



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Powers to grant degrees etc

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—

“(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).

Status: This is the original version (as it was originally enacted).

- (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”.
- (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.