



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Powers to grant degrees etc

46 Grant, variation or revocation of authorisation: advice on quality etc

- (1) The OfS must request advice from the relevant body regarding the quality of, and the standards applied to, higher education provided by a provider before making—
 - (a) an order under section 42(1) authorising the provider to grant taught awards or research awards,
 - (b) a further order under section 42(1)—
 - (i) varying an authorisation given to the provider by a previous order under section 42(1), or
 - (ii) revoking such an authorisation on the ground that condition B in section 44(5) is satisfied, or
 - (c) an order under section 45(1)—
 - (i) varying an authorisation given to the provider, as described in that provision, to grant taught awards or research awards, or
 - (ii) revoking such an authorisation on the ground that condition B in section 45(7) is satisfied.
- (2) Where the OfS requests advice under subsection (1), the relevant body must provide it.
- (3) The advice provided under subsection (2) must include the relevant body's view as to whether the provider has the ability—
 - (a) to provide, and maintain the provision of, higher education of an appropriate quality, and
 - (b) to apply, and maintain the application of, appropriate standards to that higher education.

Changes to legislation: Higher Education and Research Act 2017, Section 46 is up to date with all changes known to be in force on or before 11 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

- (4) The advice provided by the relevant body under subsection (2) must be informed by the views of persons who (between them) have experience of—
- (a) providing higher education on behalf of, or being responsible for the provision of higher education by—
 - (i) an English higher education provider which is neither authorised to grant taught awards nor authorised to grant research awards,
 - (ii) an English further education provider, and
 - (iii) an English higher education provider which is within neither sub-paragraph (i) nor sub-paragraph (ii),
 - (b) representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers,
 - (c) employing graduates of higher education courses provided by higher education providers,
 - (d) research into science, technology, humanities or new ideas, and
 - (e) encouraging competition in industry or another sector of society.
- (5) Where the order authorises the provider to grant research awards or varies or revokes such an authorisation, the advice provided by the relevant body under subsection (2) must also be informed by the views of UKRI.
- (6) Subsections (4) and (5) do not prevent the advice given by the relevant body under subsection (2) also being informed by the views of others.
- (7) The OfS must have regard to advice provided to it by the relevant body under subsection (2) in deciding whether to make the order.
- (8) But that does not prevent the OfS having regard to advice from others regarding quality or standards.
- (9) Where the order varies or revokes an authorisation, the advice under subsection (1) may be requested before or after the governing body of the provider is notified under section 48 of the OfS's intention to make the order.
- (10) Where there are one or more sector-recognised standards—
- (a) for the purposes of subsections (1) and (8)—
 - (i) the advice regarding the standards applied must be advice regarding the standards applied in respect of matters for which there are sector-recognised standards, and
 - (ii) that advice must be regarding those standards as assessed against sector-recognised standards, and
 - (b) “appropriate standards” in subsection (3) means sector-recognised standards.
- (11) In this section “the relevant body” means—
- (a) the designated assessment body, or
 - (b) if there is no such body, a committee which the OfS must establish under paragraph 8 of Schedule 1 for the purpose of performing the functions of the relevant body under this section.
- (12) Where the OfS is required to establish a committee for the purpose mentioned in subsection (11)(b)—

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- (a) the majority of members of the committee must be individuals who are not members of the OfS, and
- (b) in appointing members of the committee, the OfS must have regard to the need for the advice provided by the committee to meet the requirements of subsections (4) and (where applicable) (5).

(13) In this section—

“designated assessment body” means a body for the time being designated under Schedule 4;

“humanities” and “science” have the same meaning as in Part 3 (see section 111).

Commencement Information

I1 S. 46 in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), [reg. 3\(6\)\(7\)\(f\)](#)

I2 S. 46 in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), [reg. 2\(e\)](#)

Changes to legislation:

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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\(6\)](#)