
STATUTORY INSTRUMENTS

2018 No. 1225

EDUCATION, ENGLAND

The Higher Education and Research Act 2017 (Transitional and Saving Provisions) (University Title) Regulations 2018

<i>Made</i>	- - - -	<i>25th November 2018</i>
<i>Laid before Parliament</i>		<i>29th November 2018</i>
<i>Coming into force</i>	- -	<i>1st April 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 117 and 119(5) 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 (Transitional and Saving Provisions) (University Title) Regulations 2018 and come into force on 1st April 2019.

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

Consent to use “university” in title of institution

2.—(1) The coming into force⁽²⁾ of section 56 of the 2017 Act (use of “university” in title of institution) is of no effect in relation to an application that falls within paragraph (2).

(2) An application falls within this paragraph if it is an application—

- (a) for the Privy Council to exercise its power to give consent under section 77(1) of the Further and Higher Education Act 1992⁽³⁾;
- (b) that was made on or before 31st March 2019.

(1) 2017 c. 29.

(2) Section 56 of the 2017 Act comes into force on 1st April 2019: see the Higher Education and Research Act 2017 (Commencement No. 5) Regulations 2018 (S.I. 2018/1226).

(3) 1992 c. 13.

Status: This is the original version (as it was originally made).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

Approval of use of “university” in the title of institution etc

3.—(1) The coming into force⁽⁴⁾ of section 57 of the 2017 Act (unauthorised use of “university” in title of institution etc) is of no effect in relation to an application that falls within paragraph (2).

(2) An application falls within this paragraph if it is an application—

- (a) for the Privy Council to exercise its power to give approval under section 39(1) or (2) of the Teaching and Higher Education Act 1998⁽⁵⁾;
- (b) that was made on or before 31st March 2019.

Signed by authority of the Secretary of State for Education

25th November 2018

Sam Gyimah
Minister of State
Department for Education

⁽⁴⁾ Section 57 of the 2017 Act comes into force on 1st April 2019: see the Higher Education and Research Act 2017 (Commencement No. 5) Regulations 2018 (S.I. 2018/1226).

⁽⁵⁾ 1998 c. 30.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of the Higher Education and Research Act 2017 (c. 29) (“the 2017 Act”) establishes the Office for Students (“the OfS”) and a system of registration for English higher education providers.

Sections 56 and 57 of the 2017 Act come into force on 1st April 2019 (see: the Higher Education and Research Act 2017 (Commencement No. 5) Regulations 2018 (S.I. 2018/1226)). This instrument makes transitional and saving provision in consequence of the commencement of these sections. Section 56 amends section 77 of the Further and Higher Education Act 1992 (c. 13) (“the 1992 Act”) and section 57 amends section 39 of the Teaching and Higher Education Act 1998 (c. 30) (“the 1998 Act”). Sections 77 of the 1992 Act and 39 of the 1998 Act are concerned with authority to use “university” in the title of an educational institution, or person or body running such an institution.

Prior to the commencement of sections 56 and 57 of the 2017 Act, in relation to both institutions in England and institutions in Wales, the power to give consent (under section 77 of the 1992 Act) or approval (under section 39 of the 1998 Act) regarding the use of “university” in a title was conferred on the Privy Council. Following the amendments made by sections 56 and 57 of the 2017 Act, for (English) registered higher education providers, the power to give consent or approval under sections 77 of the 1992 Act and 39 of the 1998 Act is transferred to the OfS (from the Privy Council). The position in relation to institutions in Wales remains unchanged.

Regulation 2 makes provision so that applications for Privy Council consent under section 77 of the 1992 Act in relation to institutions in England that are made before the commencement of section 56 of the 2017 Act can continue under the ‘old’ regime, as if section 56 had not been commenced.

Regulation 3 makes provision so that applications for Privy Council approval under section 39 of the 1998 Act in relation to institutions in England that are made before the commencement of section 57 of the 2017 Act can continue under the ‘old’ regime, as if section 57 had not been commenced.

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 (available electronically at www.gov.uk/government/publications/higher-education-and-research-bill-impact-assessment). That impact assessment has been updated and the updated version is available electronically at www.gov.uk/government/publications/higher-education-and-research-act-impact-assessments, with hard copies available on request from the Department for Education, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT.