



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Information duties*

#### **64 Duty to compile and make available higher education information**

- (1) The relevant body must—
  - (a) compile appropriate information relating to registered higher education providers and the higher education courses they provide, and
  - (b) make the information available in an appropriate form and manner to the OfS, UKRI and the Secretary of State.
- (2) In this section “the relevant body” means—
  - (a) the designated body (see section 66), or
  - (b) if there is no such body, the OfS.
- (3) What is “appropriate” for the purposes of subsection (1)(a) and (b) is to be determined—
  - (a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or
  - (b) otherwise, by the OfS.
- (4) A notification under subsection (3) may relate to one or both of the paragraphs of subsection (1).
- (5) When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), it must in particular consider what would be helpful to the persons mentioned in subsection (1)(b).

- (6) The OfS must from time to time obtain and consider, or require the designated body to obtain and consider, the views of the persons listed in subsection (7) about the information that should be made available under this section.
- (7) Those persons are—
  - (a) UKRI,
  - (b) the Secretary of State, and
  - (c) such other persons as the body seeking views considers appropriate.
- (8) In performing the duty under subsection (1)(a), the relevant body must—
  - (a) cooperate with other persons who collect information from registered higher education providers, and
  - (b) have regard to the desirability of reducing the burdens on such providers relating to the collection of information.
- (9) In carrying out other functions under this section, the OfS and the designated body must have regard to the desirability of reducing the burdens described in subsection (8)(b).
- (10) The functions conferred by this section do not affect any other functions of the OfS regarding information.

## **65 Duty to publish higher education information**

- (1) The relevant body must publish, or arrange for the publication of, appropriate information relating to registered higher education providers and the higher education courses they provide.
- (2) In this section “the relevant body” means—
  - (a) the designated body (see section 66), or
  - (b) if there is no such body, the OfS.
- (3) The information must be published—
  - (a) at appropriate times, and
  - (b) at least once a year.
- (4) The information must be published in an appropriate form and manner.
- (5) What is “appropriate” for the purposes of subsections (1), (3) and (4) is to be determined—
  - (a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or
  - (b) otherwise, by the OfS.
- (6) A notification under subsection (5) may relate to one or more of subsections (1), (3) and (4).
- (7) When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), (3) or (4), it must in particular consider what would be helpful to—
  - (a) students on higher education courses provided by registered higher education providers;
  - (b) people thinking about undertaking such courses;
  - (c) registered higher education providers.

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*Status: This is the original version (as it was originally enacted).*

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- (8) The consideration under subsection (7) of what would be helpful to those described in paragraphs (a) to (c) of that subsection must include a consideration of what would be helpful to—
- (a) international students on higher education courses provided by registered higher education providers;
  - (b) people thinking about undertaking such courses who would be international students on such courses;
  - (c) registered higher education providers who recruit, or are thinking about recruiting, people who would be international students on such courses.
- (9) When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), it must, in particular, consider whether information about the numbers of international students on higher education courses provided by registered higher education providers would be appropriate information.
- (10) The OfS must from time to time consult, or require the designated body to consult, the following about the matters described in subsections (7) to (9)—
- (a) a number of registered higher education providers that, taken together, appear to the OfS to comprise a broad range of the different types of such providers,
  - (b) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, a broad range of students on higher education courses provided by registered higher education providers,
  - (c) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, a broad range of employers of graduates, and
  - (d) such other persons as the OfS considers appropriate.
- (11) In performing the duty under subsection (1), the relevant body must—
- (a) cooperate with other persons who collect information from registered higher education providers, and
  - (b) have regard to the desirability of reducing the burdens on such providers relating to the collection of information.
- (12) In carrying out other functions under this section, the OfS and the designated body must have regard to the desirability of reducing the burdens described in subsection (11)(b).
- (13) The functions conferred by this section do not affect any other functions of the OfS regarding information.
- (14) In this section—
- “graduate” means a graduate of a higher education course provided by a registered higher education provider;
  - “international student” means a person—
    - (a) who is not within any description of persons prescribed under section 1 of the Education (Fees and Awards) Act 1983 (charging of higher fees in case of students without prescribed connection with the UK) for the purposes of subsection (1) or (2) of that section, and
    - (b) whose presence in the United Kingdom, and undertaking of the higher education course in question, are not in breach of primary or secondary legislation relating to immigration.

**66 Designated body**

- (1) In sections 64 and 65 and this section, “designated body” means a body for the time being designated under Schedule 6.
- (2) In Schedule 6—
  - (a) Part 1 makes provision about the designation of a body for the purposes of sections 64 and 65, and
  - (b) Part 2 makes provision about oversight of the designated body by the OfS.
- (3) If there is a designated body, the OfS must have regard to the views of that body when making a decision about what is appropriate for the purposes of section 64(1) or section 65(1), (3) or (4).
- (4) A person listed in subsection (5) may by notice require a designated body to provide the person with information which is held by the designated body for the purposes of the performance of its duties under sections 64(1) or 65(1).
- (5) Those persons are—
  - (a) the OfS,
  - (b) UKRI, and
  - (c) the Secretary of State.
- (6) A person may give a notice under subsection (4) only in respect of information which is required by the person for the purposes of the performance of any of the person’s functions.
- (7) A notice under subsection (4) may require the information to be provided—
  - (a) by a time specified in the notice, and
  - (b) in a form and manner specified in the notice.
- (8) If a designated body fails to comply with a notice under subsection (4) and does not satisfy the person who gave the notice that it is unable to provide the information, that person may enforce the duty to comply with the notice in civil proceedings for an injunction.

**67 Power of designated body to charge fees**

- (1) A designated body may charge an annual fee to any registered higher education provider in respect of costs incurred, or to be incurred, by the body in the performance by the body of its functions under this Act.
- (2) The amount of a fee payable by a registered higher education provider under this section may be calculated by reference to costs incurred, or to be incurred, by the body in the performance by the body of any of its functions under this Act which are unconnected with the provider.
- (3) The total fees payable under this section in any period of 12 months must not exceed the total costs incurred by the body in that period in the performance by the body of its functions under this Act.
- (4) The designated body must publish—
  - (a) a statement of the amount of the fees which it charges under this section and the basis on which they are calculated, and

- (b) revised statements where the amount of the fees or the basis on which they are calculated changes.
- (5) “Designated body” has the same meaning as in section 66.