STATUTORY INSTRUMENTS

2017 No. 1146 (C. 108)

EDUCATION

The Higher Education and Research Act 2017 (Commencement No. 2) Regulations 2017

Made - - - - 23rd November 2017

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 124(5) and (6) of the Higher Education and Research Act 2017(**1**):

Citation

1. These Regulations may be cited as the Higher Education and Research Act 2017 (Commencement No. 2) Regulations 2017.

Provisions coming into force on 1st January 2018

2. The following provisions of the Higher Education and Research Act 2017 come into force on 1st January 2018—

(a) section 2 (general duties);

(b) section 3(8) and (10) (references to "the ongoing registration conditions" and definition of "registered higher education provider" and "registration");

(c) section 25 (rating the quality of, and the standards applied to, higher education);

(d) section 26 (report on operation of section 25 schemes);

(e) section 27 (performance of assessment functions by a designated body);

(f) section 29(4) (power to approve an access and participation plan);

(g) section 62(1) to (4) (power to require information from unregistered providers);

(h) section 63 (cooperation and information sharing by the OfS);

(i) section 66(2)(a) (designated body);

(j) section 75 (regulatory framework);

(k) section 77 (Secretary of State's power to give directions);

(l) section 78 (power to require information and advice from the OfS);

(m) section 83 (meaning of "English higher education provider" etc.);

(**1**) 2017 c. 29.

(n) section 85(1) to (3) (other definitions);

(o) section 118 (pre-commencement consultation);

(p) in Schedule 4 (assessing higher education: designated body)—

(i) Part 1;

(ii) paragraph 7 of Part 2;

(iii) Part 3;

(q) in Schedule 6 (English higher education information: designated body)—

(i) Part 1;

(ii) Part 3;

(r) Schedule 10 (transfer schemes).

Provisions coming into force on 1st January 2018 to the extent specified

3.—(1) The provisions of the Higher Education and Research Act 2017 mentioned in paragraphs (2) to (8) come into force on 1st January 2018 to the extent specified in relation to each such provision.

(2) Section 3(1), only in so far as it defines "the register".

(3) Section 3(7), only in so far as necessary for the definition of "the ongoing registration conditions" in section 3(8), for the purposes of section 85(3).

(4) Section 29(2) and sections 30 (duration of a plan), 31 (content of a plan: fees) and 32 (content of a plan: equality of opportunity), only in so far as necessary for the definition of an "access and participation plan" for the purposes of section 29(4).

(5) Section 36 (duty to protect academic freedom), only in so far as it relates to the functions of the OfS(**2**) under section 29(4).

(6) The provisions specified in paragraph (7), only in so far as necessary for the purposes of—

(a) the designation of a body under Part 1 of Schedule 4, and

(b) allowing the OfS to make arrangements under paragraph 7 of that Schedule,

but not so as to commence any functions or duties under the provisions so specified.

(7) The provisions specified are—

(a) section 13(1)(a), (2) and (3) (other initial and ongoing registration conditions);

(b) section 23 (assessing the quality of, and the standards applied to, higher education);

(c) section 42(1) and (3) (authorisation to grant degrees etc.);

(d) section 44(5) (variation or revocation of section 42 authorisation);

(e) section 45(1) and (7) (variation or revocation of other authorisations to grant degrees etc.); and

(f) section 46 (grant, variation or revocation of authorisation: advice on quality etc.).

(8) The following provisions, only in so far as necessary for the purposes of the designation of a body under Part 1 of Schedule 6 but not so as to commence any functions or duties under section 64 or 65—

(a) section 64 (duty to compile and make available higher education information);

(b) section 65 (duty to publish higher education information);

(**2**) The OfS is established as a body corporate by section 1 of the Higher Education and Research Act 2017 and is defined by reference to that section in section 121 of the Act.