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**Changes to legislation:** Higher Education and Research Act 2017, Cross Heading: The Director for Fair Access and Participation is up to date with all changes known to be in force on or before 19 March 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

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## SCHEDULES

### SCHEDULE 1

#### THE OFFICE FOR STUDENTS

##### *The Director for Fair Access and Participation*

- 3 (1) The Director for Fair Access and Participation [<sup>F1</sup>(“the Access and Participation Director”)] is responsible for—
- (a) overseeing the performance of the OfS's access and participation functions,
  - (b) performing, in accordance with paragraph 11, any of those functions, or other functions, of the OfS which are delegated to the [<sup>F2</sup>Access and Participation Director] under that paragraph, and
  - (c) reporting to the other members of the OfS on the performance of the OfS's access and participation functions.
- (2) The [<sup>F3</sup>Access and Participation Director] may also report to the other members of the OfS on the measures taken by the OfS to comply with its duty under section 2(1)(e) (duty to have regard to the need to promote equality of opportunity etc) in performing a particular function of the OfS.
- (3) For the purposes of this Schedule, the OfS's “access and participation functions” are the functions conferred on it by or under—
- (a) section 21 (refusal to renew an access and participation plan),
  - (b) sections 29 to 34 (access and participation plans),
  - (c) section 35 (advice on good practice),
  - (d) section 36 (duty to protect [<sup>F4</sup>institutional autonomy] in performing certain access and participation functions), and
  - (e) section 37 (power of the Secretary of State to require a report).

#### Textual Amendments

- F1** Words in Sch. 1 para. 3(1) substituted (14.8.2023) by Higher Education (Freedom of Speech) Act 2023 (c. 16), s. 13(3), **Sch. para. 12(3)(a)**; S.I. 2023/809, reg. 2(d)
- F2** Words in Sch. 1 para. 3(1)(b) substituted (14.8.2023) by Higher Education (Freedom of Speech) Act 2023 (c. 16), s. 13(3), **Sch. para. 12(3)(b)**; S.I. 2023/809, reg. 2(d)
- F3** Words in Sch. 1 para. 3(2) substituted (14.8.2023) by Higher Education (Freedom of Speech) Act 2023 (c. 16), s. 13(3), **Sch. para. 12(3)(b)**; S.I. 2023/809, reg. 2(d)
- F4** Words in Sch. 1 para. 3(3)(d) substituted (14.8.2023) by Higher Education (Freedom of Speech) Act 2023 (c. 16), s. 13(3), **Sch. para. 12(3)(c)**; S.I. 2023/809, reg. 2(d)

#### Commencement Information

- I1** Sch. 1 para. 3 in force at 1.1.2018 by S.I. 2017/788, **reg. 2(b)**

**Changes to legislation:**

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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\(6\)](#)