



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Other registration conditions

13 Other initial and ongoing registration conditions

- (1) The initial or ongoing registration conditions may, in particular, include—
- (a) a condition relating to the quality of, or the standards applied to, the higher education provided by the provider (including requiring the quality to be of a particular level or particular standards to be applied);
 - (b) a public interest governance condition (see section 14);
 - (c) a condition relating to the provider having a student protection plan which has the OfS's approval (including requiring the provider to have such a plan and to publish it);
 - (d) a condition requiring the payment of a fee charged under section 70(1) (initial fee and annual fee for ongoing registration);
 - (e) a condition requiring the payment of a fee charged under section 28 or 67 (fees charged by designated bodies) or section 71(1) (other fees charged by the OfS);
 - (f) a condition requiring the governing body of the provider to take such steps as the OfS considers appropriate for facilitating cooperation between the provider and one or more electoral registration officers in England for the purpose of enabling the electoral registration of students who are on higher education courses provided by the provider.
- (2) Where there are one or more sector-recognised standards, the condition mentioned in subsection (1)(a), so far as relating to standards—
- (a) may relate only to the standards applied in respect of matters for which there are sector-recognised standards, and

- (b) may require the application of sector-recognised standards only in respect of those matters.
- (3) In this Part, “sector-recognised standards” means standards that apply to higher education and accord with guidance which—
 - (a) is determined by persons representing a broad range of registered higher education providers, and
 - (b) commands the confidence of registered higher education providers.
- (4) For the purposes of subsection (1)(c), “a student protection plan” is a plan for the protection of students if an event specified by the OfS were to occur (for example, the closure of a course).
- (5) For the purposes of subsection (1)(f)—
 - “electoral registration officer in England” means a registration officer appointed under section 8(2) of the Representation of the People Act 1983;
 - “the electoral registration of students” means the registration of students on a register of electors maintained by such an officer under section 9 of that Act.

14 Public interest governance condition

- (1) For the purposes of section 13(1)(b), “a public interest governance condition” in relation to a provider means a condition requiring the provider’s governing documents to be consistent with the principles in the list published under this section, so far as applicable to the provider.
- (2) The OfS must determine and publish a list of principles applicable to the governance of English higher education providers.
- (3) The principles must be those that the OfS considers will help to ensure that English higher education providers perform their functions in the public interest.
- (4) The list may include different principles for different descriptions of English higher education providers.
- (5) The OfS may revise the list.
- (6) If the OfS revises the list, it must publish it as revised.
- (7) The list (as originally determined and as revised) must include the principle that academic staff at an English higher education provider have freedom within the law—
 - (a) to question and test received wisdom, and
 - (b) to put forward new ideas and controversial or unpopular opinions,
 without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider.
- (8) Before determining or revising the list, the OfS must consult—
 - (a) bodies representing the interests of English higher education providers which appear to the OfS to be concerned,
 - (b) the Secretary of State, and
 - (c) such other persons as the OfS considers appropriate.