



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Regulatory framework*

#### **75 Regulatory framework**

- (1) The OfS must, from time to time, prepare and publish a regulatory framework.
- (2) The OfS must have regard to it when exercising its functions.
- (3) The regulatory framework is to consist of—
  - (a) a statement of how it intends to perform its functions, <sup>F1</sup>...
  - (b) guidance for registered higher education providers on the general ongoing registration conditions<sup>F2</sup>, and
  - (c) guidance for students' unions to which sections [A5](#) and [A6](#) apply on their duties under those sections.]
- (4) The statement under subsection (3)(a) must set out how the OfS intends to perform its functions in relation to a registered higher education provider in proportion to the OfS's assessment of the regulatory risk posed by the provider.
- (5) "Regulatory risk" means the risk of a breach of the provider's ongoing registration conditions.
- (6) Guidance under subsection (3)(b) must include guidance for the purpose of helping to determine whether or not behaviour complies with the general ongoing registration conditions.
- (7) The guidance [<sup>F3</sup>under subsection (3)(b)] may in particular specify—
  - (a) descriptions of behaviour which the OfS considers compliant with, or not compliant with, a general ongoing registration condition;

*Changes to legislation: Higher Education and Research Act 2017, Section 75 is up to date with all changes known to be in force on or before 20 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*

- (b) factors which the OfS will take into account in determining whether or not behaviour is compliant with a general ongoing registration condition.
- [<sup>F4</sup>(7A) Guidance under subsection (3)(c) must include guidance for the purpose of helping to determine whether or not students' unions are complying with their duties under sections [A5](#) and [A6](#).
- (7B) The guidance under subsection (3)(c) may in particular specify—
- (a) what the OfS considers students' unions need to do to comply with their duties under sections [A5](#) and [A6](#);
  - (b) factors which the OfS will take into account in determining, for the purposes of section 69B, whether or not a students' union is complying with its duties under those sections.]
- (8) Before publishing a regulatory framework under this section the OfS 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, <sup>F5</sup>...
- [<sup>F6</sup>(ba) in relation to guidance under subsection (3)(c), such bodies appearing to the OfS to represent the interests of students' unions as the OfS considers appropriate, and]
- (c) such other persons as it considers appropriate.
- (9) Where a regulatory framework is published, the OfS must send a copy of it to the Secretary of State who must lay it before Parliament.

#### Textual Amendments

- F1** Word in s. 75(3)(a) omitted (11.7.2023) by virtue of [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(2\)\(a\)](#)
- F2** S. 75(3)(c) and word inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(2\)\(b\)](#)
- F3** Words in s. 75(7) inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(3\)](#)
- F4** S. 75(7A)(7B) inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(4\)](#)
- F5** Word in s. 75(8)(b) omitted (11.7.2023) by virtue of [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(5\)\(a\)](#)
- F6** S. 75(8)(ba) inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(5\)\(b\)](#)

#### Modifications etc. (not altering text)

- C1** S. 75 modified (temp.) (1.1.2018) by [The Higher Education and Research Act 2017 \(Transitory Provisions\) Regulations 2017](#) (S.I. 2017/1145), regs. 1(2), [2](#)

#### Commencement Information

- I1** S. 75 in force at 1.1.2018 by [S.I. 2017/1146](#), [reg. 2\(j\)](#)

**Changes to legislation:**

Higher Education and Research Act 2017, Section 75 is up to date with all changes known to be in force on or before 20 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.

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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\(6\)](#)