



Further and Higher Education Act 1992

1992 CHAPTER 13

PART II

HIGHER EDUCATION

Institutions in the higher education sector

76 Power to award degrees, etc.

- (1) The Privy Council may by order
- [^{F1}(a) specify any institution which provides higher education as competent to grant in pursuance of this section either or both of the kinds of award mentioned in subsection (2)(a) and (b) below][^{F2};
 - (b) specify any institution ^{F3}... within the further education sector as competent to grant in pursuance of this section an award of the kind mentioned in subsection (2A) below.]
- (2) The kinds of award referred to in [^{F4}subsection (1)(a)] above are—
- (a) awards granted to persons who complete an appropriate course of study and satisfy an appropriate assessment, and
 - (b) awards granted to persons who complete an appropriate programme of supervised research and satisfy an appropriate assessment,
- and in this section “award” means any degree, diploma, certificate or other academic award or distinction and “assessment” includes examination and test.

[^{F5}(2A) The kind of award referred to in subsection (1)(b) above is a foundation degree granted to persons who complete an appropriate course of study and satisfy an appropriate assessment.]

[^{F6}(2B) Where the Privy Council is considering whether to make an order under subsection (1) above specifying an institution as mentioned in subsection (1)(b) above, the Privy Council may not make the order unless—

Changes to legislation: Further and Higher Education Act 1992, Section 76 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

- (a) the institution gives the Privy Council a statement setting out what it proposes to do as regards making arrangements for securing that any person granted an award under or by virtue of any power that would be conferred on the institution if the order were made (other than the power described in subsection (4A) below) has an opportunity to progress to one or more particular courses of more advanced study, and
 - (b) the Privy Council considers that the proposals are satisfactory and are likely to be carried out.]
- (3) An institution for the time being specified in such an order may grant any award of a kind mentioned in subsection (2)(a) or (b) [^{F7}or (2A)] above which it is competent to grant by virtue of the order to persons who complete the appropriate course of study or, as the case may be, programme of supervised research on or after the date specified in the order.
- (4) An institution specified in such an order [^{F8}as competent to grant in pursuance of this section either or both of the kinds of award mentioned in subsection (2)(a) or (b) above] may also—
- (a) grant honorary degrees, and
 - (b) grant degrees to members of the academic and other staff of the institution.
- [^{F9}(4A) An institution specified in such an order as competent to grant in pursuance of this section the kind of award mentioned in subsection (2A) above may also—
- (a) grant honorary foundation degrees, and
 - (b) grant foundation degrees to members of the academic and other staff of the institution.]
- (5) [^{F10}Subject to subsection (5A) below, any] power conferred on an institution to grant awards in pursuance of this section includes power—
- (a) to authorise other institutions to do so on behalf of the institution,
 - (b) to do so jointly with another institution, and
 - (c) to deprive any person of any award granted to him by or on behalf of the institution in pursuance of this section (or, in the case of an award granted to him by the institution and another institution jointly, to do so jointly with the other institution).
- [^{F11}(5A) An order under subsection (1) above specifying an institution as competent to grant in pursuance of this section only the kind of award mentioned in subsection (2A) above may provide that the institution's power to grant such awards does not include the power described in subsection (5)(a) above.]
- (6) [^{F12}Subject to subsection (6A) below, it] shall be for the institution to determine in accordance with any relevant provisions of the instruments relating to or regulating the institution the courses of study or programmes of research, and the assessments, which are appropriate for the grant of any award and the terms and conditions on which any of the powers conferred under this section may be exercised.
- [^{F13}(6A) An order under subsection (1) above specifying an institution as competent to grant in pursuance of this section only the kind of award mentioned in subsection (2A) above may provide that the institution is not to grant such an award to a person unless he was enrolled at the institution at the time he completed the course of study for which the award is granted.]

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- (7) Section 124D of the ^{MI}Education Reform Act 1988 applies in relation to orders under subsection (1) above as it applies in relation to the exercise of powers for the purposes of Part II of that Act.

Textual Amendments

- F1** S. 76(1)(a) renumbered (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(2)(a)**, 32(5); S.I. 2007/3505, art. 6
- F2** S. 76(1)(b) and preceding semi-colon inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(2)(b)**, 32(5); S.I. 2007/3505, art. 6
- F3** Words in s. 76(1)(b) repealed (1.10.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 259(1)**, 269(3), **Sch. 16 Pt. 11**; S.I. 2010/2413, art. 2(c) (with arts. 3-5)
- F4** Words in s. 76(2) substituted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(3)**, 32(5); S.I. 2007/3505, art. 6
- F5** S. 76(2A) inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(4)**, 32(5); S.I. 2007/3505, art. 6
- F6** S. 76(2B) inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(5)**, 32(5); S.I. 2007/3505, art. 6
- F7** Words in s. 76(3) inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(6)**, 32(5); S.I. 2007/3505, art. 6
- F8** Words in s. 76(4) inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(7)**, 32(5); S.I. 2007/3505, art. 6
- F9** S. 76(4A) inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(8)**, 32(5); S.I. 2007/3505, art. 6
- F10** Words in s. 76(5) substituted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(9)**, 32(5); S.I. 2007/3505, art. 6
- F11** S. 76(5A) inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(10)**, 32(5); S.I. 2007/3505, art. 6
- F12** Words in s. 76(6) substituted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(11)**, 32(5); S.I. 2007/3505, art. 6
- F13** S. 76(6A) inserted (1.5.2008) by Further Education and Training Act 2007 (c. 25), **ss. 19(12)**, 32(5); S.I. 2007/3505, art. 6

Commencement Information

- I1** S. 76 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

Marginal Citations

- M1** 1988 c. 40.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 76(1) words inserted by [2017 c. 29 s. 52\(3\)](#)

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. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)