



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

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

#### **45 Variation or revocation of other authorisations to grant degrees etc**

- (1) The OfS may by order vary or revoke an authorisation given to an English higher education provider—
  - (a) by or under an Act of Parliament, other than under section 42(1) of this Act, or
  - (b) by Royal Charter,to grant taught awards or research awards.
- (2) That is the case even if the authorisation was given for an indefinite period.
- (3) An order under subsection (1) varying an authorisation may only make such provision as could be made by an order giving authorisation under section 42(1).
- (4) When applying section 42(4) and (5) in the case of such an order, the reference in section 42(5) to a foundation degree granted other than by virtue of section 43(2)(c) or (d) (honorary and staff degrees) is to be read as a reference to a foundation degree granted other than by virtue of whatever is the equivalent of section 43(2)(c) or (d) in the case of the provider.
- (5) The OfS may make an order under subsection (1) revoking an authorisation given to a provider only if condition A, B or C is satisfied.
- (6) Condition A is satisfied if the provider is not a registered higher education provider.
- (7) 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—

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Higher Education and Research Act 2017, Section 45 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 an order under subsection (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.
- (8) 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—
    - (i) its powers by an order under subsection (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.
- (9) Where there are one or more sector-recognised standards, for the purposes of subsections (7)(a) and (8)(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.
- (10) The OfS's power to make an order under subsection (1) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 is to apply to such an instrument as if the order had been made by a Minister of the Crown.
- (11) An order under subsection (1) may make incidental, supplementary, transitional or saving provision.
- (12) Any power to vary or revoke an authorisation mentioned in subsection (1), which is a power which exists immediately before the coming into force of this section, ceases to exist on that coming into force.
- (13) See sections 46 and 48 which make further provision about orders under subsection (1).

#### Commencement Information

- I1** S. 45(1)(7) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146, reg. 3\(6\)\(7\)\(e\)](#)
- I2** S. 45(1)(7) in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241, reg. 2\(e\)](#)
- I3** S. 45(2)-(6)(8)-(13) in force at 1.4.2018 by [S.I. 2018/241, reg. 2\(e\)](#)

**Status:**

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