



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Enforcement of ongoing registration conditions*

#### **17 Suspension: procedure**

- (1) Before suspending a registered higher education provider's registration under section 16, the OfS must notify the governing body of the provider of its intention to do so.
- (2) The notice must—
  - (a) specify the OfS's reasons for proposing to suspend the registration,
  - (b) specify the proposed excepted purposes and the proposed remedial conditions (if any),
  - (c) specify the period during which the governing body of the provider may make representations about the proposal ("the specified period"), and
  - (d) 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 provider during the specified period in deciding whether to suspend its registration.
- (5) Having decided whether or not to suspend the provider's registration, the OfS must notify the governing body of the provider of its decision.
- (6) Where the decision is to suspend the provider's registration, the notice must—
  - (a) specify the date on which the suspension takes effect,
  - (b) specify the excepted purposes,
  - (c) specify the remedial conditions (if any), and

- (d) contain information as to the grounds for the suspension.
- (7) The OfS may vary the date specified under subsection (6)(a) at any time before that date by notifying the governing body of the provider.
- (8) Subsections (1) to (7) do not apply where the OfS considers that a suspension should take effect immediately because there is an urgent need to protect public money, including, in particular, payments made under—
  - (a) section 39 or 40 (financial support for providers),
  - (b) section 93 in the exercise of UKRI’s power under that section to give financial support, or
  - (c) section 22 of the Teaching and Higher Education Act 1998 (financial support for students).
- (9) In such a case—
  - (a) the OfS must notify the governing body of the provider of its decision to suspend the provider’s registration, and
  - (b) that notice must comply with the requirements of subsection (6).