



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Enforcement of ongoing registration conditions*

#### **19 De-registration by the OfS: procedure**

- (1) Before removing a registered higher education provider from the register under section 18, the OfS must notify the governing body of the provider of its intention to do so.
- (2) The notice must—
  - (a) specify the OfS's reasons for proposing to remove the provider from the register,
  - (b) specify the period during which the governing body of the provider may make representations about the proposal ("the specified period"), and
  - (c) specify the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (4) The OfS must have regard to any representations made by the governing body of the provider during the specified period in deciding whether to remove it from the register.
- (5) Having decided whether or not to remove the provider from the register, the OfS must notify the governing body of the provider of its decision.
- (6) Where the decision is to remove the provider from the register, the notice must specify the date on which the removal takes effect.
- (7) The notice must also contain information as to—
  - (a) the grounds for the removal,
  - (b) rights of appeal, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) the period within which an appeal may be made.
- (8) A removal under section 18 may not take effect at any time when—
  - (a) an appeal under section 20(1)(a) or (b), or a further appeal, could be brought in respect of the decision to remove, or
  - (b) such an appeal is pending.
- (9) But that does not prevent a removal taking effect if the governing body of the provider notifies the OfS that it does not intend to appeal.
- (10) Where subsection (8) ceases to prevent a removal taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the removal takes effect.
- (11) But that is subject to what has been determined on any appeal under section 20(1)(a) or (b), or any further appeal, in respect of the decision to remove.