



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Registration conditions

5 The initial and general ongoing registration conditions

- (1) The OfS must determine and publish—
 - (a) the initial registration conditions, and
 - (b) the general ongoing registration conditions.
- (2) Different conditions may be determined—
 - (a) for different descriptions of provider;
 - (b) for registration in different parts of the register.
- (3) The OfS may revise the conditions.
- (4) If the OfS revises the conditions, it must publish them as revised.
- (5) Before determining or revising the conditions, the OfS must, if it appears to it appropriate to do so, consult bodies representing the interests of English higher education providers which appear to the OfS to be concerned.
- (6) The OfS may, at the time of an institution's registration or later, decide that a particular general ongoing registration condition is not applicable to it.
- (7) Where the decision is made after the institution's registration, the OfS must notify the governing body of the institution of its decision.

Commencement Information

II S. 5 in force at 1.4.2018 by S.I. 2018/241, reg. 2(a)

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Registration conditions is up to date with all changes known to be in force on or before 07 June 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

6 The specific ongoing registration conditions

- (1) The OfS may, at the time of an institution's registration or later, impose such conditions on its registration as the OfS may determine (“the specific ongoing registration conditions”).
- (2) The OfS may at any time vary or remove a specific ongoing registration condition.
- (3) Before—
 - (a) varying or removing a specific ongoing registration condition on an institution's registration, or
 - (b) imposing a new specific ongoing registration condition on its registration, the OfS must notify the governing body of the institution of its intention to do so.
- (4) The notice must—
 - (a) specify the OfS's reasons for proposing to take the step in question,
 - (b) specify the period during which the governing body of the institution may make representations about the proposal (“the specified period”), and
 - (c) specify the way in which those representations may be made.
- (5) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (6) The OfS must have regard to any representations made by the governing body of the institution during the specified period in deciding whether to take the step in question.
- (7) Having decided whether or not to take the step in question, the OfS must notify the governing body of the institution of its decision.
- (8) If the OfS decides to vary or remove a specific ongoing registration condition or impose a new specific ongoing registration condition, the notice must—
 - (a) specify the condition (as varied), the condition being removed or the new condition (as the case may be), and
 - (b) specify the date when the variation, removal or imposition takes effect.
- (9) For the purposes of this section, a specific ongoing registration condition is “new” if it is imposed otherwise than at the time of the institution's registration.

Commencement Information

I2 S. 6 in force at 1.4.2018 by S.I. 2018/241, reg. 2(a)

7 Proportionate conditions

- (1) The OfS must ensure that the initial registration conditions applicable to an institution and its ongoing registration conditions are proportionate to the OfS's assessment of the regulatory risk posed by the institution.
- (2) “Regulatory risk” means the risk of the institution, when it is registered, failing to comply with regulation by the OfS.
- (3) In light of its duty under subsection (1), the OfS must keep the initial registration conditions applicable to an institution and its ongoing registration conditions under review.

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Commencement Information

I3 [S. 7](#) in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(a\)](#)

Changes to legislation:

Higher Education and Research Act 2017, Cross Heading: Registration conditions is up to date with all changes known to be in force on or before 07 June 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.

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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\(6\)](#)