



Higher Education and Research Act 2017

CHAPTER 29

HIGHER EDUCATION AND RESEARCH ACT 2017

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Status: Point in time view as at 01/04/2019.

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- 75 Regulatory framework

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SCHEDULES

SCHEDULE 1 — The Office for Students

Status

- 1 (1) The OfS is not to be regarded—

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Membership

- 2 (1) The OfS is to consist of the following members...

The Director for Fair Access and Participation

- 3 (1) The Director for Fair Access and Participation (“the Director”)...

Terms of appointment and tenure of members

- 4 (1) A person holds and vacates office as a member...
5 (1) A person may resign from office as a member...

Remuneration etc of members

- 6 (1) The OfS must pay to members of the OfS...

Staffing of the OfS

- 7 (1) The OfS may— (a) appoint employees, and

Committees

- 8 (1) The OfS may establish committees, and any committee so...

Procedure

- 9 (1) The OfS may determine— (a) its own procedure, and...
10 The validity of any proceedings of the OfS, or of...

Delegation of functions

- 11 (1) The OfS may delegate any of its functions to—...

Accounts and audit

- 12 (1) The OfS must— (a) keep proper accounts and proper...

Annual report

- 13 (1) The OfS must prepare a report on the performance...

Seal and evidence

- 14 (1) The application of the OfS's seal must be authenticated...

Supplementary powers

- 15 (1) The OfS may do anything (except borrow money) which...

Public records

- 16 In Part 2 of the Table in paragraph 3 of...

Investigation by the Parliamentary Commissioner

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...

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House of Commons disqualification

18 In Part 2 of Schedule 1 to the House of...

Northern Ireland Assembly disqualification

19 In Part 2 of Schedule 1 to the Northern Ireland...

Freedom of information

20 In Part 6 of Schedule 1 to the Freedom of...

Public sector equality duty

21 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 2 — The fee limit

Introduction

1 (1) This Schedule is about determining the amount of “the...

The fee limit where the provider has an access and participation plan

2 (1) This paragraph applies if an access and participation plan...

The fee limit where the provider has no access and participation plan

3 (1) This paragraph applies if an access and participation plan...

Accelerated courses

4 (1) The power for regulations to prescribe different amounts for...

Procedure

5 (1) The Secretary of State must— (a) notify the OfS...

SCHEDULE 3 — Monetary penalties: procedure, appeals and recovery etc

Introduction

1 This Schedule applies in relation to the imposition by the...

Procedure

2 (1) Before imposing a monetary penalty on the provider under...

Appeals

3 (1) The governing body of a provider may appeal to...

Interest and recovery

4 (1) This paragraph applies if all or part of a...

Retention of sums received

5 The OfS must pay the sums received by it by...

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SCHEDULE 4 — Assessing higher education: designated body
Part 1 — DESIGNATION

Consultation prior to recommendation

- 1 (1) The OfS may consult in accordance with sub-paragraph (3)...

Recommendation

- 2 (1) This paragraph applies where the OfS has consulted in...

Designation

- 3 (1) This paragraph applies where, in accordance with paragraph 2,...

Bodies suitable to perform assessment functions

- 4 (1) A body is suitable to perform the assessment functions...

Removal of designation

- 5 (1) The Secretary of State may by notice remove a...
Part 2 — OVERSIGHT BY THE OFS

Application

- 6 This Part applies if there is a body designated under...

Oversight arrangements

- 7 The OfS must make arrangements for holding the designated body...

Annual report by the designated body

- 8 (1) As soon as possible after the end of each...

Triennial report by the OfS

- 9 (1) As soon as possible after the end of each...

Power of the OfS to give directions

- 10 (1) The OfS may give the designated body general directions...

Duty of the OfS to inform the Secretary of State about significant concerns

- 11 The OfS must inform the Secretary of State if it...

Part 3 — INTERPRETATION

- 12 (1) In this Schedule— “the assessment functions” has the meaning...

SCHEDULE 5 — Powers of entry and search etc

Power to issue search warrant

- 1 (1) A justice of the peace who is satisfied that...

Application for search warrant by an authorised person

- 2 (1) A search warrant may be issued only on the...

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Search warrant

- 3 (1) A search warrant must— (a) specify the name of...

Powers conferred by search warrant

- 4 (1) A search warrant authorises an authorised person—

Entering and searching premises

- 5 (1) Where the occupier of the premises to be entered...

Inspecting, copying, seizing and retaining items

- 6 (1) The powers conferred by a search warrant to inspect,...

Offence

- 7 (1) A person commits an offence if, without reasonable excuse,...

Self-incrimination

- 8 (1) An explanation or information provided by a person in...

Interpretation

- 9 (1) In this Schedule— “authorised person” has the meaning given...

SCHEDULE 6 — English higher education information: designated body Part 1 — DESIGNATION

Consultation prior to recommendation

- 1 (1) The OfS may consult in accordance with sub-paragraph (3)...

Recommendation

- 2 (1) This paragraph applies where the OfS has consulted in...

Designation

- 3 (1) This paragraph applies where, in accordance with paragraph 2...

Bodies suitable to be designated under this Schedule

- 4 (1) A body is suitable to be designated under this...

Removal of designation

- 5 (1) The Secretary of State may by notice remove a...
Part 2 — OVERSIGHT BY THE OFS

Application

- 6 This Part applies if there is a body designated under...

Oversight arrangements

- 7 The OfS must make arrangements for holding the designated body...

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Annual report by the designated body

- 8 (1) As soon as possible after the end of each...

Triennial report by the OfS

- 9 (1) As soon as possible after the end of each...

Duty of the OfS to inform the Secretary of State about significant concerns

- 10 The OfS must inform the Secretary of State if it...

Part 3 — INTERPRETATION

- 11 (1) In this Schedule— “designated body” means a body for...

SCHEDULE 7 — Costs recovery: procedure, appeals and recovery etc

Introduction

- 1 This Schedule applies in relation to the imposition by the...

Procedure

- 2 (1) The notice which the OfS gives the governing body...

Appeals

- 3 (1) The governing body of a provider may appeal to...

Interest and recovery

- 4 (1) This paragraph applies if all or part of an...

Retention of sums received

- 5 (1) The OfS must pay the sums received by it...

SCHEDULE 8 — Higher education corporations in England

Education Reform Act 1988

- 1 The Education Reform Act 1988 is amended as follows.
 2 In section 122 (orders incorporating higher education institutions maintained by...
 3 Before section 122A insert— Orders for further education corporations in...
 4 In section 122A (orders transferring further education corporations to higher...
 5 In section 123 (provisions supplementary to sections 121 and 122)—...
 6 Before section 124 insert— Principal powers of a higher education...
 7 In section 124 (powers of a higher education corporation)—
 8 Before section 124A insert— Instrument of government of higher education...
 9 In section 124A (constitution and conduct of higher education corporations)—...
 10 In section 124B(2)(b) (accounts), at the beginning insert “ in...
 11 In section 124C (initial and transitional arrangements)—

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- 12 Before section 125 insert— Articles of government: higher education corporations...
- 13 In section 125 (articles of government)— (a) in the heading,...
- 14 In section 125A (charitable status of a higher education corporation) —...
- 15 In section 127(1) (transfer of staff to higher education corporations),...
- 16 Before section 128 insert— Dissolution of higher education corporations in...
- 17 In section 128 (dissolution of higher education corporations)—
- 18 In section 129(5)(e) (designation of institutions), before “128” insert “...
- 19 In section 157(2)(a) (variation of trust deeds etc: institutions conducted...
- 20 In section 161(1) (interpretation of Part 2)—
- 21 In Schedule 7 (the higher education corporations)—
- 22 In Schedule 7A (instruments of government made by Privy Council),...

Further and Higher Education Act 1992

- 23 The Further and Higher Education Act 1992 is amended as...
- 24 (1) Section 78 (financial years of higher education corporations) is...
- 25 In section 90(1) (interpretation of Act), in the definition of...
- 26 In section 91 (interpretation of Education Acts), in subsection (6)(b),...

SCHEDULE 9 — United Kingdom Research and Innovation

Status

- 1 (1) UKRI is not to be regarded—

Membership of UKRI

- 2 (1) UKRI is to consist of the following members appointed...

Membership of the Councils

- 3 (1) Each Council is to consist of—

Terms of appointment and tenure

- 4 A person holds and vacates office as a member of...
- 5 (1) This paragraph applies to a person (a “Ministerial appointee”)...
- 6 (1) This paragraph applies to a person (an “UKRI appointee”)...

Remuneration etc

- 7 (1) UKRI must pay to members of UKRI and Council...

Staffing of UKRI

- 8 (1) UKRI may— (a) appoint employees, and

Executive Committee

- 9 (1) UKRI must establish a committee called “the Executive Committee”....

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Other committees and sub-committees

- 10 (1) UKRI may establish committees (in addition to the Councils...

Procedure

- 11 (1) UKRI, a Council and the Executive Committee may each...
12 The validity of any proceedings of UKRI, or of any...

Delegation of functions by UKRI

- 13 (1) UKRI may delegate any of its functions to—

Accounts and audit

- 14 (1) UKRI must— (a) keep proper accounts and proper records...

Annual report

- 15 (1) UKRI must prepare a report on the exercise of...

Seal and evidence

- 16 (1) The application of UKRI's seal must be authenticated by...

Supplementary powers

- 17 (1) UKRI may do anything which appears to it to...

Public records

- 18 In Part 2 of the Table in paragraph 3 of...

Investigation by the Parliamentary Commissioner

- 19 In Schedule 2 to the Parliamentary Commissioner Act 1967
(departments...

House of Commons disqualification

- 20 In Part 2 of Schedule 1 to the House of...

Northern Ireland Assembly disqualification

- 21 In Part 2 of Schedule 1 to the Northern Ireland...

Freedom of information

- 22 In Part 6 of Schedule 1 to the Freedom of...

Public sector equality duty

- 23 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 10 — Transfer schemes

Transfer schemes

- 1 (1) The Secretary of State may make one or more...

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Supplementary

- 2 (1) The things that may be transferred under a property...

Interpretation

- 3 (1) For the purposes of this Schedule—

SCHEDULE 11 — Minor and consequential amendments relating to Part 1

Public Records Act 1958

- 1 In Part 2 of the Table in paragraph 3 of...

Parliamentary Commissioner Act 1967

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

Superannuation Act 1972

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of...

House of Commons Disqualification Act 1975

- 4 In Part 3 of Schedule 1 to the House of...

Education (No. 2) Act 1986

- 5 (1) Section 43 of the Education (No. 2) Act 1986...

Education Reform Act 1988

- 6 The Education Reform Act 1988 is amended as follows.
7 In section 124B(2)(b) (accounts), for “the higher education funding council”...
8 (1) Section 128 (dissolution of higher education corporations) is amended...
9 In section 129(1) (designation of institutions), for “a higher education...
10 (1) Section 133 (payments in respect of persons employed in...
11 In Schedule 7 (higher education corporations), in paragraph 18(2)(b), for...

Further and Higher Education Act 1992

- 12 The Further and Higher Education Act 1992 is amended as...
13 In section 61 (interpretation of Part 1), omit subsection (3)(b)....
14 (1) Section 62 (establishment of the Higher Education Funding Councils)...
15 (1) Section 65 (administration of funds by councils) is amended...
16 (1) Section 66 (administration of funds: supplementary) is amended as...
17 (1) Section 68 (grants to councils) is amended as follows....
18 (1) Section 69 (supplementary functions) is amended as follows.
19 Omit section 70 (England: assessment of quality of education provided...
20 (1) Section 79 (duty to give information to funding councils)...

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- 21 Omit section 79A (Higher Education Funding Council for England's power...
- 22 (1) Section 81 (directions) is amended as follows.
- 23 (1) Section 82 (joint exercise of functions) is amended as...
- 24 In section 83 (efficiency studies), in subsection (1B), for “A...
- 25 In section 91(4) (interpretation of Education Acts), for the words...
- 26 (1) Section 92 (index) is amended as follows.

Education Act 1994

- 27 (1) Section 18 of the Education Act 1994 (power to...

Education Act 1996

- 28 In section 13 of the Education Act 1996 (local authorities'...

Freedom of Information Act 2000

- 29 (1) Schedule 1 to the Freedom of Information Act 2000...

Higher Education Act 2004

- 30 (1) The Higher Education Act 2004 is amended as follows....

Education Act 2005

- 31 (1) The Education Act 2005 is amended as follows.

Equality Act 2010

- 32 In Part 1 of Schedule 19 to the Equality Act...

Education Act 2011

- 33 In the Education Act 2011, omit the following (which amend...

Charities Act 2011

- 34 In Part 2 of Schedule 7 to the Charities Act...

Counter-Terrorism and Security Act 2015

- 35 In section 32(5)(b) of the Counter-Terrorism and Security Act 2015...

SCHEDULE 12 — Minor and consequential amendments relating to Part 3

Geological Survey Act 1845

- 1 In section 1 of the Geological Survey Act 1845 (power...

Mining Industry Act 1926

- 2 In section 23 of the Mining Industry Act 1926 (facilities...

Public Records Act 1958

- 3 In Part 2 of the Table in paragraph 3 of...

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Science and Technology Act 1965

- 4 (1) The Science and Technology Act 1965 is amended as...

Parliamentary Commissioner Act 1967

- 5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

Agriculture Act 1967

- 6 In section 50(3) of the Agriculture Act 1967 (provisions on...

Conservation of Seals Act 1970

- 7 (1) The Conservation of Seals Act 1970 is amended as...

Chronically Sick and Disabled Persons Act 1970

- 8 In section 24 of the Chronically Sick and Disabled Persons...

Mineral Exploration and Investment Grants Act 1972

- 9 In section 1(3) of the Mineral Exploration and Investment Grants...

Supply Powers Act 1975

- 10 In section 7 of the Supply Powers Act 1975 (interpretation),...

House of Commons Disqualification Act 1975

- 11 In Part 3 of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975

- 12 In Part 2 of Schedule 1 to the Northern Ireland...

Patents Act 1977

- 13 In section 41(3) of the Patents Act 1977 (assignment of...

Further Education Act 1985

- 14 In section 2(4)(a) of the Further Education Act 1985 (cases...

Water Resources Act 1991

- 15 (1) The Water Resources Act 1991 is amended as follows....

Scotland Act 1998

- 16 (1) In Part 2 of Schedule 5 to the Scotland...

Northern Ireland Act 1998

- 17 In Schedule 3 to the Northern Ireland Act 1998 (reserved...

Freedom of Information Act 2000

- 18 In Part 6 of Schedule 1 to the Freedom of...

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Higher Education Act 2004

- 19 Omit sections 1 to 9 of the Higher Education Act...

Natural Environment and Rural Communities Act 2006

- 20 In paragraph 9(a) of Part 2 of Schedule 5 to...

Government of Wales Act 2006

- 21 The Government of Wales Act 2006 is amended as follows...
22 (1) Schedule 3A (functions exercisable concurrently or jointly with the...
23 In paragraph 5 of Part 1 of Schedule 7 (Acts...
24 (1) In Part 2 of Schedule 7A (specific reservations) (which...

Marine (Scotland) Act 2010 (asp 5)

- 25 In sections 116(1), 117, 118(2), 120(1), 121(1), 125 and 129(2)(b)...

Welsh Language (Wales) Measure 2011 (nawm 1)

- 26 (1) The table in Schedule 6 to the Welsh Language...

Antarctic Act 2013

- 27 (1) In section 10(4) of the Antarctic Act 2013 (the...

Public Service Pensions Act 2013

- 28 (1) Schedule 10 to the Public Service Pensions Act 2013...

Psychoactive Substances Act 2016

- 29 In paragraph 4 of Schedule 2 to the Psychoactive Substances...

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