



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Powers in relation to “university” title

57 Unauthorised use of “university” in title of institution etc

- (1) Section 39 of the Teaching and Higher Education Act 1998 (unauthorised use of “university” in title of institution etc) is amended as follows.
- (2) Before subsection (1) insert—
 - “(A1) A relevant institution in England must not, when making available (or offering to make available) educational services, do so under a name which includes the word “university” unless the inclusion of that word in that name is—
 - (a) authorised by or by virtue of any Act or Royal Charter, or
 - (b) approved by the Office for Students for the purposes of this section.”
- (3) In subsection (1), omit “England or”.
- (4) In subsection (2)—
 - (a) for “such an institution” substitute “ a relevant institution in England or a relevant institution in Wales ”, and
 - (b) after “subsection” insert “ (A1) or ”.
- (5) In subsection (3), after “Subsection” insert “ (A1), ”.
- (6) In subsection (4), after “subsection” insert “ (A1), ”.
- (7) In subsection (5), after “this section” insert “ the Office for Students and ”.
- (8) After subsection (5) insert—

Changes to legislation: Higher Education and Research Act 2017, Section 57 is up to date with all changes known to be in force on or before 21 April 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

- “(5A) In exercising its power to give approval under subsection (A1) or (2), the Office for Students must have regard to factors set out in guidance given by the Secretary of State.
- (5B) Before giving guidance under subsection (5A), the Secretary of State must consult—
- (a) bodies representing the interests of English higher education providers,
 - (b) bodies representing the interests of students on higher education courses provided by English higher education providers, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (5C) The power of the Office for Students under subsection (A1) or (2) is not exercisable in a case where the inclusion of the word “university” in the name in question may be authorised by virtue of any other Act or any Royal Charter.
- (5D) But that does not prevent the power of the Office for Students under subsection (A1) or (2) being exercisable where the inclusion of the word “university” in the name in question has approval, or may require approval, under section 55 or 1194 of the Companies Act 2006.
- (5E) Where approval is given by the Office for Students under subsection (A1) or (2) in such a case, that does not affect any requirement for approval under section 55 or 1194 of the Companies Act 2006.”
- (9) In subsection (7), before the definition of “relevant institution” insert—
- ““English higher education provider” and “higher education course” have the same meaning as in Part 1 of the Higher Education and Research Act 2017 (see section 83 of that Act);”.
- (10) In subsection (7), for the definition of “relevant institution” substitute—
- ““relevant institution in England” means a registered higher education provider as defined by section 85 of the Higher Education and Research Act 2017;
- “relevant institution in Wales” means—
- (a) an institution in Wales within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992, or
 - (b) an institution in Wales within the higher education sector as defined by section 91(5) of that Act;”.

(11) After subsection (7) insert—

“(8) For the purposes of this section, an institution is in England or is in Wales if the institution's activities are carried on, or principally carried on, in England or, as the case may be, in Wales.”

(12) The amendments made by this section do not affect the continuing validity of any approvals given by the Privy Council under section 39 of the Teaching and Higher Education Act 1998 before the coming into force of this section.

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Commencement Information

- II** [S. 57](#) in force at 1.4.2019 by [S.I. 2018/1226](#), **reg. 3(b)** (with transitional and saving provisions in [S.I. 2018/1225](#), reg. 3)

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\(6\)](#)