



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Access and participation

36 Duty to protect academic freedom

- (1) In performing its access and participation functions, the OfS has a duty to protect academic freedom including, in particular, the freedom of institutions—
 - (a) to determine the content of particular courses and the manner in which they are taught, supervised and assessed,
 - (b) to determine the criteria for the selection, appointment and dismissal of academic staff and apply those criteria in particular cases, and
 - (c) to determine the criteria for the admission of students and apply those criteria in particular cases.
- (2) In performing those functions, subsection (1) applies instead of section 2(1)(a) (duty of OfS to have regard to the need to protect institutional autonomy) in relation to the freedoms mentioned in subsection (8)(b) and (c) of that section.
- (3) For the purposes of this section, 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), and
 - (b) sections 29 to 34 (access and participation plans).

Commencement Information

- 11** [S. 36](#) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), [reg. 3\(5\)](#)
- 12** [S. 36](#) in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), [reg. 2\(d\)](#)

Changes to legislation:

Higher Education and Research Act 2017, Section 36 is up to date with all changes known to be in force on or before 01 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.

View outstanding changes

Changes and effects yet to be applied to :

- s. 36(1) words substituted by 2023 c. 16 Sch. para. 4(3)
- s. 36(2) words substituted by 2023 c. 16 Sch. para. 4(4)

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)