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...
Higher Education and Research Act 2017 (c. 29)

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