
- 5 Education (No. 2) Act 1986
- 6 Education Reform Act 1988

- 7 In section 124B(2)(b) (accounts), for “the higher education funding council”...
- 8 (1) Section 128 (dissolution of higher education corporations) is amended...
- 9 In section 129(1) (designation of institutions), for “a higher education...”
- 10 (1) Section 133 (payments in respect of persons employed in...
- 11 In Schedule 7 (higher education corporations), in paragraph 18(2)(b), for...
- 12 Further and Higher Education Act 1992
- 13 In section 61 (interpretation of Part 1), omit subsection (3)(b)....
- 14 (1) Section 62 (establishment of the Higher Education Funding Councils)...
- 15 (1) Section 65 (administration of funds by councils) is amended...
- 16 (1) Section 66 (administration of funds: supplementary) is amended as...
- 17 (1) Section 68 (grants to councils) is amended as follows....
- 18 (1) Section 69 (supplementary functions) is amended as follows.
- 19 Omit section 70 (England: assessment of quality of education provided...
- 20 (1) Section 79 (duty to give information to funding councils)...
- 21 Omit section 79A (Higher Education Funding Council for England’s power...
- 22 (1) Section 81 (directions) is amended as follows.
- 23 (1) Section 82 (joint exercise of functions) is amended as...
- 24 In section 83 (efficiency studies), in subsection (1B), for “A...”
- 25 In section 91(4) (interpretation of Education Acts), for the words...
- 26 (1) Section 92 (index) is amended as follows.
- 27 Education Act 1994
- 28 Education Act 1996
- 29 Freedom of Information Act 2000
- 30 Higher Education Act 2004
- 31 Education Act 2005
- 32 Equality Act 2010
- 33 Education Act 2011
- 34 Charities Act 2011
- 35 Counter-Terrorism and Security Act 2015

SCHEDULE 12 — Minor and consequential amendments relating to Part 3

- 1 Geological Survey Act 1845
- 2 Mining Industry Act 1926
- 3 Public Records Act 1958
- 4 Science and Technology Act 1965
- 5 Parliamentary Commissioner Act 1967
- 6 Agriculture Act 1967
- 7 Conservation of Seals Act 1970
- 8 Chronically Sick and Disabled Persons Act 1970
- 9 Mineral Exploration and Investment Grants Act 1972
- 10 Supply Powers Act 1975
- 11 House of Commons Disqualification Act 1975
- 12 Northern Ireland Assembly Disqualification Act 1975
- 13 Patents Act 1977
- 14 Further Education Act 1985
- 15 Water Resources Act 1991
- 16 Scotland Act 1998

- 17 Northern Ireland Act 1998
- 18 Freedom of Information Act 2000
- 19 Higher Education Act 2004
- 20 Natural Environment and Rural Communities Act 2006
- 21 Government of Wales Act 2006
- 22 (1) Schedule 3A (functions exercisable concurrently or jointly with the...)
- 23 In paragraph 5 of Part 1 of Schedule 7 (Acts...)
- 24 (1) In Part 2 of Schedule 7A (specific reservations) (which...)
- 25 Marine (Scotland) Act 2010 (asp 5)
- 26 Welsh Language (Wales) Measure 2011 (nawm 1)
- 27 Antarctic Act 2013
- 28 Public Service Pensions Act 2013
- 29 Psychoactive Substances Act 2016