



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Directions

77 Secretary of State's power to give directions

- (1) The Secretary of State may by regulations give the OfS general directions about the performance of any of its functions.
- (2) In giving such directions, the Secretary of State must have regard to the need to protect the institutional autonomy of English higher education providers.
- (3) The directions may, in particular, be framed by reference to particular courses of study but, whether or not the directions are framed in that way, they must not relate to—
 - (a) particular parts of courses of study,
 - (b) the content of such courses,
 - (c) the manner in which they are taught, supervised or assessed,
 - (d) the criteria for the selection, appointment or dismissal of academic staff, or how they are applied, or
 - (e) the criteria for the admission of students, or how they are applied.
- (4) Directions under subsection (1) framed by reference to a particular course of study must not direct the OfS to perform a function in a way which prohibits or requires the provision of a particular course of study.
- (5) The Secretary of State may also by regulations give the OfS financial support directions in relation to a particular registered higher education provider.
- (6) Financial support directions may be given only if—
 - (a) it appears to the Secretary of State that the financial affairs of the provider have been or are being mismanaged, and

Status: This is the original version (as it was originally enacted).

- (b) the OfS and the provider are consulted by the Secretary of State before the directions are given.
- (7) “Financial support directions” are such directions about the provision of financial support under section 39 or 40 in respect of activities carried on by the provider as the Secretary of State considers necessary or expedient because of the mismanagement.
- (8) The OfS must comply with any directions given under this section.