



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Powers to grant degrees etc*

#### **44 Variation or revocation of section 42 authorisation**

- (1) The OfS may, at any time, by a further order under section 42(1), vary or revoke an authorisation given by a previous order under that provision.
- (2) That is the case even if the authorisation was given for an indefinite period.
- (3) The OfS may make such an order revoking an authorisation given to a provider only if condition A, B or C is satisfied.
- (4) Condition A is satisfied if the provider ceases to be a registered higher education provider.
- (5) Condition B is satisfied if—
  - (a) the OfS has concerns regarding the quality of, or the standards applied to, higher education which has been or is being provided by the provider, and
  - (b) it appears to the OfS that those concerns are so serious that—
    - (i) its powers by a further order under section 42(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
    - (ii) it is appropriate to revoke the authorisation.
- (6) Condition C is satisfied if—
  - (a) due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and
  - (b) it appears to the OfS that those concerns are so serious that—

---

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Higher Education and Research Act 2017, Section 44 is up to date with all changes known to be in force on or before 22 May 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)*

---

- (i) its powers by a further order under section 42(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
  - (ii) it is appropriate to revoke the authorisation.
- (7) Where there are one or more sector-recognised standards, for the purposes of subsections (5)(a) and (6)(a)—
- (a) the OfS's concerns regarding the standards applied must be concerns regarding the standards applied in respect of matters for which there are sector-recognised standards, and
  - (b) those concerns must be regarding those standards as assessed against sector-recognised standards.
- (8) See sections 46 and 48 which make further provision about further orders under section 42(1).

---

**Commencement Information**

- I1** S. 44(1)-(4)(6)-(8) in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(e\)](#)
- I2** S. 44(5) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), [reg. 3\(6\)\(7\)\(d\)](#)
- I3** S. 44(5) in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), [reg. 2\(e\)](#)

**Status:**

Point in time view as at 01/04/2018.

**Changes to legislation:**

Higher Education and Research Act 2017, Section 44 is up to date with all changes known to be in force on or before 22 May 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.