

EXECUTIVE NOTE

THE EDUCATION (LISTED BODIES) (SCOTLAND) AMENDMENT ORDER 2009 SSI 2009/60

The above instrument was made in exercise of the powers conferred by section 216(2) of the Education Reform Act 1988. The instrument is not subject to Parliamentary procedure.

Policy Objectives

Sections 214 to 216 of the Education Reform Act 1988 make provision on unrecognised degrees. These provisions have as their purpose, the protection of the good name of UK higher education by ending the traffic in bogus degrees. These sections make it an offence to offer, in the course of business, a qualification purporting to be a degree of a UK institution, unless it is a recognised award. It falls to Trading Standards Officers to pursue any cases where a body is believed to be offering such degrees without authorisation.

Recognised awards are awards granted, or to be granted, by a university, college or other body which is authorised by Royal Charter or Act of Parliament to grant degrees, or by a body for the time being permitted by any of the foregoing to act on its behalf in the granting of degrees; and such other awards as Scottish Ministers may by order designate as recognised awards for the purpose of section 214 of the 1988 Act.

Bodies currently authorised to grant awards are listed in the Education (Recognised Bodies) (Scotland) Order 2007 (“the Recognised Bodies Order”) which will be amended by the Education (Recognised Bodies) (Scotland) Amendment Order 2009.

Scottish Ministers are also required to publish an up-to-date list of all UK bodies which either:

- (a) are not themselves recognised bodies, but are authorised to provide courses which are in preparation for degrees to be awarded by recognised bodies; or
- (b) are a constituent college, school, hall or other institution of a university which is such a recognised body.

The other devolved administrations are also making similar Orders.

The bodies that appear to Scottish Ministers to fall within (a) or (b) are currently detailed in the Schedule to the Education (Listed Bodies) (Scotland) Order 2007 (“the 2007 Order”).

This Order amends the 2007 Order to add a number of new bodies to the Schedule and remove a number of institutions, which now have their own degree-awarding powers. The Order also makes a number of minor amendments to take account of name changes which have taken place since the 2007 Order was made.

Consultation

Officials of the Department for Innovation, Universities and Skills, the Welsh Assembly Office and the Department for Employment and Learning of Northern Ireland have been consulted during the preparation of the instrument.

Financial Effects

A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Executive, local government or on business.

Lifelong Learning Directorate, Higher Education and Learner Support Division
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