
EXPLANATORY NOTE

(This Note is not part of the Regulations)

This instrument makes consequential, transitional, transitory and saving provisions in consequence of the commencement of certain provisions of the Higher Education and Research Act 2017 (c. 29). Under that Act, the Higher Education Funding Council for England (“HEFCE”) and the Director of Fair Access to Higher Education (“the Director”) are abolished and replaced by the Office for Students (“the OfS”). That Act also abolishes the research body known as the Natural Environment Research Council (“NERC”) and establishes a new research body – United Kingdom Research and Innovation (“UKRI”).

Part 1 (regulation 1) deals with general matters including interpretation.

Part 2 (regulation 2) provides for the continuation and treatment, after the coming into force of this instrument, of things done or being done by HEFCE and the Director immediately before its coming into force.

Part 3 (regulations 3 to 20) deals with consequential, transitory and saving provisions concerning specified sections of particular Education Acts as a result of the commencement of certain provisions of the Higher Education and Research Act 2017 relating to HEFCE and the Director as they impact on roles the OfS and UKRI. The Education Acts in question are the Further and Higher Education Act 1992 (c. 13), the Higher Education Act 2004 (c. 8), the Education Act 2005 (c. 18) and the Education Act 2011 (c. 16). The instrument commencing the provisions of the Higher Education and Research Act 2017 referred to in Part 3 is the Higher Education and Research Act 2017 (Commencement No.3) Regulations 2018 (S.I. 2018/241 (C.23)).

Part 4 (regulations 21 to 23) deals with the final accounts of HEFCE and the Director following their cessation.

Part 5 (regulations 24 and 25) makes transitional provision for the continuation of investigations of complaints against HEFCE and the Director by the Parliamentary Commissioner for Administration and consequential provision to the legislation concerning regulators of exempt charities.

Part 6 (regulations 26 to 30) makes transitional provision in respect of a number of Acts which facilitated the scientific research work of NERC. The provisions provide for the continuation and treatment of that work following the coming into force of this instrument and the abolition of NERC and the establishment of UKRI.

A full impact assessment on the effect the higher education reforms will have on the costs of business and the voluntary sector was published on 7th June 2016 alongside the Higher Education and Research Bill (available from www.gov.uk/government/collections/higher-education-and-research-bill). That impact assessment has been updated and the updated version is available electronically at www.gov.uk/government/publications/higher-education-and-research-act-impact-assessments with hard copies available on request from Department for Education, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT.