



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 4

#### GENERAL

#### 119 Regulations

- (1) Any power to make regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument which contains (whether alone or with other provision) any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
  - (a) regulations under section 9(1) (prescribed description of providers for whom a transparency condition is mandatory);
  - (b) regulations under section 15(2) [<sup>F1</sup>or 69B(3)] (power to impose monetary penalties);
  - (c) regulations under section 29(5) (regulations regarding the OfS's approval of access and participation plans);
  - (d) regulations under section 32(1) (content of such a plan: equality of opportunity);
  - (e) regulations under section 39(3) (prescribed description of providers eligible for financial support);
  - (f) regulations under section 92(2) (regulations changing the structure of UKRI's Councils);
  - (g) regulations under section 95(5) (regulations in connection with changes made to structure of UKRI's Councils or changing the fields of activity of the Councils);
  - (h) regulations under section 116(1) (power to make consequential provision) which include provision that amends, repeals or revokes a provision of primary legislation or of a Royal Charter;
  - (i) regulations under paragraph 2 or 3 of Schedule 2 (regulations prescribing the higher amount, basic amount or floor amount), except regulations to which paragraph 5(2)(b) of that Schedule applies (regulations increasing the higher

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**Changes to legislation:** Higher Education and Research Act 2017, Section 119 is up to date with all changes known to be in force on or before 31 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](#)

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amount to an amount greater than that required to maintain its value in real terms).

- (3) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) But subsection (3) does not apply to regulations under Schedule 2 to which paragraph 5(2)(b) of that Schedule applies (regulations increasing the higher amount to an amount greater than that required to maintain its value in real terms).
- (5) Regulations under this Act may—
  - (a) make different provision for different purposes, cases or areas,
  - (b) make provision generally or only in relation to specified cases,
  - (c) make incidental, consequential, supplementary, transitional, transitory or saving provision, and
  - (d) include provision framed by reference to matters determined or published by the OfS (whether before or after the regulations are made).
- (6) Nothing in this Act is to be regarded as affecting the generality of subsection (5).
- (7) This section does not apply to regulations made under section 124 (commencement).

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#### **Textual Amendments**

- F1** Words in s. 119(2)(b) inserted (11.5.2023 for specified purposes) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), **ss. 7(2)**, 13(1)(a)(3)

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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\(6\)](#)