



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

The register of English higher education providers

3 The register

- (1) The OfS must establish and maintain a register of English higher education providers (referred to in this Part as “the register”).
- (2) The register may be divided by the OfS into different parts representing such different categories of registration as the OfS may determine.
- (3) The OfS must register an institution in the register (or, where it has been divided into parts, in a particular part of the register) if—
 - (a) its governing body applies for it to be registered in the register (or in that part),
 - (b) it is, or intends to become, an English higher education provider,
 - (c) it satisfies the initial registration conditions applicable to it in respect of the registration sought (see section 5), and
 - (d) the application complies with any requirements imposed under subsection (5).
- (4) The OfS may not otherwise register an institution in the register.
- (5) The OfS may determine—
 - (a) the form of an application for registration in the register (or in a particular part of the register),
 - (b) the information to be contained in it or provided with it, and
 - (c) the manner in which an application is to be submitted.
- (6) The Secretary of State may by regulations make provision about the information which must be contained in an institution's entry in the register.

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: The register of English higher education providers is up to date with all changes known to be in force on or before 05 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

- (7) Once registered, an institution's ongoing registration is subject to satisfying—
- (a) the general ongoing registration conditions applicable to it at the time of its registration and as they may be later revised (see section 5), and
 - (b) the specific ongoing registration conditions (if any) imposed on it at the time of its registration and as they may be later varied (see section 6).
- (8) References in this Part to the ongoing registration conditions of an institution are to the conditions mentioned in subsection (7)(a) and (b).
- (9) The OfS must make the information contained in the register, and the information previously contained in it, publicly available by such means as it considers appropriate.
- (10) In this Part—
- (a) a “registered higher education provider” means an institution which is registered in the register, and
 - (b) references to “registration” are to be read accordingly.

Commencement Information

- I1** S. 3(1) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146, reg. 3\(2\)](#)
- I2** S. 3(1)(7) in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241, reg. 2\(a\)](#)
- I3** S. 3(2)-(6)(9) in force at 1.4.2018 by [S.I. 2018/241, reg. 2\(a\)](#)
- I4** S. 3(7) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146, reg. 3\(3\)](#)
- I5** S. 3(8)(10) in force at 1.1.2018 by [S.I. 2017/1146, reg. 2\(b\)](#)

4 Registration procedure

- (1) Before refusing an application to register an institution, the OfS must notify the governing body of the institution of its intention to do so.
- (2) The notice must—
- (a) specify the OfS's reasons for proposing to refuse to register the institution,
 - (b) specify the period during which the governing body of the institution may make representations about the proposal (“the specified period”), and
 - (c) specify the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (4) The OfS must have regard to any representations made by the governing body of the institution during the specified period in deciding whether to register it in the register.
- (5) Having decided whether or not to register the institution, the OfS must notify the governing body of the institution of its decision.
- (6) Where the decision is to register the institution, the notice must—
- (a) specify the date of entry in the register, and
 - (b) specify the ongoing registration conditions of the institution at that time.
- (7) Where the decision is to refuse to register the institution, the notice must contain information as to the grounds for the refusal.

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Commencement Information

I6 S. 4 in force at 1.4.2018 by S.I. 2018/241, **reg. 2(a)**

Changes to legislation:

Higher Education and Research Act 2017, Cross Heading: The register of English higher education providers is up to date with all changes known to be in force on or before 05 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.

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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):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)