
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first ones made under sections 29, 30, 32, 33 and 34 of the Higher Education and Research Act 2017 (the “2017 Act”). They make various provisions relating to access and participation plans, as defined in section 29(2) of the 2017 Act. Where a registered higher education provider that is subject to a mandatory fee limit condition under section 10 of the 2017 Act has an access and participation plan approved by the Office for Students (“the OfS”) under section 29 of that Act, that provider may charge fees at the higher limits determined and prescribed in accordance with Schedule 2, paragraph 2 of that Act. Section 12 of the 2017 Act requires the OfS to impose a registration condition on providers wishing to charge fees at the higher limits under Schedule 2, paragraph 2, requiring those providers to have in force and to comply with an access and participation plan that has been approved by the OfS. Sections 15 to 21 of the 2017 Act make provision regarding enforcement powers available to the OfS where a registration condition has been breached.

The provisions of the 2017 Act relating to access and participation plans apply in relation to registered higher education providers, as defined in section 3(10) of that Act. Section 3(3)(b) of the 2017 Act requires that, in order to be registered, a provider must be or intend to become an English higher education provider, as defined in section 83(1) of that Act.

Regulation 2 sets out the required contents of access and participation plans. Regulation 3 makes provision regarding the procedure for approval of plans. Regulation 4 provides for plans to be varied after they have been approved. Regulation 5 states the maximum duration of a plan. Regulation 6 makes provision enabling decisions of the OfS regarding the approval or variation of plans to be reviewed.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

The Governance Code on Public Appointments referred to in regulation 6(7) is published electronically and may be obtained from the website of The Commissioner for Public Appointments: <https://publicappointmentscommissioner.independent.gov.uk/regulating-appointments/governance-code/>.