

Changes to legislation: Higher Education and Research Act 2017, SCHEDULE 9 is up to date with all changes known to be in force on or before 11 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 9

Section 91

UNITED KINGDOM RESEARCH AND INNOVATION

Status

- 1 (1) UKRI is not to be regarded—
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) UKRI's property is not to be regarded—
 - (a) as the property of the Crown, or
 - (b) as property held on behalf of the Crown.

Commencement Information

II Sch. 9 para. 1 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Membership of UKRI

- 2 (1) UKRI is to consist of the following members appointed by the Secretary of State—
 - (a) a chair (“the chair”),
 - (b) the Chief Executive Officer (“the CEO”),
 - (c) the Chief Finance Officer (“the CFO”), and
 - (d) at least nine and not more than twelve other members.
- (2) In this Schedule, references to the “members of UKRI” are to the members mentioned in sub-paragraph (1).
- (3) The chair may not also be the CEO or the CFO.
- (4) Before appointing the members mentioned in sub-paragraph (1)(b) to (d), the Secretary of State must consult the chair.
- (5) The Secretary of State must, in appointing the members of UKRI, have regard to the desirability of the members (between them) having experience of—
 - (a) research into science, technology, humanities and new ideas,
 - (b) the development and exploitation of science, technology, new ideas and advancements in humanities, and
 - (c) industrial, commercial and financial matters, the charitable sector and the practice of any profession.
- (6) The Secretary of State must, in appointing the members of UKRI, have regard to the desirability of the members including at least one person with relevant experience in relation to at least one of Wales, Scotland and Northern Ireland.

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- (7) “Relevant experience” means experience of one or more of the following—
- (a) research into science, technology, humanities or new ideas;
 - (b) the development or exploitation of science, technology, new ideas or advancements in humanities;
 - (c) industrial, commercial or financial matters, the charitable sector or the practice of any profession.

Commencement Information

I2 Sch. 9 para. 2 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Membership of the Councils

- 3 (1) Each Council is to consist of—
- (a) an executive chair appointed by the Secretary of State (the “executive chair”), and
 - (b) at least five and not more than twelve other members (the “ordinary Council members”).
- (2) In this Schedule, a reference to the “Council members” is to the executive chair and the ordinary Council members of each Council.
- (3) The Secretary of State may appoint one of the ordinary Council members of each Council after consulting the chair of UKRI.
- (4) The other ordinary Council members are to be appointed by UKRI after consulting the executive chair.
- (5) A majority of the ordinary Council members of a Council must be persons who are neither members, nor employees, of UKRI.

Commencement Information

I3 Sch. 9 para. 3 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Terms of appointment and tenure

- 4 A person holds and vacates office as a member of UKRI or as a Council member in accordance with the terms of his or her appointment.

Commencement Information

I4 Sch. 9 para. 4 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

- 5 (1) This paragraph applies to a person (a “Ministerial appointee”) appointed as—
- (a) a member of UKRI,
 - (b) an executive chair, or
 - (c) an ordinary Council member where the appointment was made by the Secretary of State.

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- (2) The terms and conditions of a Ministerial appointee's appointment are to be determined by the Secretary of State; but that is subject to the following provisions of this Schedule.
- (3) A Ministerial appointee may resign from office as a member of UKRI, executive chair or an ordinary Council member by notifying the Secretary of State.
- (4) The Secretary of State may remove a Ministerial appointee from office on any of the following grounds—
 - (a) absence from UKRI's or the Council's meetings, as the case may be, for a continuous period of more than six months without UKRI's or the Council's permission,
 - (b) inability or unfitness to carry out the functions of the office, or
 - (c) such other grounds as the Secretary of State considers appropriate.

Commencement Information

I5 Sch. 9 para. 5 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

- 6 (1) This paragraph applies to a person (an “UKRI appointee”) appointed as an ordinary Council member where the appointment was made by UKRI.
- (2) The terms and conditions of an UKRI appointee's appointment are to be determined by UKRI; but that is subject to the following provisions of this Schedule.
- (3) An UKRI appointee may resign from office as an ordinary Council member by notifying UKRI.
- (4) UKRI may remove an UKRI appointee from office on any of the following grounds—
 - (a) absence from the Council's meetings for a continuous period of more than six months without the Council's permission,
 - (b) inability or unfitness to carry out the functions of the office, or
 - (c) such other grounds as UKRI considers appropriate.

Commencement Information

I6 Sch. 9 para. 6 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Remuneration etc

- 7 (1) UKRI must pay to members of UKRI and Council members such remuneration as the Secretary of State may determine.
- (2) UKRI must pay, or make provision for paying, to or in respect of a person who is or has been a member of UKRI or a Council member, such sums as the Secretary of State may determine in respect of pension, allowances, expenses or gratuities.
- (3) If, where a person ceases to be a member of UKRI or a Council member, the Secretary of State determines that he or she should be compensated because of special circumstances, UKRI must pay him or her compensation of such amount as the Secretary of State may determine.

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Commencement Information

I7 Sch. 9 para. 7 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Staffing of UKRI

- 8 (1) UKRI may—
- (a) appoint employees, and
 - (b) make such other arrangements for the staffing of UKRI as it considers appropriate.
- (2) The terms and conditions of appointment as employees are to be determined by UKRI with the approval of the Secretary of State.
- (3) UKRI must pay its employees such remuneration as UKRI may determine with the approval of the Secretary of State.
- (4) UKRI must pay, or make provision for paying, to or in respect of a person who is an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of allowances or expenses.
- (5) UKRI may pay, or make provision for paying—
- (a) to or in respect of a person who is or has been an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of pensions or gratuities, and
 - (b) to or in respect of a person who has been an employee of UKRI, such sums as UKRI may determine with the approval of the Secretary of State in respect of allowances or expenses.
- (6) In the Superannuation Act 1972 (“the 1972 Act”), in Schedule 1 (kinds of employment to which a scheme under section 1 of the 1972 Act can apply), in the list of “Other Bodies”, at the appropriate place insert— “ United Kingdom Research and Innovation. ”
- (7) UKRI must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (6) in the sums payable out of money provided by Parliament under the 1972 Act.

Commencement Information

I8 Sch. 9 para. 8 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Executive Committee

- 9 (1) UKRI must establish a committee called “the Executive Committee”.
- (2) The Executive Committee is to consist of—
- (a) the CEO, who is to be its chair,
 - (b) the CFO,
 - (c) the executive chair of each of the Councils, and
 - (d) such other members as the CEO may appoint.

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- (3) Those appointed under sub-paragraph (2)(d)—
 - (a) must be employees of UKRI, and
 - (b) if they cease to be such employees, may not continue as members appointed under that provision.
- (4) The Executive Committee may establish sub-committees, and a sub-committee so established is referred to in this Schedule as an “Executive sub-committee”.
- (5) An Executive sub-committee may include persons who are not members of UKRI, Council members or employees of UKRI.
- (6) UKRI must pay such allowances as the Secretary of State may determine to any person who—
 - (a) is a member of an Executive sub-committee, but
 - (b) is not a member of UKRI, a Council member or an employee of UKRI.

Commencement Information

I9 Sch. 9 para. 9 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Other committees and sub-committees

- 10 (1) UKRI may establish committees (in addition to the Councils and the Executive Committee).
- (2) A committee established under sub-paragraph (1) may establish sub-committees.
- (3) A committee or sub-committee established under sub-paragraph (1) or (2) is referred to in this Schedule as a “general committee”.
- (4) A Council may establish sub-committees and a sub-committee so established is referred to in this Schedule as a “Council sub-committee”.
- (5) A general committee and a Council sub-committee may include persons who are not members of UKRI, Council members or employees of UKRI.
- (6) UKRI must pay such allowances as the Secretary of State may determine to any person who—
 - (a) is a member of a general committee or a Council sub-committee, but
 - (b) is not a member of UKRI, a Council member or an employee of UKRI.
- (7) UKRI must keep under review—
 - (a) the structure of the general committees, and
 - (b) the scope of each such committee's activities.
- (8) Each Council must keep under review—
 - (a) the structure of its Council sub-committees, and
 - (b) the scope of each such sub-committee's activities.

Commencement Information

I10 Sch. 9 para. 10 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

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Procedure

- 11 (1) UKRI, a Council and the Executive Committee may each determine their own procedure and the procedure of any relevant committee.
- (2) “Relevant committee” means—
- (a) in the case of UKRI, a general committee,
 - (b) in the case of a Council, a Council sub-committee established by it, and
 - (c) in the case of the Executive Committee, an Executive sub-committee.
- (3) But sub-paragraph (1) is subject to the rest of this paragraph.
- (4) The quorum for a meeting of UKRI or a Council is half the number of its members.
- (5) The Secretary of State, or a representative of the Secretary of State, is entitled—
- (a) to attend any meeting of UKRI or of any Council, Council sub-committee or general committee, and
 - (b) to take part in any deliberations (but not in decisions) at such meetings.
- (6) UKRI must provide the Secretary of State, or a representative of the Secretary of State, with such copies of documents distributed to its members or to any general committee as the Secretary of State or the representative may require it to provide.
- (7) A Council must provide the Secretary of State, or a representative of the Secretary of State, with such copies of documents distributed to its members or to any Council sub-committee as the Secretary of State or the representative may require it to provide.

Commencement Information

I11 Sch. 9 para. 11 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

- 12 The validity of any proceedings of UKRI, or of any Council, Council sub-committee or general committee, or of the Executive Committee or any Executive sub-committee, is not affected by a vacancy or a defective appointment.

Commencement Information

I12 Sch. 9 para. 12 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Delegation of functions by UKRI

- 13 (1) UKRI may delegate any of its functions to—
- (a) a member of UKRI,
 - (b) an employee authorised for that purpose,
 - (c) a Council or a Council sub-committee, or
 - (d) a general committee.
- (2) A function is delegated under this paragraph to the extent, and on the terms that, UKRI determines.

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Commencement Information

I13 Sch. 9 para. 13 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Accounts and audit

- 14 (1) UKRI must—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) its content and form;
 - (b) the methods and principles to be applied in preparing it;
 - (c) the additional information (if any) which is to be provided for the information of Parliament.
- (3) UKRI must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General before the end of August next following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Secretary of State.
- (5) The Secretary of State must lay before Parliament a copy of each such report and certified statement.
- (6) In this Schedule “financial year” means—
- (a) the period beginning with the date on which UKRI is established and ending with the second 31 March following that date, and
 - (b) each successive period of 12 months.

Commencement Information

I14 Sch. 9 para. 14 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Annual report

- 15 (1) UKRI must prepare a report on the exercise of its functions during each financial year.
- (2) The report must include the statement of accounts in respect of that year.
- (3) The report must include a statement regarding how UKRI has cooperated with the OfS during that year.
- (4) The report relating to a financial year must be prepared as soon as possible after the end of the financial year.
- (5) UKRI must send the report to the Secretary of State.
- (6) The Secretary of State must lay the report before Parliament.

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Commencement Information

I15 Sch. 9 para. 15 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Seal and evidence

- 16 (1) The application of UKRI's seal must be authenticated by the signature of—
- (a) a member of UKRI, or
 - (b) another person authorised for that purpose by UKRI.
- (2) A document purporting to be duly executed under UKRI's seal or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is shown.
- (3) But this paragraph does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.

Commencement Information

I16 Sch. 9 para. 16 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Supplementary powers

- 17 (1) UKRI may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) In particular, UKRI may—
- (a) acquire and dispose of land and other property,
 - (b) enter into contracts, and
 - (c) accept gifts of money, land or other property.
- (3) But UKRI may do any of the following only in accordance with terms and conditions specified from time to time by the Secretary of State—
- (a) borrow money;
 - (b) enter into joint ventures;
 - (c) form, participate in forming, or invest in, a company, partnership or other similar form of organisation;
 - (d) invest sums.

Commencement Information

I17 Sch. 9 para. 17 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

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Public records

- 18 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert— “ United Kingdom Research and Innovation. ”

Commencement Information

I18 Sch. 9 para. 18 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Investigation by the Parliamentary Commissioner

- 19 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert— “ United Kingdom Research and Innovation. ”

Commencement Information

I19 Sch. 9 para. 19 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

House of Commons disqualification

- 20 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert— “ United Kingdom Research and Innovation (“UKRI”), any Council or other committee of UKRI and any sub-committee of such a Council or committee (see section 92 of, and paragraphs 9 and 10 of Schedule 9 to, the Higher Education and Research Act 2017). ”

Commencement Information

I20 Sch. 9 para. 20 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Northern Ireland Assembly disqualification

- 21 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert— “ United Kingdom Research and Innovation (“UKRI”), any Council or other committee of UKRI and any sub-committee of such a Council or committee (see section 92 of, and paragraphs 9 and 10 of Schedule 9 to, the Higher Education and Research Act 2017). ”

Commencement Information

I21 Sch. 9 para. 21 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

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Freedom of information

- 22 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which that Act applies), at the appropriate place insert— “ United Kingdom Research and Innovation. ”

Commencement Information

I22 Sch. 9 para. 22 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

Public sector equality duty

- 23 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the public sector equality duty), in the group of entries under the heading “Industry, business, finance etc”, at the end insert— “ United Kingdom Research and Innovation. ”

Commencement Information

I23 Sch. 9 para. 23 in force at 30.3.2018 by S.I. 2018/241, reg. 3(d)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)