
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fifth commencement regulations made under the Higher Education and Research Act 2017 (c. 29) (“the Act”) and commence provisions of the Act relating to the Office for Students (“the OfS”) and higher education in England.

1st January 2019 commencement date

The provisions listed in regulation 2 come into force on 1st January 2019.

Regulation 2(a) commences sections 39 to 41 of the Act which relate to the powers of the OfS to give financial support to certain higher education providers and institutions. Regulation 2(e) commences section 74 of the Act which enables the Secretary of State to make grants to the OfS.

Regulation 2(c) commences section 70 of the Act which makes provision to enable the OfS to charge registration fees. Regulation 2(d) commences section 72, which relates to the retention by OfS of fee related income, but only in so far as it relates to income from registration fees.

Regulation 2(f) commences Part 2 of Schedule 6 which is concerned with the oversight by the OfS of an information body designated under that Schedule.

1st April 2019 commencement date

Regulation 3 commences sections 56 and 57 of the Act on 1st April 2019. These sections amend existing legislation concerning the use of “university” in the title of institutions. Transitional and saving provisions have been made in relation to the commencement of these sections: see the Higher Education and Research Act 2017 (Transitional and Saving Provisions) (University Title) Regulations 2018 (S.I. 2018/1225).

1st August 2019 commencement date

The provisions listed in regulation 4 come into force on 1st August 2019.

Regulation 4(a) to (c) commence the provisions in the Act relating to the OfS’s powers to enforce registration conditions that have not already been commenced, in particular regarding monetary penalties (section 15) and refusal to renew an access and participation plan (section 21). Regulation 4(m) commences Schedule 3 which makes further provision in relation to monetary penalties.

Regulation 4(d) commences section 38 which confers functions on the OfS in relation to monitoring and reporting on student transfer arrangements, as well as in relation to facilitating, encouraging or promoting awareness of such arrangements.

Regulation 4(e) and (f) commence sections 50 and 51 of the Act which confer functions on the OfS in relation to validation arrangements for taught awards.

Regulation 4(g) commences sections 67 to 69 of the Act. Section 67 makes provision to enable an information body designated under Schedule 6 to charge annual fees. Section 68 imposes a duty on the OfS to monitor and report on the financial sustainability of certain registered higher education providers and section 69 enables the OfS to make arrangements for studies for improving the economy, efficiency and effectiveness of registered higher education providers.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 4(h) commences section 71 of the Act which makes provision to enable the OfS to charge fees other than registration fees. Regulation 4(i) commences section 72 in so far as it relates to the retention of fee income other than registration fees.

Regulation 4(j) commences section 73 of the Act and regulation 4(n) commences Schedule 7 to the Act. Section 73 enables the OfS to recover its costs in relation to imposing a sanction on a registered higher education provider and Schedule 7 contains further provision about cost recovery.

Regulation 4(k) and (o) commence section 90 of, and Schedule 8 to, the Act. Schedule 8 contains provision about higher education corporations in England.

Regulation 4(l) and (p) commence all of the remaining un-commenced aspects of section 122(1) of, and Schedule 11 to, the Act. This allows for the coming into force of remaining minor and consequential amendments relating to Part 1 of the Act set out in Schedule 11.