



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Funding of the OfS*

#### **73 Costs recovery**

- (1) The OfS may, by notice, require the governing body of a provider in relation to which a sanction has been imposed to pay the costs incurred by the OfS in relation to imposing the sanction up to the date of notification.
- (2) The references in subsection (1) to imposing a sanction are to—
  - (a) imposing a monetary penalty under section 15;
  - (b) suspending a provider's registration under section 16;
  - (c) removing a provider from the register under section 18.
- (3) “Costs” includes, in particular, investigation costs, administration costs and costs of obtaining expert advice (including legal advice).
- (4) “The date of notification” means the date on which the OfS notified the provider of its decision—
  - (a) in the case of a monetary penalty, under paragraph 2(5) of Schedule 3;
  - (b) in the case of suspension, under section 17(5);
  - (c) in the case of removal, under section 19(5).
- (5) Schedule 7 contains provision about—
  - (a) the procedure for imposing a requirement to pay costs,
  - (b) rights of appeal,
  - (c) the recovery of the amount required to be paid and interest, and
  - (d) the retention of sums received.

---

**Changes to legislation:** Higher Education and Research Act 2017, Section 73 is up to date with all changes known to be in force on or before 05 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) [View outstanding changes](#)

---

---

#### **Commencement Information**

**II** [S. 73](#) in force at 1.8.2019 by [S.I. 2018/1226, reg. 4\(j\)](#)

**Changes to legislation:**

Higher Education and Research Act 2017, Section 73 is up to date with all changes known to be in force on or before 05 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 73(1) words substituted by 2023 c. 16 Sch. para. 7(2)
- s. 73(2)(a) words inserted by 2023 c. 16 Sch. para. 7(4)
- s. 73(4) words inserted by 2023 c. 16 Sch. para. 7(5)(b)
- s. 73(4) words substituted by 2023 c. 16 Sch. para. 7(5)(a)
- s. 73(4)(a) words inserted by 2023 c. 16 Sch. para. 7(5)(c)

**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)