STATUTORY INSTRUMENTS

2018 No. 1382

EDUCATION, ENGLAND

The Higher Education (Transparency Condition and Financial Support) (England) Regulations 2018

Made - - - - 5th December 2018

Coming into force in accordance with regulation 2

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 9(1)(**a**), 39(3) and 119(5) of the Higher Education and Research Act 2017(**b**).

In accordance with section 119(2) of that Act, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and interpretation

1. These Regulations may be cited as the Higher Education (Transparency Condition and Financial Support) (England) Regulations 2018.

2. These Regulations come into force as follows—

(a) regulations 1 to 4 come into force on the day after the day on which these Regulations are made;

(b) regulation 5 comes into force on 1st January 2019.

3. In these Regulations, "the Act" means the Higher Education and Research Act 2017.

Prescribed registered higher education provider: transparency condition

4. A higher education provider registered in either the 'Approved' or 'Approved (fee cap)' part of the register(**c**) is prescribed for the purposes of section 9 of the Act.

Prescribed registered higher education provider: financial support

5. A higher education provider registered in the 'Approved (fee cap)' part of the register is prescribed as an eligible higher education provider for the purposes of section 39 of the Act.

Anne Milton
Minister of State
Department for Education

5th December 2018

(**a**) See the definition of "prescribed" in section 9(4).
(**b**) 2017 c. 29.
(**c**) This is the register of English higher education providers that the Office for Students is required to establish and maintain under section 3(1) of the Act. Section 3(9) of the Act requires the Office for Students to make the information contained in the register publicly available.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 3(1) of the Higher Education and Research Act 2017 requires the Office for Students ("the OfS") to establish and maintain a register of English higher education providers. Section 3(2) of that Act provides that the register may be divided by the OfS into different parts representing different categories of registration. The OfS has decided to divide the register into two parts: 'Approved' and 'Approved (fee cap)'.

Regulation 4 establishes that the OfS must ensure that the ongoing registration conditions of providers in the 'Approved' or 'Approved (fee cap)' part of the register include a transparency condition. This condition imposes a requirement to provide to the OfS, and publish, such information as may be required by the OfS in relation to the number of applications received for admission on to higher education courses, the number of offers made and accepted, and the number of students who complete their courses and attain a particular degree or other award. The OfS may request this information by reference to the gender, ethnicity and socio-economic background of the individuals concerned.

Regulation 5 establishes that the OfS may make grants, loans or other payments to providers in the 'Approved (fee cap)' part of the register.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen. However, the impact of the provision made by regulation 4 of this instrument was measured as part of the Higher Education and Research Act 2017 impact assessment which remains an accurate assessment and is available on the government website:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668061/Enactment_IA_-_Final_-_BRANDED.pdf. Copies of the impact assessment may also be obtained from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

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