



# 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.

- (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.

#### **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.