



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Interpretation

85 Other definitions

(1) In this Part—

[^{F1}“academic freedom” has the meaning given by subsection (6);]

“an access and participation plan condition” has the meaning given by section 12(3);

“a fee limit condition” has the meaning given by section 10(2);

[^{F2}“constituent institution”, in relation to a registered higher education provider, has the same meaning as in Part A1 (see section A4(4));]

“foundation degree” has the meaning given by section 42(3);

“foundation degree only authorisation” has the meaning given by section 42(3);

[^{F3}references to freedom of speech have the same meaning as in Part A1 (see section A1(13));]

“governing body”—

(a) in relation to a training provider who, but for the definition of “institution” in section 83(1), would not be regarded as an institution, means any persons responsible for the provider's management;

(b) in relation to a provider designated under section 84 means any persons responsible for the provider's management;

(c) in relation to any other institution, has the meaning given by section 90(1) of the Further and Higher Education Act 1992, but subject to any provision made by virtue of section 90(2) of that Act;

“the institutional autonomy of English higher education providers” has the meaning given by section 2(8);

Changes to legislation: Higher Education and Research Act 2017, Section 85 is up to date with all changes known to be in force on or before 02 April 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](#)

[^{F4}“member”, in relation to a registered higher education provider or a constituent institution of such a provider, has the same meaning as in Part A1 (see sections A1(13) and A4(4));

“member”, in relation to a students’ union which is a representative body and not an association (see section 20(1)(b) of the Education Act 1994), means those whom it is the purpose of the union to represent, excluding any student who has signified that they do not wish to be represented by it;]

“the register” has the meaning given by section 3(1);

“registered higher education provider” has the meaning given by section 3(10);

[^{F5}“registered higher education provider that is eligible for financial support” means a registered higher education provider that is an eligible higher education provider for the purposes of section 39;]

“registration” has the meaning given by section 3(10);

“research award” has the meaning given by section 42(3);

“sector-recognised standards” has the meaning given by section 13(3);

[^{F6}“students’ union”, in relation to any institution, has the same meaning as it has in Part 2 of the Education Act 1994 in relation to establishments to which that Part applies (see section 20 of that Act);]

“taught award” has the meaning given by section 42(3).

- (2) In this Part, “fees” in relation to undertaking a course, means fees in respect of, or otherwise in connection with, undertaking the course, including admission, registration, tuition and graduation fees and fees payable for awarding or accrediting a qualification in respect of the course, but excluding—
- (a) fees payable for board or lodging,
 - (b) fees payable for field trips (including any tuition element of such fees),
 - (c) fees payable for attending any graduation or other ceremony, and
 - (d) such other fees as may be prescribed by regulations made by the Secretary of State.
- (3) References in this Part to the ongoing registration conditions of a provider have the meaning given by section 3(8).
- (4) For the purposes of this Part an appeal is “pending” during the period—
- (a) beginning when it is instituted, and
 - (b) ending when it is determined, withdrawn or abandoned.
- (5) When construing references in this Part to a time when an appeal could be brought, any possibility of an appeal out of time is to be ignored.
- [^{F7}(6) In this Part, “academic freedom”, in relation to academic staff at an institution, means their freedom within the law—
- (a) to question and test received wisdom, and
 - (b) to put forward new ideas and controversial or unpopular opinions,
- without placing themselves at risk of being adversely affected in any of the ways described in subsection (7).
- (7) Those ways are—
- (a) loss of their jobs or privileges at the institution;

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- (b) the likelihood of their securing promotion or different jobs at the institution being reduced.]

Textual Amendments

- F1** Words in s. 85(1) inserted (11.5.2023) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), s. 13(1)(f), **Sch. para. 11(2)(a)**
- F2** Words in s. 85(1) inserted (11.5.2023) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), s. 13(1)(f), **Sch. para. 11(2)(b)**
- F3** Words in s. 85(1) inserted (11.5.2023) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), s. 13(1)(f), **Sch. para. 11(2)(c)**
- F4** Words in s. 85(1) inserted (11.5.2023) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), s. 13(1)(f), **Sch. para. 11(2)(d)**
- F5** Words in s. 85(1) inserted (11.5.2023) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), s. 13(1)(f), **Sch. para. 11(2)(e)**
- F6** Words in s. 85(1) inserted (11.5.2023) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), s. 13(1)(f), **Sch. para. 11(2)(f)**
- F7** S. 85(6)(7) inserted (11.5.2023) by [Higher Education \(Freedom of Speech\) Act 2023 \(c. 16\)](#), s. 13(1)(f), **Sch. para. 11(3)**

Commencement Information

- I1** S. 85(1)-(3) in force at 1.1.2018 by S.I. 2017/1146, **reg. 2(n)**
- I2** S. 85(4)(5) in force at 1.4.2018 by S.I. 2018/241, **reg. 2(k)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 85(1) words inserted by [2022 c. 21 s. 16\(4\)\(a\)](#)
- s. 85(1) words inserted by [2023 c. 40 s. 2\(5\)](#)

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\(6\)](#)