



Further and Higher Education Act 1992

1992 CHAPTER 13

PART II

HIGHER EDUCATION

Institutions in the higher education sector

77 Use of “university” in title of institution.

[^{F1}(A1) Where—

- (a) power is conferred by any enactment or instrument to change the name of any educational institution or any body corporate carrying on such an institution,
- (b) the educational institution is a registered higher education provider, and
- (c) the power is exercisable with the consent of the Privy Council,

then, the power may be exercised so as to include the word “university” in the name of the institution and, if it is carried on by a body corporate, in the name of the body, but only if the Office for Students (instead of the Privy Council) consents to that exercise of the power.]

(1) Where—

- (a) power is conferred by any enactment or instrument to change the name of any educational institution or any body corporate carrying on such an institution, and
- (b) the educational institution [^{F2}is in Wales and] is within the higher education sector,

then, if the power is exercisable with the consent of the Privy Council, it may ^{F3}... be exercised with the consent of the Privy Council so as to include the word “university” in the name of the institution and, if it is carried on by a body corporate, in the name of the body.

[^{F4}(1A) Subsections (A1) and (1) apply whether or not the educational institution would, apart from this section, be a university.]

Changes to legislation: Further and Higher Education Act 1992, Section 77 is up to date with all changes known to be in force on or before 17 April 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

- (2) The reference in subsection [^{F5}(A1) or] (1) above to a power to change the name of an institution or body includes any power (however expressed and whether or not subject to any conditions or restrictions) in the exercise of which the name of the institution or body may be changed; but the power as extended by [^{F6}subsections (A1) and (1)] has effect subject to any such conditions or restrictions.
- (3) In exercising any power exercisable by virtue of this section to consent to a change in any name [^{F7}the Office for Students and] the Privy Council shall have regard to the need to avoid names which are or may be confusing.
- [^{F8}(3A) In exercising its power to give consent under subsection (A1), the Office for Students must have regard to factors set out in guidance given by the Secretary of State.
- (3B) Before giving guidance under subsection (3A), the Secretary of State must consult—
- (a) bodies representing the interests of English higher education providers,
 - (b) bodies representing the interests of students on higher education courses provided by English higher education providers, and
 - (c) such other persons as the Secretary of State considers appropriate.]
- (4) Any educational institution whose name includes the word “university” by virtue of the exercise of any power as extended by subsection [^{F9}(A1) or] (1) above is to be treated as a university for all purposes [^{F10}, unless in that name that word is immediately followed by the word “college” or “collegiate”].
- [^{F11}(5) In this section, “English higher education provider”, “higher education course” and “registered higher education provider” have the same meaning as in Part 1 of the Higher Education and Research Act 2017 (see sections 83 and 85 of that Act).
- (6) For the purposes of subsection (1), an educational institution is in Wales if the institution's activities are carried on, or principally carried on, in Wales.]

Textual Amendments

- F1** S. 77(A1) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(2)**, 124(5) (with **ss. 55, 56(10)**); [S.I. 2018/1226, reg. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2018/1225, reg. 2](#))
- F2** Words in s. 77(1)(b) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(3)(a)**, 124(5) (with **ss. 55, 56(10)**); [S.I. 2018/1226, reg. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2018/1225, reg. 2](#))
- F3** Words in s. 77(1) omitted (1.4.2019) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(3)(b)**, 124(5) (with **ss. 55, 56(10)**); [S.I. 2018/1226, reg. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2018/1225, reg. 2](#))
- F4** S. 77(1A) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(4)**, 124(5) (with **ss. 55, 56(10)**); [S.I. 2018/1226, reg. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2018/1225, reg. 2](#))
- F5** Words in s. 77(2) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(5)(a)**, 124(5) (with **ss. 55, 56(10)**); [S.I. 2018/1226, reg. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2018/1225, reg. 2](#))
- F6** Words in s. 77(2) substituted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(5)(b)**, 124(5) (with **ss. 55, 56(10)**); [S.I. 2018/1226, reg. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2018/1225, reg. 2](#))

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- F7** Words in s. 77(3) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(6), 124(5)** (with **ss. 55, 56(10)**); S.I. 2018/1226, reg. 3(a) (with transitional and saving provisions in S.I. 2018/1225, reg. 2)
- F8** S. 77(3A)(3B) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(7), 124(5)** (with **ss. 55, 56(10)**); S.I. 2018/1226, reg. 3(a) (with transitional and saving provisions in S.I. 2018/1225, reg. 2)
- F9** Words in s. 77(4) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(8), 124(5)** (with **ss. 55, 56(10)**); S.I. 2018/1226, reg. 3(a) (with transitional and saving provisions in S.I. 2018/1225, reg. 2)
- F10** Words in s. 77(4) added (1.10.1998) by 1998 c. 30, **ss.40, 46(4)** (with s. 42(8)); S.I. 1998/2215, **art. 2**
- F11** S. 77(5)(6) inserted (1.4.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 56(9), 124(5)** (with **ss. 55, 56(10)**); S.I. 2018/1226, reg. 3(a) (with transitional and saving provisions in S.I. 2018/1225, reg. 2)

Commencement Information

- I1** S. 77 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 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. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)