



# 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.

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*Status: Point in time view as at 01/01/2018. This version of this provision has been superseded.*

*Changes to legislation: Higher Education and Research Act 2017, Section 42 is up to date with all changes known to be in force on or before 01 June 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)*

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- (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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**Status:** Point in time view as at 01/01/2018. This version of this provision has been superseded.

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**Commencement Information**

**II** S. 42(1)(3) in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), **reg. 3(6)(7)(c)**

**Status:**

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