



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Powers to grant degrees etc

42 Authorisation to grant degrees etc

- (1) The OfS may by order authorise a registered higher education provider to grant taught awards or research awards or both.
- (2) An authorisation under subsection (1) may authorise a provider to grant, as the case may be—
 - (a) taught awards or research awards of any description;
 - (b) specified taught awards or research awards;
 - (c) taught awards or research awards of a specified description.
- (3) In this Part—

“taught award” means a degree (including a foundation degree), diploma, certificate or other academic award or distinction granted to persons who complete an appropriate course of study and satisfy an appropriate assessment;

“research award” means a degree, diploma, certificate or other academic award or distinction granted to persons who complete an appropriate programme of supervised research and satisfy an appropriate assessment;

“foundation degree” means a foundation degree granted to persons who complete an appropriate course of study and satisfy an appropriate assessment;

“foundation degree only authorisation” means authorisation under subsection (1) to grant taught awards where foundation degrees are the only degrees which the provider is authorised to grant.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Powers to grant degrees etc is up to date with all changes known to be in force on or before 01 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

- (4) An order under subsection (1) which would give a provider foundation degree only authorisation may be made only if—
- (a) the provider is an English further education provider,
 - (b) the provider gives the OfS a progression statement, and
 - (c) the OfS considers that the proposals set out in that statement are satisfactory and are likely to be carried out.
- (5) A “progression statement” is a statement setting out what the provider proposes to do as regards making arrangements for securing that any person granted a foundation degree in pursuance of the authorisation (other than by virtue of section 43(2)(c) or (d) (honorary and staff degrees)) has an opportunity to progress to one or more particular courses of more advanced study.
- (6) An authorisation under subsection (1) must specify—
- (a) the date when it takes effect, and
 - (b) the period during which it has effect (which may be an indefinite period).
- (7) A provider authorised under subsection (1) has power to grant the authorised taught awards or research awards (as the case may be) to persons who complete the appropriate course of study, or programme of supervised research, on or after the date the authorisation takes effect.
- (8) It is for the provider to determine, in accordance with any relevant provisions of the instruments relating to or regulating the provider—
- (a) the courses of study or programmes of supervised research, and the assessments, which are appropriate for the grant of an authorised taught award or research award, and
 - (b) the terms and conditions on which any of the powers conferred by the authorisation may be exercised.
- (9) An authorisation under subsection (1) may restrict the power to grant an authorised taught award or research award to persons enrolled with the provider at the time they complete the course of study, or programme of supervised research, for which the award is granted.
- (10) The OfS's power to make an order under subsection (1) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 is to apply to such an instrument as if the order had been made by a Minister of the Crown.
- (11) An order under subsection (1) may make incidental, supplementary, transitional or saving provision.
- (12) In this section—
- “assessment” includes examination and test;
 - “authorised” means authorised by the authorisation under subsection (1);
 - “specified” means specified in the order under subsection (1) giving the authorisation.
- (13) See sections 43, 44 and 46 which make further provision about orders under subsection (1).

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Commencement Information

- I1** S. 42(1)(3) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), [reg. 3\(6\)\(7\)\(c\)](#)
- I2** S. 42(1)(3) in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), [reg. 2\(e\)](#)
- I3** S. 42(2)(4)-(13) in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(e\)](#)

43 Supplementary powers with authorisation

- (1) An authorisation under section 42(1) may include power for the provider to authorise other institutions to grant on the provider's behalf—
 - (a) all the authorised taught awards and research awards, or
 - (b) such of those awards as are specified or are of a specified description.
- (2) An authorisation under section 42(1) includes—
 - (a) power to grant the authorised taught awards or research awards, or such of those awards as are specified or are of a specified description, jointly with another institution,
 - (b) power to deprive a person of an authorised taught award or research award granted by or on behalf of the provider in pursuance of the authorisation,
 - (c) power to grant honorary degrees of any description, or specified honorary degrees, or honorary degrees of a specified description, and
 - (d) power to grant degrees of any description, or specified degrees, or degrees of a specified description, to members of the academic or other staff of the provider.
- (3) But in the case of a foundation degree only authorisation, the references in subsection (2)(c) and (d) to degrees are to foundation degrees only.
- (4) In the case of an authorised taught award or research award granted jointly with another institution, the power to deprive mentioned in subsection (2)(b) is only exercisable jointly with that institution.
- (5) In this section, “authorised” and “specified” have the same meaning as in section 42.

Commencement Information

- I4** S. 43 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(e\)](#)

44 Variation or revocation of section 42 authorisation

- (1) The OfS may, at any time, by a further order under section 42(1), vary or revoke an authorisation given by a previous order under that provision.
- (2) That is the case even if the authorisation was given for an indefinite period.
- (3) The OfS may make such an order revoking an authorisation given to a provider only if condition A, B or C is satisfied.
- (4) Condition A is satisfied if the provider ceases to be a registered higher education provider.
- (5) Condition B is satisfied if—

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- (a) the OfS has concerns regarding the quality of, or the standards applied to, higher education which has been or is being provided by the provider, and
 - (b) it appears to the OfS that those concerns are so serious that—
 - (i) its powers by a further order under section 42(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (6) Condition C is satisfied if—
- (a) due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and
 - (b) it appears to the OfS that those concerns are so serious that—
 - (i) its powers by a further order under section 42(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (7) Where there are one or more sector-recognised standards, for the purposes of subsections (5)(a) and (6)(a)—
- (a) the OfS's concerns regarding the standards applied must be concerns regarding the standards applied in respect of matters for which there are sector-recognised standards, and
 - (b) those concerns must be regarding those standards as assessed against sector-recognised standards.
- (8) See sections 46 and 48 which make further provision about further orders under section 42(1).

Commencement Information

- I5** S. 44(1)-(4)(6)-(8) in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(e\)](#)
- I6** S. 44(5) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), [reg. 3\(6\)\(7\)\(d\)](#)
- I7** S. 44(5) in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), [reg. 2\(e\)](#)

45 Variation or revocation of other authorisations to grant degrees etc

- (1) The OfS may by order vary or revoke an authorisation given to an English higher education provider—
 - (a) by or under an Act of Parliament, other than under section 42(1) of this Act, or
 - (b) by Royal Charter,
 to grant taught awards or research awards.
- (2) That is the case even if the authorisation was given for an indefinite period.
- (3) An order under subsection (1) varying an authorisation may only make such provision as could be made by an order giving authorisation under section 42(1).
- (4) When applying section 42(4) and (5) in the case of such an order, the reference in section 42(5) to a foundation degree granted other than by virtue of section 43(2)(c) or (d) (honorary and staff degrees) is to be read as a reference to a foundation degree

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- granted other than by virtue of whatever is the equivalent of section 43(2)(c) or (d) in the case of the provider.
- (5) The OfS may make an order under subsection (1) revoking an authorisation given to a provider only if condition A, B or C is satisfied.
- (6) Condition A is satisfied if the provider is not a registered higher education provider.
- (7) Condition B is satisfied if—
- (a) the OfS has concerns regarding the quality of, or the standards applied to, higher education which has been or is being provided by the provider, and
 - (b) it appears to the OfS that those concerns are so serious that—
 - (i) its powers by an order under subsection (1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (8) Condition C is satisfied if—
- (a) due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and
 - (b) it appears to the OfS that those concerns are so serious that—
 - (i) its powers by an order under subsection (1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (9) Where there are one or more sector-recognised standards, for the purposes of subsections (7)(a) and (8)(a)—
- (a) the OfS's concerns regarding the standards applied must be concerns regarding the standards applied in respect of matters for which there are sector-recognised standards, and
 - (b) those concerns must be regarding those standards as assessed against sector-recognised standards.
- (10) The OfS's power to make an order under subsection (1) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 is to apply to such an instrument as if the order had been made by a Minister of the Crown.
- (11) An order under subsection (1) may make incidental, supplementary, transitional or saving provision.
- (12) Any power to vary or revoke an authorisation mentioned in subsection (1), which is a power which exists immediately before the coming into force of this section, ceases to exist on that coming into force.
- (13) See sections 46 and 48 which make further provision about orders under subsection (1).

Commencement Information

- I8** S. 45(1)(7) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), [reg. 3\(6\)\(7\)\(e\)](#)
- I9** S. 45(1)(7) in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), [reg. 2\(e\)](#)

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110 S. 45(2)-(6)(8)-(13) in force at 1.4.2018 by S.I. 2018/241, reg. 2(e)

46 Grant, variation or revocation of authorisation: advice on quality etc

- (1) The OfS must request advice from the relevant body regarding the quality of, and the standards applied to, higher education provided by a provider before making—
 - (a) an order under section 42(1) authorising the provider to grant taught awards or research awards,
 - (b) a further order under section 42(1)—
 - (i) varying an authorisation given to the provider by a previous order under section 42(1), or
 - (ii) revoking such an authorisation on the ground that condition B in section 44(5) is satisfied, or
 - (c) an order under section 45(1)—
 - (i) varying an authorisation given to the provider, as described in that provision, to grant taught awards or research awards, or
 - (ii) revoking such an authorisation on the ground that condition B in section 45(7) is satisfied.
- (2) Where the OfS requests advice under subsection (1), the relevant body must provide it.
- (3) The advice provided under subsection (2) must include the relevant body's view as to whether the provider has the ability—
 - (a) to provide, and maintain the provision of, higher education of an appropriate quality, and
 - (b) to apply, and maintain the application of, appropriate standards to that higher education.
- (4) The advice provided by the relevant body under subsection (2) must be informed by the views of persons who (between them) have experience of—
 - (a) providing higher education on behalf of, or being responsible for the provision of higher education by—
 - (i) an English higher education provider which is neither authorised to grant taught awards nor authorised to grant research awards,
 - (ii) an English further education provider, and
 - (iii) an English higher education provider which is within neither sub-paragraph (i) nor sub-paragraph (ii),
 - (b) representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers,
 - (c) employing graduates of higher education courses provided by higher education providers,
 - (d) research into science, technology, humanities or new ideas, and
 - (e) encouraging competition in industry or another sector of society.
- (5) Where the order authorises the provider to grant research awards or varies or revokes such an authorisation, the advice provided by the relevant body under subsection (2) must also be informed by the views of UKRI.
- (6) Subsections (4) and (5) do not prevent the advice given by the relevant body under subsection (2) also being informed by the views of others.

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- (7) The OfS must have regard to advice provided to it by the relevant body under subsection (2) in deciding whether to make the order.
- (8) But that does not prevent the OfS having regard to advice from others regarding quality or standards.
- (9) Where the order varies or revokes an authorisation, the advice under subsection (1) may be requested before or after the governing body of the provider is notified under section 48 of the OfS's intention to make the order.
- (10) Where there are one or more sector-recognised standards—
- (a) for the purposes of subsections (1) and (8)—
 - (i) the advice regarding the standards applied must be advice regarding the standards applied in respect of matters for which there are sector-recognised standards, and
 - (ii) that advice must be regarding those standards as assessed against sector-recognised standards, and
 - (b) “appropriate standards” in subsection (3) means sector-recognised standards.
- (11) In this section “the relevant body” means—
- (a) the designated assessment body, or
 - (b) if there is no such body, a committee which the OfS must establish under paragraph 8 of Schedule 1 for the purpose of performing the functions of the relevant body under this section.
- (12) Where the OfS is required to establish a committee for the purpose mentioned in subsection (11)(b)—
- (a) the majority of members of the committee must be individuals who are not members of the OfS, and
 - (b) in appointing members of the committee, the OfS must have regard to the need for the advice provided by the committee to meet the requirements of subsections (4) and (where applicable) (5).
- (13) In this section—
- “designated assessment body” means a body for the time being designated under Schedule 4;
 - “humanities” and “science” have the same meaning as in Part 3 (see section 111).

Commencement Information

I11 S. 46 in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), [reg. 3\(6\)\(7\)\(f\)](#)

I12 S. 46 in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), [reg. 2\(e\)](#)

47 Grant of authorisation: notification of new providers

- (1) The OfS must, as soon as possible after it has been made, notify the Secretary of State if it makes an order under section 42(1) authorising a provider to grant taught awards, where the provider has not previously operated under validation arrangements.
- (2) For the purposes of subsection (1), a provider has previously operated under validation arrangements if, at any time before the date when the order is made—

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- (a) a student at the provider has been granted a taught award by another provider or the OfS, under validation arrangements between the provider and the other provider or the OfS, or
 - (b) the provider has granted a taught award on behalf of another provider or the OfS, under validation arrangements between the provider and the other provider or the OfS.
- (3) In this section “validation arrangements” means—
- (a) arrangements between one English higher education provider and another English higher education provider under which the first provider—
 - (i) grants a taught award to a person who is a student at the other provider, or
 - (ii) authorises the other provider to grant a taught award on behalf of the first provider, or
 - (b) arrangements between the OfS and a registered higher education provider under which the OfS—
 - (i) grants a taught award to a person who is a student at the provider, or
 - (ii) authorises the provider to grant a taught award on behalf of the OfS.

Commencement Information

113 S. 47 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(e\)](#)

48 Variation or revocation of authorisation: procedure

- (1) Before—
- (a) making a further order under section 42(1) varying or revoking a provider's authorisation, or
 - (b) making an order under section 45(1) varying or revoking a provider's authorisation,
- the OfS must notify the governing body of the provider of its intention to do so.
- (2) The notice must—
- (a) specify the OfS's reasons for proposing to take the step in question,
 - (b) specify the period during which the governing body may make representations about the proposal (“the specified period”), and
 - (c) specify the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (4) The OfS must have regard to any representations made by the governing body of the provider during the specified period in deciding whether to take the step in question.
- (5) Having decided whether or not to take the step in question, the OfS must notify the governing body of the provider of its decision.
- (6) If the OfS decides to vary or revoke a provider's authorisation, the notice of the decision must specify the date on which the variation or revocation takes effect under the order to be made under section 42(1) or 45(1).
- (7) The notice must also contain information as to—

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- (a) the rights of appeal, and
 - (b) the period within which an appeal may be made.
- (8) The order under section 42(1) or 45(1) implementing the decision to vary or revoke the authorisation may not be made, and the variation or revocation may not take effect, at any time when—
- (a) an appeal under section 49(1)(a) or (b), or a further appeal, could be brought in respect of the decision to vary or revoke, or
 - (b) such an appeal is pending.
- (9) But that does not prevent the order under section 42(1) or 45(1) being made, or the variation or revocation taking effect, if the governing body of the provider notifies the OfS that it does not intend to appeal.
- (10) Where subsection (8) ceases to prevent a variation or revocation taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the variation or revocation takes effect under the order to be made under section 42(1) or 45(1).
- (11) But that is subject to what has been determined on any appeal under section 49(1)(a) or (b), or any further appeal, in respect of the decision to vary or revoke.

Commencement Information

I14 S. 48 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(e\)](#)

49 Appeals against variation or revocation of authorisation

- (1) The governing body of a provider may appeal to the First-tier Tribunal against either or both of the following—
- (a) a decision of the OfS to vary or revoke, by a further order under section 42(1) or an order under section 45(1), an authorisation given to it;
 - (b) a decision of the OfS as to the date specified under section 48(6) as the date on which the variation or revocation takes effect.
- (2) On an appeal under subsection (1)(a) against a decision to revoke an authorisation, the Tribunal—
- (a) must consider afresh the decision appealed against, and
 - (b) may take into account evidence that was not available to the OfS.
- (3) An appeal under subsection (1), other than an appeal against a decision to revoke an authorisation, may be on the grounds—
- (a) that the decision was based on an error in fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (4) On an appeal under subsection (1), the Tribunal may—
- (a) withdraw the decision;
 - (b) confirm the decision;
 - (c) vary the date on which the variation or revocation takes effect under the order to be made under section 42(1) or 45(1);

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- (d) remit the decision whether to confirm the decision, or any matter relating to that decision (including the date on which the variation or revocation takes effect), to the OfS.
- (5) In the case of an appeal under subsection (1)(a) against a decision to revoke an authorisation, the Tribunal also has power to substitute for the decision any other decision that the OfS could have made.
- (6) An appeal under subsection (1)(a) against a decision to revoke an authorisation may include an appeal against the decision mentioned in subsection (1)(b) regarding the date when the revocation takes effect; and in the case of such an appeal, references in subsections (2), (4) and (5) to the decision appealed against are to be read accordingly.

Commencement Information

I15 S. 49 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(e\)](#)

50 Validation by authorised providers

- (1) The OfS may enter into arrangements (“commissioning arrangements”) with an authorised registered higher education provider requiring the provider to offer to enter into validation arrangements in respect of—
 - (a) all the taught awards that the provider is authorised to grant, or
 - (b) such of those taught awards as are specified in the commissioning arrangements or are of a description so specified.
- (2) Commissioning arrangements may require a provider to offer to enter into validation arrangements subject to conditions specified by the OfS.
- (3) Commissioning arrangements may not require a provider to offer to enter into validation arrangements that the provider is not authorised to enter into.
- (4) In this section, “validation arrangements” means arrangements between one registered higher education provider and another registered higher education provider under which the first provider—
 - (a) grants a taught award to a person who is a student at the other provider, or
 - (b) authorises the other provider to grant a taught award on behalf of the first provider.
- (5) In this section, “authorised”, in relation to a registered higher education provider, means authorised to grant taught awards, and to enter into validation arrangements, by—
 - (a) an authorisation given—
 - (i) under section 42(1),
 - (ii) by or under any other provision of an Act of Parliament, or
 - (iii) by Royal Charter, or
 - (b) an authorisation varied under section 45(1).

Commencement Information

I16 S. 50 in force at 1.8.2019 by [S.I. 2018/1226](#), [reg. 4\(e\)](#)

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51 Validation by the OfS

- (1) If (having regard to advice from the OfS) the Secretary of State considers it necessary or expedient, the Secretary of State may by regulations—
 - (a) authorise the OfS to enter into validation arrangements, and
 - (b) require the OfS to offer to do so with—
 - (i) registered higher education providers generally, or
 - (ii) such registered higher education providers as are specified in the regulations or are of a description so specified.
- (2) Regulations under subsection (1) may authorise the OfS to enter into validation arrangements in respect of—
 - (a) all taught awards, or
 - (b) such taught awards as are specified in the regulations or are of a description so specified.
- (3) Regulations under subsection (1) may require the OfS to offer to enter into validation arrangements subject to conditions specified in the regulations.
- (4) Regulations under subsection (1) may include power for the OfS to authorise authorised registered higher education providers to enter on its behalf into—
 - (a) all the validation arrangements that the OfS is authorised to enter into by the regulations, or
 - (b) such of those validation arrangements as are specified in the regulations or are of a description so specified.
- (5) But regulations under subsection (1) may not include power for the OfS to authorise a provider to enter on its behalf into validation arrangements which are—
 - (a) arrangements in respect of taught awards that the provider is not authorised to grant, or
 - (b) arrangements that the provider is not authorised to enter into.
- (6) Regulations under subsection (1) may include power for the OfS to deprive a person of a taught award granted by or on behalf of the OfS under validation arrangements.
- (7) In this section, “validation arrangements” means arrangements between the OfS and a registered higher education provider under which the OfS—
 - (a) grants a taught award to a person who is a student at the provider, or
 - (b) authorises the provider to grant a taught award on behalf of the OfS.
- (8) In this section, “authorised”, in relation to a registered higher education provider, means authorised to grant taught awards, and to enter into validation arrangements, by—
 - (a) an authorisation given—
 - (i) under section 42(1),
 - (ii) by or under any other provision of an Act of Parliament, or
 - (iii) by Royal Charter, or
 - (b) an authorisation varied under section 45(1).
- (9) Validation arrangements may provide for—
 - (a) the grant of a taught award by the OfS, or
 - (b) the authorisation to grant a taught award on behalf of the OfS,

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to be subject to such conditions as the OfS considers appropriate.

Commencement Information

I17 S. 51 in force at 1.8.2019 by S.I. 2018/1226, reg. 4(f)

PROSPECTIVE

52 Sections 42 to 49: consequential amendments

- (1) Section 76 of the Further and Higher Education Act 1992 (power to award degrees, etc) is amended as follows.
- (2) In the heading, after “etc.” insert “ : institutions in Wales ”.
- (3) In subsection (1), after “any institution” in both places insert “ in Wales ”.
- (4) After subsection (7), insert—
 - “(8) References in this section to an institution in Wales are to an institution whose activities are carried on, or principally carried on, in Wales.
 - (9) See section 42 of the Higher Education and Research Act 2017 regarding institutions in England.”
- (5) The amendments made by this section do not affect the continuing validity of any orders made under section 76 of the Further and Higher Education Act 1992 before the coming into force of this section.

53 Unrecognised degrees

- (1) Section 214 of the Education Reform Act 1988 (unrecognised degrees) is amended as follows.
- (2) In subsection (2), before paragraph (a) insert—
 - “(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;
 - (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—
 - (i) the authorisation mentioned in paragraph (za), or
 - (ii) regulations under section 51(1) of the 2017 Act;”.
- (3) In subsection (2)(a), after “Act of Parliament” insert “ (other than section 42(1), 45(1) or 51(1) of the 2017 Act) ”.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Powers to grant degrees etc is up to date with all changes known to be in force on or before 01 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

- (4) In subsection (2)(c), for “Secretary of State” substitute “ appropriate authority ”.
- (5) After subsection (9) insert—
- “(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.”
- (6) In subsection (9A)—
- (a) for “and section 215, as they extend” substitute “ as it extends ”, and
 - (b) for “the reference to the Secretary of State is to be read as a reference to” substitute “ “the appropriate authority” means ”.
- (7) In subsection (10)(a)—
- (a) for “means” substitute “—
 - (i) means”, and
 - (b) after “outside the United Kingdom” insert “, and
 - (ii) includes the Office for Students”.

Commencement Information

I18 S. 53 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(f\)](#)

54 Unrecognised degrees: supplementary

- (1) Section 215 of the Education Reform Act 1988 (“the 1988 Act”) (unrecognised degrees: enforcement) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1)—
- (a) for “Secretary of State” substitute “ appropriate authority ”,
 - (b) for “him” substitute “ the appropriate authority ”, and
 - (c) for “he” substitute “ the appropriate authority ”.
- (3) After subsection (1A) insert—
- “(1B) “The appropriate authority” means—
- (a) in the case of a weights and measures authority in England, the Secretary of State,
 - (b) in the case of a weights and measures authority in Wales, the Welsh Ministers, and
 - (c) in the case of a weights and measures authority in Scotland, the Scottish Ministers.”
- (4) Section 216 of the 1988 Act (identification of bodies granting or providing courses for recognised awards) is amended in accordance with subsections (5) to (12).
- (5) For subsection (1) substitute—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Powers to grant degrees etc is up to date with all changes known to be in force on or before 01 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

- “(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.”
- (6) In subsection (2)—
- (a) for “Secretary of State” substitute “ appropriate authority ”, and
 - (b) for “him” substitute “ the authority ”.
- (7) After subsection (2) insert—
- “(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.”
- (8) In subsection (2A), for “the references in subsections (1) and (2) above to the Secretary of State are to be read as references to” substitute “ “the appropriate authority” means ”.
- (9) In subsection (3)—
- (a) in the opening words for “either” substitute “ it ”, and
 - (b) before paragraph (a) insert—
 - “(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 grant by the authorisation or regulations mentioned in subsection (4)(a), and
 - (ii) is approved by or on behalf of that recognised body;”.
- (10) In subsection (3)(a), after “a recognised body” insert “ within subsection (4)(c) ”.
- (11) In subsection (4), after “means” insert “—
- (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)”.
- (12) In the heading, after “awards” insert “ etc ”.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Powers to grant degrees etc is up to date with all changes known to be in force on or before 01 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

- (13) Section 232 of the 1988 Act (orders and regulations) is amended in accordance with subsections (14) and (15).
- (14) After subsection (4), insert—
- “(4A) The power of the Office for Students to make an order under section 214 or 216 is exercisable by statutory instrument; and the Statutory Instruments Act 1946 is to apply to such an instrument as if the order had been made by a Minister of the Crown.”
- (15) In subsection (5), after “fit” insert “ or, in the case of orders under section 214 or 216 made by the Office for Students, the Office for Students thinks fit ”.
- (16) The amendments made by section 53 or this section to section 214 or 216 of the 1988 Act do not affect the continuing validity of any orders made under section 214 or 216 of the 1988 Act before the coming into force of this section.
- (17) Such orders made by the Secretary of State under section 214 or 216 of the 1988 Act have effect after the coming into force of this section as if made by the OfS under section 214 or 216 of the 1988 Act.
- (18) The power in section 217(2) of the 1988 Act may be exercised so as to extend to any of the Channel Islands any amendment made by section 53 or this section to sections 214 to 216 of the 1988 Act with such adaptations and modifications (if any) as may be specified in the Order.

Commencement Information

I19 S. 54 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(f\)](#)

55 Saving for right to grant degrees under the Ecclesiastical Licences Act 1533

Nothing done under this Part is to affect the right of the Archbishop of Canterbury, or any other person, by virtue of the Ecclesiastical Licences Act 1533 to grant a degree where the recipient is not required—

- (a) to complete an appropriate course of study or an appropriate programme of supervised research, or
- (b) to satisfy an appropriate examination, test or other assessment.

Commencement Information

I20 S. 55 in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(f\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Higher Education and Research Act 2017, Cross Heading: Powers to grant degrees etc is up to date with all changes known to be in force on or before 01 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.

[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):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)