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STATUTORY INSTRUMENTS

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**2019 No. 1027**

**The Higher Education and Research Act 2017  
(Further Implementation etc.) Regulations 2019**

**PART 3**

Consequential amendments to secondary legislation

**Income Support (General) Regulations 1987**

**15.** In regulation 61(1) of the Income Support (General) Regulations 1987(1) (interpretation), in the definition of “access funds”, in paragraph (a), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

**Income Support (General) Regulations (Northern Ireland) 1987**

**16.** In regulation 61(1) of the Income Support (General) Regulations (Northern Ireland) 1987(2) (interpretation), in the definition of “access funds”, in paragraph (b), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

**Social Security (Disability Living Allowance) Regulations 1991**

**17.** In regulation 9(3)(c) of the Social Security (Disability Living Allowance) Regulations 1991(3) (persons in care homes), after “1992”, insert “, sections 39 or 40 of the Higher Education and Research Act 2017”.

**Jobseeker’s Allowance Regulations 1996**

**18.** In regulation 130 of the Jobseeker’s Allowance Regulations 1996(4) (interpretation), in the definition of “access funds”, in paragraph (a), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

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- (1) [S.I. 1987/1967](#); regulation 61 was renumbered regulation 61(1) by [S.I. 2000/1981](#), regulation 5(3). The definition of “access funds” was inserted by [S.I. 2000/1922](#), regulation 2(2); the definition was amended by [S.I. 2009/2655](#), regulation 2(13)(a) and (b). There are other amendments but they are not relevant to these Regulations.
- (2) [S.R. 1987/459](#); the definition “access funds” was inserted by [S.R. 2000 No. 242](#), regulation 2(2)(a); it was amended by [S.R. 2001 No. 278](#), regulation 2(1)(b) and (2)(b); [S.R. 2002 No. 222](#), regulation 2(1)(a); [S.R. 2008 No. 498](#), regulation 2(5); and [S.R. 2009 No. 338](#), regulation 2(12). There are other amendments, but they are not relevant to these Regulations.
- (3) [S.I. 1991/2890](#).
- (4) [S.I. 1996/207](#). The definition of “access funds” was inserted by [S.I. 2000/1922](#), regulation 3(4); the definition was amended by [S.I. 2009/2655](#), regulation 4(12). There are other amendments to the definition but they are not relevant to these Regulations.

### **Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**19.** In regulation 130 of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996<sup>(5)</sup> (interpretation), in the definition of “access funds”, in paragraph (b), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

### **Housing Renewal Grants Regulations 1996**

**20.** In regulation 41 of the Housing Renewal Grants Regulations 1996<sup>(6)</sup> (interpretation), in the definition of “access funds”, in paragraph (a), after “that Act”, insert “or section 74 of the Higher Education and Research Act 2017”.

### **Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000**

**21.** In article 2 of the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000<sup>(7)</sup> (interpretation), in the definition of “specified education institution”, in paragraph (a)—

- (a) before “higher education sector”, insert “wider”;
- (b) for “91(5) of the Further and Higher Education Act 1992 (interpretation of Education Acts)”, substitute “4(4) of the Education Act 1996 (schools: general)”.

### **School Companies Regulations 2002**

**22.** In regulation 2(1) of the School Companies Regulations 2002<sup>(8)</sup> (interpretation), in the definition of “a higher education institution”, for paragraphs (a) to (c), substitute—

- “(a) a registered higher education provider within the meaning given by section 3(10) of the Higher Education and Research Act 2017; or
- (b) a university which does not fall within paragraph (a) above;”.

### **School Companies (Private Finance Initiative Companies) Regulations 2002**

**23.** In regulation 2(1) of the School Companies (Private Finance Initiative Companies) Regulations 2002<sup>(9)</sup> (interpretation), in the definition of “a higher education institution”, for paragraphs (a) to (c), substitute—

- “(a) a registered higher education provider within the meaning given by section 3(10) of the Higher Education and Research Act 2017; or
- (b) a university which does not fall within paragraph (a) above;”.

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(5) [S.R. 1996/198](#). The definition “access funds” was inserted by [S.R. 2000 No. 242](#), regulation 3(4)(a); the definition was amended by [S.R. 2001 No. 278](#), regulation 2(1)(b)(i); [S.R. 2002 No. 222](#), regulation 2(3)(b)(i); [S.R. 2008 No. 498](#), regulation 3(5); and [S.R. 2009 No. 338](#), regulation 4(12)(a) and (b). There are other amendments to the definition but they are not relevant to these Regulations.

(6) [S.I. 1996/2890](#). The definition “access funds” was inserted in relation to England by [S.I. 2001/739](#), regulations 2, 12(a), and in relation to Wales by [S.I. 2001/2073](#), regulations 2, 12(a). Paragraph (a) was amended in relation to England by [S.I. 2002/530](#), regulation 12(b)(i) and in relation to Wales by [S.I. 2002/2798](#), regulation 12(b)(i). There are other amendments to the definition but they are not relevant to these Regulations.

(7) [S.I. 2000/706](#).

(8) [S.I. 2002/2978](#).

(9) [S.I. 2002/3177](#).

### **Housing Benefit Regulations 2006**

24. In regulation 53(1) of the Housing Benefit Regulations 2006(10) (interpretation), in the definition of “access funds”, in paragraph (a), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

### **Housing Benefit Regulations (Northern Ireland) 2006**

25. In regulation 50(1) of the Housing Benefit Regulations (Northern Ireland) 2006(11) (interpretation), in the definition of “access funds”, in paragraph (b), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

### **Education and Inspections Act 2006 (Prescribed Education and Training etc) Regulations 2007**

26. In regulation 3 of the Education and Inspections Act 2006 (Prescribed Education and Training etc) Regulations 2007(12) (prescribed education and training)—

- (a) in paragraph (1)(a), for “HEFCE”, substitute “OfS”;
- (b) in paragraph (2)—
  - (i) for “HEFCE”, substitute “OfS”;
  - (ii) for “Higher Education Funding Council for England”, substitute “Office for Students”.

### **Education (Fees and Awards) (England) Regulations 2007**

27.—(1) The Education (Fees and Awards) (England) Regulations 2007(13) are amended as follows.

(2) In regulation 2(1) (interpretation)(14)—

- (a) omit the definition of “HEFCE”;
- (b) in the appropriate places, insert—
  - ““OfS” means the Office for Students;”;
  - ““UKRI” means United Kingdom Research and Innovation;”.

(3) In regulation 4(4) (fee charging), for “condition imposed under section 24 of the Higher Education Act 2004”, substitute “fee limit condition imposed under section 10 of the Higher Education and Research Act 2017”.

(4) In regulation 6 (awards by research councils and others)(15)—

- (a) in the heading, after “research councils”, insert “, UKRI”;
- (b) in paragraph (1), after “Schedule 2”, insert “, or UKRI”.

(5) In regulation 8 (payments by HEFCE)(16)—

- (a) in the heading, for “HEFCE”, substitute “the OfS”;

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(10) S.I. 2006/213.

(11) S.R. 2006/405.

(12) S.I. 2007/464.

(13) S.I. 2007/779.

(14) There are amendments to regulation 2(1), but they are not relevant to these Regulations.

(15) Regulation 6 makes reference to Schedule 1, to which there are amendments, including amendments that have not yet come into force, but they are not relevant to these Regulations.

(16) Regulation 8 makes reference to Schedule 1, to which there are amendments, including amendments that have not yet come into force, but they are not relevant to these Regulations.

- (b) for “HEFCE”, each time it appears, substitute “OfS”;
- (c) in paragraph (1), for “65 of the Further and Higher Education Act 1992”, substitute “39 or 40 of the Higher Education and Research Act 2017”.

### **Education (Information About Children in Alternative Provision) (England) Regulations 2007**

**28.** In regulation 8 of the Education (Information About Children in Alternative Provision) (England) Regulations 2007(17) (other persons to whom individual information supplied may be passed in addition to information collators), for paragraph (l), substitute—

“(l) the Office for Students;”.

### **Employment and Support Allowance Regulations (Northern Ireland) 2008**

**29.** In regulation 131(1) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(18) (interpretation), in the definition of “access funds”, in paragraph (b), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

### **Charities (Accounts and Reports) Regulations 2008**

**30.** In regulation 2(1) of the Charities (Accounts and Reports) Regulations 2008(19) (interpretation), in the definition of “special case charity”, in paragraph (b)—

- (a) in sub-paragraph (i), after “has effect”, insert “or, in relation to an English higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017, had effect on 31st July 2019”;
- (b) in sub-paragraph (ii)—
  - (i) before “funds”, insert “the Office for Students, or”;
  - (ii) for “a higher education funding council within the meaning of the Further and Higher Education Act 1992”, substitute “the Higher Education Funding Council for Wales”(20).

### **Employment and Support Allowance Regulations 2008**

**31.—**(1) The Employment and Support Allowance Regulations 2008(21) are amended as follows.

(2) In regulation 131(1) (interpretation), in the definition of “access funds”, in paragraph (a), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

(3) In regulation 137(2) (treatment of student loans and postgraduate master’s degree loans), for sub-paragraph (a), substitute—

- “(a) in relation to England, a loan made by the Office for Students under section 39 or 40 of the Higher Education and Research Act 2017;”.

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(17) [S.I. 2007/1065](#).

(18) [S.R. 2008/280](#).

(19) [S.I. 2008/629](#).

(20) The Higher Education Funding Council for Wales was established by the Further and Higher Education Act 1992, section 62(1) (b).

(21) [S.I. 2008/794](#); as amended by [S.I. 2009/2655](#) and [S.I. 2016/743](#).

### **Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009**

**32.** In regulation 3 of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009<sup>(22)</sup> (prescribed persons)—

(a) for paragraph (5)(c), substitute—

“(c) the Office for Students;”;

(b) in paragraph (6)(f), before “higher education sector”, insert “wider”.

### **Teachers’ Pensions Regulations 2010**

**33.** In Schedule 2 to the Teachers’ Pensions Regulations 2010<sup>(23)</sup> (pensionable employment), in Part 1 (employments pensionable without election), in paragraph 6, for sub-paragraph (a), substitute—

“(a) which is—

(i) in Wales, within the further or the higher education sector (as defined in section 91 of that Act); or

(ii) in England, within the further education sector (as defined in section 91 of that Act), or the higher education sector (as defined in section 91 of that Act as at 31st July 2019<sup>(24)</sup>), and”.

### **Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012**

**34.** In article 12(3)(a) of the Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012<sup>(25)</sup> (payments under the FHEC scheme)—

(a) for “section 24(6) of the Higher Education Act 2004”, substitute “paragraph 2(5) of Schedule 2 to the Higher Education and Research Act 2017”;

(b) for “sub-section”, substitute “paragraph”.

### **Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012**

**35.**—(1) The Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012<sup>(26)</sup> (Council Tax Reduction Scheme (Default Scheme) 2013) is amended as follows.

(2) In Part 11 (students), in paragraph 73(1) (interpretation), in the definition of “access funds”, in paragraph (a), after “1992”, insert “or section 74 of the Higher Education and Research Act 2017”.

### **Social Security (Personal Independence Payment) Regulations 2013**

**36.** In regulation 28(2) of the Social Security (Personal Independence Payment) Regulations 2013<sup>(27)</sup> (care home residents)—

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<sup>(22)</sup> [S.I. 2009/1563](#).

<sup>(23)</sup> [S.I. 2010/990](#).

<sup>(24)</sup> Section 91(5) as at 31st July 2019, is as follows:

“References to institutions within the higher education sector are to—

(a) universities receiving financial support under section 65 of this Act,

(aa) universities that are regulated institutions,

(b) institutions conducted by higher education corporations, and

(c) designated institutions for the purposes of Part II of this Act (defined in section 72(3) of this Act), and references to institutions outside the higher education sector are to be read accordingly.”

<sup>(25)</sup> [S.I. 2012/1796](#). There are amendments to article 12 but they are not relevant to these Regulations.

<sup>(26)</sup> [S.I. 2012/2886](#). There are amendments to Schedule 1 but they are not relevant to these Regulations.

<sup>(27)</sup> [S.I. 2013/377](#).

- (a) in sub-paragraph (f)(iv), for “councils”, substitute “HEFCW”;
- (b) after sub-paragraph (f)(vi), insert—
  - “(vii) section 39 of the Higher Education and Research Act 2017 (financial support for registered higher education providers) or section 40 of that Act (financial support for certain institutions);”.

#### **Teachers’ Pension Scheme Regulations 2014**

**37.** In Schedule 1 to the Teachers’ Pension Scheme Regulations 2014(**28**) (eligible employment), in Part 2 (service pensionable without election), in paragraph 14, for sub-paragraph (a), substitute—

- “(a) which is—
  - (i) in Wales, within the further or the higher education sector (as defined in section 91 of that Act); or
  - (ii) in England, within the further education sector (as defined in section 91 of that Act), or the higher education sector (as defined in section 91 of that Act as at 31st July 2019)(**29**); and”.

#### **Education (Student Information) (England) Regulations 2015**

**38.** In Schedule 2 to the Education (Student Information) (England) Regulations 2015(**30**) (prescribed persons and prescribed categories of person), in Part 1 (information provided by the Secretary of State or an information collator), in Chapter 1 (prescribed persons), in paragraph 1(4), for “Higher Education Funding Council for England”, substitute “Office for Students”.

#### **Economic Growth (Regulatory Functions) Order 2017**

**39.** In the Schedule to the Economic Growth (Regulatory Functions) Order 2017(**31**), in Part 1—

- (a) omit “Director of Fair Access to Higher Education” and “Higher Education Funding Council for England”;
- (b) in the appropriate place, insert “Office for Students”.

#### **Trade Union (Facility Time Publication Requirements) Regulations 2017**

**40.**—(1) Schedule 1 to the Trade Union (Facility Time Publication Requirements) Regulations 2017(**32**) (public authorities) is amended as follows.

(2) In Part 3 (maintained schools and other educational institutions), in paragraph 36, after sub-paragraph (c), insert—

- “(d) a registered higher education provider of a description prescribed by regulations made by the Secretary of State for the purposes of section 39(1) of the Higher Education and Research Act 2017;”.

(3) In Part 5 (other bodies)—

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(28) [S.I. 2014/512](#).

(29) Section 91(5) as at 31st July 2019, is as follows:

“References to institutions within the higher education sector are to—

(a) universities receiving financial support under section 65 of this Act,

(aa) universities that are regulated institutions,

(b) institutions conducted by higher education corporations, and

(c) designated institutions for the purposes of Part II of this Act (defined in section 72(3) of this Act), and references to institutions outside the higher education sector are to be read accordingly.”

(30) [S.I. 2015/1567](#). There are amendments to Schedule 2 but they are not relevant to these Regulations.

(31) [S.I. 2017/267](#). There are amendments to Part 1 but they are not relevant to these Regulations.

(32) [S.I. 2017/328](#).

- (a) omit paragraph 91;
- (b) in paragraph 110, for “Higher Education Funding Council for England”, substitute “The Office for Students”.

#### **Business Impact Target (Relevant Regulators) Regulations 2017**

- 41.** In the Schedule to the Business Impact Target (Relevant Regulators) Regulations 2017~~(33)~~—
- (a) omit “Director of Fair Access to Higher Education”;
  - (b) omit “Higher Education Funding Council for England”;
  - (c) in the appropriate place, insert “The Office for Students”.

#### **Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

- 42.** In Schedule 2 to the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017~~(34)~~ (public authorities required to publish information), under the heading “Education”, for “The Higher Education Funding Council for England”, substitute “The Office for Students”.

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**(33)** [S.I. 2017/344](#).

**(34)** [S.I. 2017/353](#). There are amendments to Schedule 2 but they are not relevant to these Regulations.