



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Powers in relation to “university” title

56 Use of “university” in title of institution

(1) Section 77 of the Further and Higher Education Act 1992 (use of “university” in title of institution) is amended as follows.

(2) Before subsection (1) insert—

“(A1) Where—

- (a) power is conferred by any enactment or instrument to change the name of any educational institution or any body corporate carrying on such an institution,
- (b) the educational institution is a registered higher education provider, and
- (c) the power is exercisable with the consent of the Privy Council,

then, the power may be exercised so as to include the word “university” in the name of the institution and, if it is carried on by a body corporate, in the name of the body, but only if the Office for Students (instead of the Privy Council) consents to that exercise of the power.”

(3) In subsection (1)—

- (a) in paragraph (b), after “institution” insert “is in Wales and”, and
- (b) omit “(whether or not the institution would apart from this section be a university)”.

(4) After subsection (1) insert—

- “(1A) Subsections (A1) and (1) apply whether or not the educational institution would, apart from this section, be a university.”
- (5) In subsection (2)—
- (a) after “in subsection” insert “(A1) or”, and
 - (b) for “that subsection” substitute “subsections (A1) and (1)”.
- (6) In subsection (3), after “name” insert “the Office for Students and”.
- (7) After subsection (3) insert—
- “(3A) In exercising its power to give consent under subsection (A1), the Office for Students must have regard to factors set out in guidance given by the Secretary of State.
- (3B) Before giving guidance under subsection (3A), the Secretary of State must consult—
- (a) bodies representing the interests of English higher education providers,
 - (b) bodies representing the interests of students on higher education courses provided by English higher education providers, and
 - (c) such other persons as the Secretary of State considers appropriate.”

(8) In subsection (4), after “subsection” insert “(A1) or”.

(9) After subsection (4) insert—

“(5) In this section, “English higher education provider”, “higher education course” and “registered higher education provider” have the same meaning as in Part 1 of the Higher Education and Research Act 2017 (see sections 83 and 85 of that Act).

(6) For the purposes of subsection (1), an educational institution is in Wales if the institution’s activities are carried on, or principally carried on, in Wales.”

(10) The amendments made by this section do not affect the continuing validity of any consents given by the Privy Council under section 77 of the Further and Higher Education Act 1992 before the coming into force of this section.