



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1 **U.K.**

THE OFFICE FOR STUDENTS

Regulatory framework

75 **Regulatory framework** **E+W**

- (1) The OfS must, from time to time, prepare and publish a regulatory framework.
- (2) The OfS must have regard to it when exercising its functions.
- (3) The regulatory framework is to consist of—
 - (a) a statement of how it intends to perform its functions,^{F1}...
 - (b) guidance for registered higher education providers on the general ongoing registration conditions^{F2}, and
 - (c) guidance for students' unions to which sections [A5](#) and [A6](#) apply on their duties under those sections.]
- (4) The statement under subsection (3)(a) must set out how the OfS intends to perform its functions in relation to a registered higher education provider in proportion to the OfS's assessment of the regulatory risk posed by the provider.
- (5) "Regulatory risk" means the risk of a breach of the provider's ongoing registration conditions.
- (6) Guidance under subsection (3)(b) must include guidance for the purpose of helping to determine whether or not behaviour complies with the general ongoing registration conditions.
- (7) The guidance [^{F3}under subsection (3)(b)] may in particular specify—
 - (a) descriptions of behaviour which the OfS considers compliant with, or not compliant with, a general ongoing registration condition;

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Regulatory framework is up to date with all changes known to be in force on or before 01 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

- (b) factors which the OfS will take into account in determining whether or not behaviour is compliant with a general ongoing registration condition.

[^{F4}(7A) Guidance under subsection (3)(c) must include guidance for the purpose of helping to determine whether or not students' unions are complying with their duties under sections [A5](#) and [A6](#).

(7B) The guidance under subsection (3)(c) may in particular specify—

- (a) what the OfS considers students' unions need to do to comply with their duties under sections [A5](#) and [A6](#);
- (b) factors which the OfS will take into account in determining, for the purposes of section 69B, whether or not a students' union is complying with its duties under those sections.]

(8) Before publishing a regulatory framework under this section the OfS must consult—

- (a) bodies representing the interests of English higher education providers,
- (b) bodies representing the interests of students on higher education courses provided by English higher education providers, ^{F5}...

[^{F6}(ba) in relation to guidance under subsection (3)(c), such bodies appearing to the OfS to represent the interests of students' unions as the OfS considers appropriate, and]

- (c) such other persons as it considers appropriate.

(9) Where a regulatory framework is published, the OfS must send a copy of it to the Secretary of State who must lay it before Parliament.

Textual Amendments

- F1** Word in s. 75(3)(a) omitted (11.7.2023) by virtue of [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(2\)\(a\)](#)
- F2** S. 75(3)(c) and word inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(2\)\(b\)](#)
- F3** Words in s. 75(7) inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(3\)](#)
- F4** S. 75(7A)(7B) inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(4\)](#)
- F5** Word in s. 75(8)(b) omitted (11.7.2023) by virtue of [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(5\)\(a\)](#)
- F6** S. 75(8)(ba) inserted (11.7.2023) by [Higher Education \(Freedom of Speech\) Act 2023](#) (c. 16), s. 13(2), [Sch. para. 9\(5\)\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 75 modified (temp.) (1.1.2018) by [The Higher Education and Research Act 2017 \(Transitory Provisions\) Regulations 2017](#) (S.I. 2017/1145), regs. 1(2), [2](#)

Commencement Information

- I1** S. 75 in force at 1.1.2018 by [S.I. 2017/1146](#), [reg. 2\(j\)](#)

Changes to legislation:

Higher Education and Research Act 2017, Cross Heading: Regulatory framework is up to date with all changes known to be in force on or before 01 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\(6\)](#)