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# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Mandatory registration conditions*

### **8 Mandatory ongoing registration conditions for all providers**

- (1) The OfS must ensure that the ongoing registration conditions of each registered higher education provider include—
- (a) a condition that requires the governing body of the provider to notify the OfS of any change of which it becomes aware which affects the accuracy of the information contained in the provider's entry in the register,
  - (b) a condition that requires the governing body of the provider to provide the OfS, or a person nominated by the OfS, with such information for the purposes of the performance of the OfS's functions as the OfS may require it to provide, and
  - (c) a condition that requires the governing body of the provider to provide a designated body with such information for the purposes of the performance of its duties under sections 64(1) and 65(1) (compiling, making available and publishing higher education information) as the designated body may require it to provide.
- (2) In subsection (1)(c), “designated body” means a body for the time being designated under Schedule 6.

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#### **Commencement Information**

**II** S. 8 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(a\)](#)

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## 9 Mandatory transparency condition for certain providers

- (1) The OfS must ensure that the ongoing registration conditions of each registered higher education provider of a prescribed description include a transparency condition.
- (2) A transparency condition is a condition that requires the governing body of a registered higher education provider to provide to the OfS, and publish, such information as the OfS requests in relation to one or more of the following—
  - (a) the number of applications for admission on to higher education courses that the provider has received;
  - (b) the number of offers made by the provider in relation to those applications;
  - (c) the number of those offers that were accepted;
  - (d) the number of students who accepted those offers that completed their course with the provider;
  - (e) the number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with the provider.
- (3) The information which the OfS may request in relation to the numbers mentioned in subsection (2) includes those numbers by reference to one or more of the following—
  - (a) the gender of the individuals to which they relate;
  - (b) their ethnicity;
  - (c) their socio-economic background.
- (4) “Prescribed” means prescribed by regulations made by the Secretary of State for the purposes of this section.

### Commencement Information

**I2** S. 9 in force at 1.4.2018 by S.I. 2018/241, reg. 2(a)

## 10 Mandatory fee limit condition for certain providers

- (1) The OfS must ensure that the ongoing registration conditions of each registered higher education provider of a prescribed description include a fee limit condition.
- (2) In this Part, “a fee limit condition” means a condition that requires the governing body of the provider to secure that regulated course fees do not exceed the fee limit.
- (3) “Regulated course fees” are fees payable to the provider by a qualifying person—
  - (a) in connection with his or her undertaking a qualifying course, and
  - (b) in respect of an academic year applicable to that course which begins at the same time as, or while, the provider is registered in the register.
- (4) A “qualifying person” means a person who—
  - (a) is not an international student, and
  - (b) is within a prescribed description of persons.
- (5) An “international student” means a person who is not within any description of persons prescribed under section 1 of the Education (Fees and Awards) Act 1983 (charging of higher fees in case of students without prescribed connection with the UK) for the purposes of subsection (1) or (2) of that section.

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- (6) A “qualifying course” means a higher education course of a prescribed description.
- (7) The power to prescribe descriptions of higher education course under subsection (6) may not be exercised in such a way as to discriminate—
  - (a) in relation to courses of initial teacher training, between different courses on the basis of the subjects in which such training is given, and
  - (b) in relation to other courses, between different courses at the same or a comparable level on the basis of the areas of study or research to which they relate.
- (8) The OfS has no power, apart from this section, to limit the fees payable to an English higher education provider.
- (9) In this section—
  - “higher education course” does not include any postgraduate course other than a course of initial teacher training;
  - “prescribed” means prescribed by regulations made by the Secretary of State for the purposes of this section.
- (10) Schedule 2 contains provision about determining “the fee limit”; see section 85(2) for the meaning of “fees”.

#### **Commencement Information**

**I3** S. 10 in force at 1.4.2018 by S.I. 2018/241, reg. 2(a)

## **11 Duty to publish a list regarding the fee limit condition**

- (1) The OfS must publish in each year a list of—
  - (a) the registered higher education providers who have a fee limit condition as an ongoing registration condition, and
  - (b) the fee limits as determined under Schedule 2 in relation to each of those providers for fees in connection with each qualifying course provided by the provider in respect of each relevant academic year.
- (2) A “relevant academic year”, in relation to a qualifying course, is an academic year which is applicable to the course and which is due to start in the calendar year after the calendar year in which the list is published.
- (3) The OfS must send a copy of each published list to the Secretary of State who must lay it before Parliament.
- (4) The Secretary of State may by regulations prescribe the date by which a list under this section must be published by the OfS.

#### **Commencement Information**

**I4** S. 11 in force at 1.4.2018 by S.I. 2018/241, reg. 2(a)

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## **12 Mandatory access and participation plan condition for certain institutions**

- (1) This section applies where—
  - (a) a fee limit condition will be or is one of the ongoing registration conditions of an institution, and
  - (b) the governing body of the institution requests the imposition of an access and participation plan condition in order to access the higher fee limits available in respect of the fee limit condition for institutions who have such a plan.
- (2) An access and participation plan condition—
  - (a) may be an initial registration condition that is applicable to the institution, and
  - (b) must be one of its ongoing registration conditions.
- (3) In this Part, “an access and participation plan condition”, in relation to an institution, means a condition requiring that—
  - (a) there is an access and participation plan in relation to the institution which—
    - (i) has been approved by the OfS under section 29 (power to approve an access and participation plan), and
    - (ii) is in force, and
  - (b) the governing body of the institution complies with the general provisions of that plan (within the meaning of section 32).
- (4) A governing body of an institution is not to be regarded as having failed to comply with the requirement mentioned in subsection (3)(b) by reason of its failure to comply with a general provision of the plan if it shows that it has taken all reasonable steps to comply with the provision.

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### **Commencement Information**

**I5** S. 12 in force at 1.4.2018 by S.I. 2018/241, reg. 2(a)

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