



Education Reform Act 1988

1988 CHAPTER 40

PART IV

MISCELLANEOUS AND GENERAL

Unrecognised degrees

214 Unrecognised degrees.

- (1) Any person who, in the course of business, grants, offers to grant or issues any invitation relating to any award—
- (a) which may reasonably be taken to be an award granted or to be granted by a United Kingdom institution; and
 - (b) which either—
 - (i) is described as a degree; or
 - (ii) purports to confer on its holder the right to the title of bachelor, master or doctor and may reasonably be taken to be a degree;
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) Subsection (1) above does not apply as respects anything done in relation to any recognised award; and for the purposes of this section a “recognised award” means—
- [^{F1}(za) an award granted or to be granted by a university, college or other body which it is authorised to grant by—
 - (i) an authorisation given under section 42(1) of the Higher Education and Research Act 2017 (“the 2017 Act”),
 - (ii) an authorisation varied under section 45(1) of the 2017 Act, or
 - (iii) regulations under section 51(1) of the 2017 Act;]
 - [^{F1}(zb) an award granted or to be granted by a body for the time being permitted by a body falling within paragraph (za) to act on its behalf in the granting of that award where the grant of that award by that other body on its behalf is authorised by—

Changes to legislation: Education Reform Act 1988, Section 214 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (i) the authorisation mentioned in paragraph (za), or
 - (ii) regulations under section 51(1) of the 2017 Act;]
 - (a) any award granted or to be granted by a university, college or other body which is authorised by Royal Charter or [^{F2}by or under] Act of Parliament [^{F3}(other than section 42(1), 45(1) or 51(1) of the 2017 Act)] to grant degrees;
 - (b) any award granted or to be granted by any body for the time being permitted by any body falling within paragraph (a) above to act on its behalf in the granting of degrees; or
 - (c) such other award as the [^{F4}appropriate authority] may by order designate as a recognised award for the purposes of this section.
- (3) An order under subsection (2)(c) above may designate as a recognised award either—
- (a) a specified award granted or to be granted by a person named in the order; or
 - (b) any award granted or to be granted by such a person.
- (4) Where in any proceedings for an offence under this section it is shown—
- (a) that the defendant granted, offered to grant or issued an invitation relating to an award; and
 - (b) that an address in the United Kingdom was given in any document issued by the defendant certifying the granting of the award or containing the offer or invitation in question;
- the award shall be presumed to fall within subsection (1)(a) above unless it is shown that the defendant took reasonable steps to inform the person to whom the award was granted or any member of the public or particular individual to whom the offer or invitation was addressed that the award was not granted or to be granted by a United Kingdom institution.
- (5) In any proceedings for an offence under this section it shall be a defence for the defendant to show—
- (a) that the award in question was granted or to be granted by virtue of authority conferred on or before 5th July 1988 by a foreign institution on the body granting the award; and
 - (b) that the defendant took reasonable steps to inform the person to whom the award was granted or any member of the public or particular individual to whom the offer was addressed that the award was granted or was to be granted by virtue of authority conferred by a foreign institution.
- (6) For the purposes of subsection (5) above, where—
- (a) on or before 5th July 1988 authority was conferred by a foreign institution on a body to grant awards of any description for a period expiring after that date; and
 - (b) new authority is conferred by the institution (whether before or after the expiry of that period) on the body to grant awards of that description;
- the new authority shall be taken to have been granted on or before that date.
- (7) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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(8) Proceedings for an offence under this section shall not, in England and Wales, be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.

(9) Nothing in this section shall apply in relation to the granting of an award to a candidate who—

(a) before 12th May 1988 began to undertake a course of education approved by the person granting the award in preparation for an examination to qualify for the award; and

(b) whether before or after that date, passes the examination;

and in this subsection “examination” includes any form of assessment and the reference to passing an examination shall be construed accordingly.

^{F5}[(9ZA) For the purposes of this section as it extends to England and Wales, “the appropriate authority” means—

(a) so far as the power to make an order under subsection (2)(c) is exercisable in relation to England, the Office for Students, and

(b) so far as the power to make an order under that provision is exercisable in relation to Wales, the Welsh Ministers.]

^{F6}[(9A) For the purposes of this section ^{F7}as it extends] to Scotland, ^{F8}“the appropriate authority” means] the Scottish Ministers.]

(10) For the purposes of this section—

(a) a “United Kingdom institution” ^{F9}—

(i) means] any institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is situated outside the United Kingdom ^{F10}, and

(ii) includes the Office for Students]

(b) a “foreign institution” means any institution other than a United Kingdom institution; and

(c) the reference to issuing an invitation relating to any award includes in particular the issuing of any circular, prospectus or advertisement relating to an award, whether addressed to the public generally, to any section of the public, or to any particular individual or individuals.

Textual Amendments

F1 S. 214(2)(za)(zb) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 53(2), 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)

F2 Words in s. 214(2)(a) inserted (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. I para. 48; S.I. 1992/831, art. 2, Sch. 1.

F3 Words in s. 214(2)(a) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 53(3), 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)

F4 Words in s. 214(2)(c) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 53(4), 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)

F5 S. 214(9ZA) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 53(5), 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)

F6 S. 214(9A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 91(2); S.I. 1998/3178, art. 3

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- F7** Words in s. 214(9A) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), **ss. 53(6)(a)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F8** Words in s. 214(9A) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), **ss. 53(6)(b)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F9** Words in s. 214(10)(a) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), **ss. 53(7)(a)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F10** S. 214(10)(a)(ii) and word inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), **ss. 53(7)(b)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)