



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 3

#### RESEARCH

##### *Research and innovation functions and role of the Councils*

#### **93 UK research and innovation functions**

- (1) UKRI may—
- (a) carry out research into science, technology, humanities and new ideas,
  - (b) facilitate, encourage and support research into science, technology, humanities and new ideas,
  - (c) facilitate, encourage and support the development and exploitation of science, technology, new ideas and advancements in humanities,
  - (d) facilitate, encourage and support knowledge exchange in relation to science, technology, humanities and new ideas,
  - (e) collect, disseminate and advance knowledge in and in connection with science, technology, humanities and new ideas,
  - (f) promote awareness and understanding of science, technology, humanities and new ideas,
  - (g) provide advice on any matter relating to any of its functions, and
  - (h) promote awareness and understanding of its activities.
- (2) The activities which UKRI may carry out in, or in connection with, exercising a function conferred by subsection (1) are not restricted to the United Kingdom.
- (3) The functions conferred by subsection (1)(a) to (f) include, in particular, power to encourage and support the provision of postgraduate training in science, technology, humanities and new ideas.

- (4) For the purposes of this Part, “knowledge exchange”, in relation to science, technology, humanities or new ideas, means a process or other activity by which knowledge is exchanged where—
- (a) the knowledge is in, or in connection with, science, technology, humanities or new ideas (as the case may be), and
  - (b) the exchange contributes, or is likely to contribute, (whether directly or indirectly) to an economic or social benefit in the United Kingdom or elsewhere.
- (5) Section 94 makes further provision about the giving of financial support under this section.
- (6) Sections 95 to 98 provide for UKRI to make arrangements for the exercise of functions by the Councils on UKRI’s behalf.

#### **94 Financial support: supplementary provision**

- (1) The power of UKRI under section 93 to give financial support includes, in particular, power to make grants, loans or other payments.
- (2) Financial support may be given by UKRI under that section on such terms and conditions as UKRI considers appropriate.
- (3) The terms and conditions may, in particular—
  - (a) enable UKRI to require the repayment, in whole or in part, of sums paid by UKRI if any of the terms and conditions subject to which the sums were paid is not complied with,
  - (b) require the payment of interest in respect of any period during which a sum due to UKRI in accordance with any of the terms and conditions remains unpaid, and
  - (c) require a person to whom financial support is given to provide UKRI with any information it requests for the purpose of the exercise of any of its functions.
- (4) In exercising the power under section 93 to give financial support to any person, UKRI must have regard to the desirability of not discouraging the person from maintaining or developing funding from other sources.

#### **95 Exercise of functions by science and humanities Councils**

- (1) UKRI must arrange for the Council listed in the first column of the following table to exercise such functions of UKRI in respect of the field of activity listed in the corresponding entry in the second column of the table as UKRI may determine.

<i>Council</i>	<i>Field of activity</i>
Arts and Humanities Research Council	Arts and humanities
Biotechnology and Biological Sciences Research Council	Biotechnology and biological sciences
Economic and Social Research Council	Social sciences
Engineering and Physical Sciences Research Council	Engineering and physical sciences

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

<i>Council</i>	<i>Field of activity</i>
Medical Research Council	Medicine and biomedicine aimed at improving human health
Natural Environment Research Council	Environmental and related sciences
Science and Technology Facilities Council	Astronomy, particle physics, space science, nuclear physics and provision and operation of research facilities in relation to any area of activity specified in this column

- (2) Arrangements under this section may, in particular, provide for the exercise by the Council concerned of UKRI’s functions under paragraph 8(1) and (2) of Schedule 9 in relation to relevant specialist employees.
- (3) A “relevant specialist employee”, in relation to a Council, means—
- (a) a researcher or scientist employed by UKRI to work in the Council’s field of activity (see the table in subsection (1)), or
  - (b) a person who has knowledge, experience or specialist skills which is or are relevant to the Council’s field of activity and is employed by UKRI to work in that field of activity.
- (4) Arrangements under this section must require the Council concerned, when exercising any function to which the arrangements relate, to have regard to the desirability of—
- (a) contributing (whether directly or indirectly) to economic growth, or an economic benefit, in the United Kingdom,
  - (b) advancing knowledge (whether in the United Kingdom or elsewhere and whether directly or indirectly) in, or in connection with, science, technology, humanities or new ideas, and
  - (c) improving quality of life (whether in the United Kingdom or elsewhere).
- (5) The Secretary of State may by regulations—
- (a) amend the first column of the table in subsection (1) in consequence of provision made by regulations under section 92;
  - (b) amend the second column of that table.
- (6) Before making regulations under subsection (5), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (7) UKRI must, if requested to do so by the Secretary of State, carry out such a consultation, on behalf of the Secretary of State, of such persons.
- (8) In such a case, UKRI must carry out the consultation in accordance with such directions as the Secretary of State may give.

## **96 Exercise of functions by Innovate UK**

- (1) UKRI must arrange for Innovate UK to exercise such functions of UKRI as UKRI may determine for the purpose of increasing economic growth in the United Kingdom.
- (2) But arrangements may not be made under this section for the exercise by Innovate UK of UKRI’s function mentioned in section 93(1)(a).

- (3) Arrangements under this section must require Innovate UK, when exercising any function to which the arrangements relate, to have regard to—
- (a) the need to support (directly or indirectly) persons engaged in business activities in the United Kingdom,
  - (b) the need to promote innovation by persons carrying on business in the United Kingdom, and
  - (c) the desirability of improving quality of life in the United Kingdom.

## **97 Exercise of functions by Research England**

- (1) UKRI must arrange for Research England to exercise such functions of UKRI as UKRI may determine for the purpose of giving financial support within subsection (2) or (3).
- (2) Financial support is within this subsection if it is given to the governing body of an eligible higher education provider in respect of expenditure incurred, or to be incurred, by the provider for the purposes of either or both of the following—
- (a) the undertaking of research into, or knowledge exchange in relation to, science, technology, humanities or new ideas by the provider;
  - (b) the provision of facilities, or the carrying out of other activities, by the provider which its governing body considers it is necessary or desirable to provide or carry out for the purposes of, or in connection with, research into, or knowledge exchange in relation to, science, technology, humanities or new ideas.
- (3) Financial support is within this subsection if it is given to any person in respect of expenditure incurred, or to be incurred, by the person for the purposes of the provision by any person of services for the purposes of, or in connection with—
- (a) the undertaking of research into science, technology, humanities or new ideas by eligible higher education providers receiving financial support which is within subsection (2), or
  - (b) the undertaking of knowledge exchange in relation to science, technology, humanities or new ideas by eligible education providers receiving such financial support.
- (4) Arrangements under this section must require Research England, when exercising a function for the purpose of giving financial support, to consult such persons as Research England considers appropriate before determining any terms and conditions to be imposed in relation to the financial support.
- (5) “Eligible higher education provider” has the same meaning as in section 39.

## **98 Exercise of functions by the Councils: supplementary**

- (1) UKRI may arrange for any Council to exercise such other functions of UKRI as UKRI may determine in addition to those exercisable by the Council pursuant to arrangements under section 95, 96 or 97 (as the case may be).
- (2) Arrangements under subsection (1) may result in a function of UKRI being exercisable by more than one Council.
- (3) A function of UKRI which is exercisable by a Council on UKRI’s behalf pursuant to arrangements under sections 95 to 97 or subsection (1) may also be exercised by UKRI.

- (4) Arrangements under sections 95 to 97 or subsection (1) must require the Council concerned to provide UKRI with such advice or information about the exercise of any function to which the arrangements relate as UKRI may require it to provide.