



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Unrecognised degrees*

#### **216 Identification of bodies granting or providing courses for recognised awards** [<sup>F1</sup>etc].

[<sup>F2</sup>(1) The appropriate authority may by order designate each body which appears to the authority to be a recognised body within subsection (4)(a), (b) or (c).

(1A) For the purposes of sections 214 and 215, any body for the time being designated by an order under subsection (1) as a recognised body within subsection (4)(c) is conclusively presumed to be such a body.]

(2) The [<sup>F3</sup>appropriate authority] shall compile, maintain and publish by order a list including the name of every body which appears to [<sup>F4</sup>the authority] to fall for the time being within subsection (3) below.

[<sup>F5</sup>(2ZA) For the purposes of this section as it extends to England and Wales, “the appropriate authority” means—

- (a) so far as the functions in question are exercisable in relation to England, the Office for Students, and
- (b) so far as the functions in question are exercisable in relation to Wales, the Welsh Ministers.]

[<sup>F6</sup>(2A) For the purposes of this section, as it extends to Scotland, [<sup>F7</sup>“the appropriate authority” means] the Scottish Ministers.]

(3) A body falls within this subsection if it is not a recognised body and [<sup>F8</sup>it]—

[<sup>F9</sup>(za) provides any course which is—

- (i) in preparation for a degree to be granted by a recognised body within subsection (4)(a) or (b) which the recognised body is authorised to

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*Changes to legislation: Education Reform Act 1988, Section 216 is up to date with all changes known to be in force on or before 04 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*

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- grant by the authorisation or regulations mentioned in subsection (4)(a), and
- (ii) is approved by or on behalf of that recognised body;]
- (a) provides any course which is in preparation for a degree to be granted by a recognised body [<sup>F10</sup>within subsection (4)(c)] and is approved by or on behalf of the recognised body; or
- (b) is a constituent college, school or hall or other institution of a university which is a recognised body.
- (4) In this section “recognised body” means [<sup>F11</sup>—
- (a) a body which is authorised to grant awards 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,
- (b) a body for the time being permitted by a body within paragraph (a) to act on its behalf in the granting of awards where the grant of the awards by that other body on its behalf is authorised by the authorisation or regulations mentioned in paragraph (a), or
- (c) a body falling within section 214(2)(a) or (b) of this Act.

#### Textual Amendments

- F1** Word in s. 216 heading inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(12)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F2** S. 216(1)(1A) substituted for s. 216(1) (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(5)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F3** Words in s. 216(2) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(6)(a)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F4** Words in s. 216(2) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(6)(b)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F5** S. 216(2ZA) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(7)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F6** S. 216(2A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 91(3)**; S.I. 1998/3178, **art. 3**.
- F7** Words in s. 216(2A) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(8)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F8** Word in s. 216(3) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(9)(a)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F9** S. 216(3)(za) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(9)(b)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F10** Words in s. 216(3)(a) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(10)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F11** Words in s. 216(4) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(11)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)

**Changes to legislation:**

Education Reform Act 1988, Section 216 is up to date with all changes known to be in force on or before 04 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.

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**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\(3\)\(b\)](#)