



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 3

#### RESEARCH

##### *Funding and directions*

#### **101 Grants to UKRI from the Secretary of State**

- (1) The Secretary of State may make grants to UKRI of such amounts, and subject to such terms and conditions, as the Secretary of State considers appropriate.
- (2) Where a grant is made in respect of functions exercisable by Research England pursuant to arrangements under section 97, terms and conditions under subsection (1) in respect of those functions may be imposed only if—
  - (a) they are requirements to be met before financial support of a specified amount or of a specified description is given by Research England in respect of activities carried out by an institution, and
  - (b) they apply to every institution, or every institution within a specified description, in respect of whose activities that support may be provided.
- (3) Where a grant is made in respect of functions exercisable by Research England pursuant to arrangements under section 97, any terms and conditions under subsection (1) in respect of those functions may not be framed by reference to—
  - (a) particular courses of study or programmes of research (including the contents of courses or programmes and the manner in which they are taught, supervised or assessed), or
  - (b) the criteria for the selection and appointment of academic staff and for the admission of students.
- (4) Terms and conditions under subsection (1) may, in particular—
  - (a) provide for the allocation of the whole or a part of the grant to a particular Council and for subsequent changes in that allocation,

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*Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Funding and directions is up to date with all changes known to be in force on or before 03 June 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*

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- (b) enable the Secretary of State to require the repayment, in whole or in part, of sums paid by the Secretary of State if any of the terms and conditions subject to which the sums were paid is not complied with, and
  - (c) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the terms and conditions remains unpaid.
- (5) Where the Secretary of State makes a grant to UKRI under subsection (1), the Secretary of State must publish—
- (a) the amount of the grant, and
  - (b) if the terms and conditions of the grant allocate the whole or a part of that amount to a particular Council—
    - (i) the name of the Council, and
    - (ii) the amount of the grant which is so allocated to it.
- (6) In this section “specified” means specified in the terms and conditions.

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**Commencement Information**

**I1** S. 101 in force at 30.3.2018 by S.I. 2018/241, reg. 3(a)

**102 Secretary of State's power to give directions to UKRI**

- (1) The Secretary of State may give UKRI directions about the allocation or expenditure by UKRI of grants received under section 101.
- (2) The Secretary of State may give a direction under this section in respect of functions exercisable by Research England pursuant to arrangements under section 97, only if—
- (a) it relates to requirements to be met before financial support of a specified amount or of a specified description is given by Research England in respect of activities carried out by an institution, and
  - (b) it relates to every institution, or every institution within a specified description, in respect of whose activities that support may be provided.
- (3) The Secretary of State may not give a direction under this section in respect of functions exercisable by Research England pursuant to arrangements under section 97 which is framed by reference to—
- (a) particular courses of study or programmes of research (including the contents of courses or programmes and the manner in which they are taught, supervised or assessed), or
  - (b) the criteria for the selection and appointment of academic staff and for the admission of students.
- (4) UKRI must comply with any directions given under this section.
- (5) In this section “specified” means specified in the direction.

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**Commencement Information**

**I2** S. 102 in force at 30.3.2018 by S.I. 2018/241, reg. 3(a)

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### **103 Haldane principle, balanced funding and advice from UKRI**

- (1) The Secretary of State must have regard to the matters mentioned in subsection (2) when—
  - (a) deciding to make a grant under section 101,
  - (b) determining any terms and conditions of a grant under that section, or
  - (c) giving a direction under section 102.
- (2) The matters are—
  - (a) the Haldane principle, where the grant or direction mentioned in subsection (1) is in respect of functions exercisable by one or more of the Councils mentioned in section 95(1) pursuant to arrangements under that section,
  - (b) the balanced funding principle, in any case, and
  - (c) any advice provided to the Secretary of State by UKRI about the allocation of funding in relation to its functions.
- (3) The “Haldane principle” is the principle that decisions on individual research proposals are best taken following an evaluation of the quality and likely impact of the proposals (such as a peer review process).
- (4) The “balanced funding principle” is the principle that it is necessary to ensure that a reasonable balance is achieved in the allocation of funding as between—
  - (a) functions exercisable by the Councils mentioned in section 95(1) pursuant to arrangements under that section, and
  - (b) functions exercisable by Research England pursuant to arrangements under section 97.

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#### **Commencement Information**

**I3** S. 103 in force at 30.3.2018 by S.I. 2018/241, reg. 3(a)

**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\(6\)](#)