



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Interpretation

83 Meaning of “English higher education provider” etc

(1) In this Part—

“English higher education provider” means a higher education provider whose activities are carried on, or principally carried on, in England;

“higher education provider” means an institution which provides higher education;

“institution” includes any training provider (whether or not the training provider would otherwise be regarded as an institution);

“higher education” means education provided by means of a higher education course;

“higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;

“training provider” means a person who provides training for members of the school workforce within the meaning of Part 3 of the Education Act 2005 (see section 100 of that Act).

(2) In this Part—

(a) “English further education provider” means an institution in England within the further education sector, and

(b) references to an institution within the further education sector have the same meaning as in the Further and Higher Education Act 1992 (see section 91(3) of that Act).

(3) In this Part references to a higher education course provided in England are to a higher education course which is provided wholly, or principally, in England.

- (4) In this Part references to an institution in a part of the United Kingdom are to an institution whose activities are carried on, or principally carried on, in that part.
- (5) Subsection (1) is subject to express provision to the contrary, see—
- (a) section 10(9) (mandatory fee limit condition for certain providers),
 - (b) section 25(4) (rating the quality of, and the standards applied to, higher education),
 - (c) section 32(5)(b) (content of an access and participation plan: equality of opportunity), and
 - (d) section 38(5) and (6) (duty to monitor etc the provision of arrangements for student transfers).

84 Designation of other providers of higher education

- (1) The Secretary of State may, on the application of a provider of higher education within subsection (2), designate the provider for the purposes of this section.
- (2) A provider of higher education is within this subsection if—
- (a) it provides higher education,
 - (b) its activities are carried on, or principally carried on, in England, and
 - (c) but for the designation it would not be regarded as an institution for the purposes of this Part.
- (3) A provider of higher education designated under this section is, unless the designation is withdrawn, to be treated for the purposes of any provision made by or under this Part as being an institution.
- (4) The Secretary of State may, by regulations, make provision about—
- (a) the making of applications for designation;
 - (b) the making of designations under this section (including provision about matters to be taken into account in determining whether to make a designation);
 - (c) the withdrawal of a designation (including provision about matters to be taken into account in determining whether to withdraw a designation);
 - (d) the effect of a withdrawal of a designation (including provision for a provider whose designation is withdrawn to continue to be treated as an institution for purposes prescribed in the regulations).
- (5) Subsection (3) is subject to any provision made under subsection (4)(d).

85 Other definitions

- (1) In this Part—
- “an access and participation plan condition” has the meaning given by section 12(3);
- “a fee limit condition” has the meaning given by section 10(2);
- “foundation degree” has the meaning given by section 42(3);
- “foundation degree only authorisation” has the meaning given by section 42(3);
- “governing body”—

Status: This is the original version (as it was originally enacted).

- (a) in relation to a training provider who, but for the definition of “institution” in section 83(1), would not be regarded as an institution, means any persons responsible for the provider’s management;
 - (b) in relation to a provider designated under section 84 means any persons responsible for the provider’s management;
 - (c) in relation to any other institution, has the meaning given by section 90(1) of the Further and Higher Education Act 1992, but subject to any provision made by virtue of section 90(2) of that Act;
 - “the institutional autonomy of English higher education providers” has the meaning given by section 2(8);
 - “the register” has the meaning given by section 3(1);
 - “registered higher education provider” has the meaning given by section 3(10);
 - “registration” has the meaning given by section 3(10);
 - “research award” has the meaning given by section 42(3);
 - “sector-recognised standards” has the meaning given by section 13(3);
 - “taught award” has the meaning given by section 42(3).
- (2) In this Part, “fees” in relation to undertaking a course, means fees in respect of, or otherwise in connection with, undertaking the course, including admission, registration, tuition and graduation fees and fees payable for awarding or accrediting a qualification in respect of the course, but excluding—
- (a) fees payable for board or lodging,
 - (b) fees payable for field trips (including any tuition element of such fees),
 - (c) fees payable for attending any graduation or other ceremony, and
 - (d) such other fees as may be prescribed by regulations made by the Secretary of State.
- (3) References in this Part to the ongoing registration conditions of a provider have the meaning given by section 3(8).
- (4) For the purposes of this Part an appeal is “pending” during the period—
- (a) beginning when it is instituted, and
 - (b) ending when it is determined, withdrawn or abandoned.
- (5) When construing references in this Part to a time when an appeal could be brought, any possibility of an appeal out of time is to be ignored.