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STATUTORY INSTRUMENTS

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**2017 No. 1145**

**EDUCATION, ENGLAND**

**The Higher Education and Research Act 2017  
(Transitory Provisions) Regulations 2017**

<i>Made</i>	- - - -	<i>23rd November 2017</i>
<i>Laid before Parliament</i>		<i>27th November 2017</i>
<i>Coming into force</i>	- -	<i>1st January 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 117 of the Higher Education and Research Act 2017(1):

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Higher Education and Research Act 2017 (Transitory Provisions) Regulations 2017.

(2) These Regulations come into force on 1st January 2018.

(3) In these Regulations, “the Act” means the Higher Education and Research Act 2017.

**Transitory provision relating to the publication of the regulatory framework**

2. Until such time as section 5 of the Act (the initial and general ongoing registration conditions) comes into force, the references in section 75 (regulatory framework) to the “general ongoing registration conditions” are to be read as references to the conditions which the Office for Students reasonably expects it will determine to be the general ongoing registration conditions under section 5 of the Act.

**Transitory provision relating to the designation of bodies under Schedule 4 and Schedule 6 to the Act**

3.—(1) In the Act, the references to “registered higher education providers”(2) in—

- (a) Schedule 4, in paragraphs 1(3)(a) and (b), 4(3)(a) and (b) and 5(4)(b) and (c), and
- (b) Schedule 6, in paragraphs 1(3)(a) and (b), 4(3)(a) and (b), 5(4)(b) and (c),

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(1) 2017 c. 29.

(2) Section 85(1) of the Higher Education and Research Act 2017 defines “registered higher education provider”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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are to be read as references to “English higher education providers”<sup>(3)</sup> during the transitional period.

(2) In paragraph (1), the “transitional period” means the period which—

- (a) begins with 1st January 2018; and
- (b) ends with 31st July 2019.

23rd November 2017

*Jo Johnson*  
Minister of State  
Department for Education

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<sup>(3)</sup> Section 83(1) of the Higher Education and Research Act 2017 defines “English higher education provider”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make the following transitory provision in respect of the Higher Education and Research Act 2017 (c. 29) (“the Act”).

The transitory provision in regulation 2 allows the Office for Students to prepare and publish a regulatory framework under section 75 of the Act, even though the general ongoing registration conditions may not yet have been determined and published under section 5 of the Act.

The transitory provision in regulation 3 ensures that a body may be designated under Schedule 4 and Schedule 6 to the Act during the transitional period, even though there may be not be any registered higher education providers who can be consulted or considered for the purposes of that designation, in accordance with those Schedules, until the end of that period.

A full impact assessment on the effect the higher education reforms will have on the costs of business and the voluntary sector was published on 7 June 2016 alongside the Higher Education and Research Bill.

That impact assessment is available from [www.gov.uk/government/collections/higher-education-and-research-bill](http://www.gov.uk/government/collections/higher-education-and-research-bill).