



Education Reform Act 1988

1988 CHAPTER 40

PART IV

MISCELLANEOUS AND GENERAL

Unrecognised degrees

214 Unrecognised degrees.

- (1) Any person who, in the course of business, grants, offers to grant or issues any invitation relating to any award—
- (a) which may reasonably be taken to be an award granted or to be granted by a United Kingdom institution; and
 - (b) which either—
 - (i) is described as a degree; or
 - (ii) purports to confer on its holder the right to the title of bachelor, master or doctor and may reasonably be taken to be a degree;
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) Subsection (1) above does not apply as respects anything done in relation to any recognised award; and for the purposes of this section a “recognised award” means—
- [^{F1}(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;]
 - [^{F1}(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—

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- (i) the authorisation mentioned in paragraph (za), or
 - (ii) regulations under section 51(1) of the 2017 Act;]
 - (a) any award granted or to be granted by a university, college or other body which is authorised by Royal Charter or [^{F2}by or under] Act of Parliament [^{F3}(other than section 42(1), 45(1) or 51(1) of the 2017 Act)] to grant degrees;
 - (b) any award granted or to be granted by any body for the time being permitted by any body falling within paragraph (a) above to act on its behalf in the granting of degrees; or
 - (c) such other award as the [^{F4}appropriate authority] may by order designate as a recognised award for the purposes of this section.
- (3) An order under subsection (2)(c) above may designate as a recognised award either—
- (a) a specified award granted or to be granted by a person named in the order; or
 - (b) any award granted or to be granted by such a person.
- (4) Where in any proceedings for an offence under this section it is shown—
- (a) that the defendant granted, offered to grant or issued an invitation relating to an award; and
 - (b) that an address in the United Kingdom was given in any document issued by the defendant certifying the granting of the award or containing the offer or invitation in question;
- the award shall be presumed to fall within subsection (1)(a) above unless it is shown that the defendant took reasonable steps to inform the person to whom the award was granted or any member of the public or particular individual to whom the offer or invitation was addressed that the award was not granted or to be granted by a United Kingdom institution.
- (5) In any proceedings for an offence under this section it shall be a defence for the defendant to show—
- (a) that the award in question was granted or to be granted by virtue of authority conferred on or before 5th July 1988 by a foreign institution on the body granting the award; and
 - (b) that the defendant took reasonable steps to inform the person to whom the award was granted or any member of the public or particular individual to whom the offer was addressed that the award was granted or was to be granted by virtue of authority conferred by a foreign institution.
- (6) For the purposes of subsection (5) above, where—
- (a) on or before 5th July 1988 authority was conferred by a foreign institution on a body to grant awards of any description for a period expiring after that date; and
 - (b) new authority is conferred by the institution (whether before or after the expiry of that period) on the body to grant awards of that description;
- the new authority shall be taken to have been granted on or before that date.
- (7) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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- (8) Proceedings for an offence under this section shall not, in England and Wales, be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.
- (9) Nothing in this section shall apply in relation to the granting of an award to a candidate who—
- (a) before 12th May 1988 began to undertake a course of education approved by the person granting the award in preparation for an examination to qualify for the award; and
 - (b) whether before or after that date, passes the examination;
- and in this subsection “examination” includes any form of assessment and the reference to passing an examination shall be construed accordingly.
- ^{F5}(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.]
- ^{F6}[(9A) For the purposes of this section [^{F7}as it extends] to Scotland, [^{F8}“the appropriate authority” means] the Scottish Ministers.]
- (10) For the purposes of this section—
- (a) a “United Kingdom institution” [^{F9}—
 - (i) means] any institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is situated outside the United Kingdom [^{F10}, and
 - (ii) includes the Office for Students]
 - (b) a “foreign institution” means any institution other than a United Kingdom institution; and
 - (c) the reference to issuing an invitation relating to any award includes in particular the issuing of any circular, prospectus or advertisement relating to an award, whether addressed to the public generally, to any section of the public, or to any particular individual or individuals.

Textual Amendments

- F1** S. 214(2)(za)(zb) inserted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 53(2)**, 124(5) (with **ss. 54(16)**, 55); S.I. 2018/241, reg. 2(f)
- F2** Words in s. 214(2)(a) inserted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. I para. 48**; S.I. 1992/831, art. 2, **Sch. 1**.
- F3** Words in s. 214(2)(a) inserted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 53(3)**, 124(5) (with **ss. 54(16)**, 55); S.I. 2018/241, reg. 2(f)
- F4** Words in s. 214(2)(c) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 53(4)**, 124(5) (with **ss. 54(16)**, 55); S.I. 2018/241, reg. 2(f)
- F5** S. 214(9ZA) inserted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 53(5)**, 124(5) (with **ss. 54(16)**, 55); S.I. 2018/241, reg. 2(f)
- F6** S. 214(9A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 91(2)**; S.I. 1998/3178, **art. 3**

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- F7** Words in s. 214(9A) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **53(6)(a)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F8** Words in s. 214(9A) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **53(6)(b)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F9** Words in s. 214(10)(a) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **53(7)(a)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F10** S. 214(10)(a)(ii) and word inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **53(7)(b)**, 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)

215 Unrecognised degrees: enforcement.

(1) It shall be the duty of every local weights and measures authority to enforce the provisions of section 214 of this Act within their area; and such an authority shall, whenever the [^{F11}appropriate authority] so directs, make to [^{F12}the appropriate authority] a report on the exercise of their functions under this section and section 214 of this Act in such form and containing such particulars as [^{F13}the appropriate authority] may direct.

[^{F14}(1A) For the investigatory powers available to a local weights and measures authority for the purposes of the duty to enforce imposed by subsection (1), see Schedule 5 to the Consumer Rights Act 2015.]

[^{F15}(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.]

[^{F16}(2)

[^{F16}(3)

[^{F16}(4)

[^{F16}(5)

[^{F16}(6)

[^{F16}(7)

[^{F16}(8)

(9) Nothing in this section shall be taken as authorising a local weights and measures authority in Scotland to institute proceedings for an offence.

Textual Amendments

- F11** Words in s. 215(1) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(2)(a)**, 124(5) (with s. 55); S.I. 2018/241, reg. 2(f)
- F12** Words in s. 215(1) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(2)(b)**, 124(5) (with s. 55); S.I. 2018/241, reg. 2(f)

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- F13** Words in s. 215(1) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 54(2)(c), 124(5) (with s. 55); S.I. 2018/241, reg. 2(f)
- F14** S. 215(1A) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), Sch. 6 para. 47(2); S.I. 2015/1630, art. 3(i)
- F15** S. 215(1B) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 54(3), 124(5) (with s. 55); S.I. 2018/241, reg. 2(f)
- F16** S. 215(2)-(8) omitted (1.10.2015) by virtue of Consumer Rights Act 2015 (c. 15), s. 100(5), Sch. 6 para. 47(3); S.I. 2015/1630, art. 3(i) (with art. 8)

216 Identification of bodies granting or providing courses for recognised awards [^{F17} etc].

[^{F18}(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 [^{F19}appropriate authority] shall compile, maintain and publish by order a list including the name of every body which appears to [^{F20}the authority] to fall for the time being within subsection (3) below.

[^{F21}(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.]

^{F22}[(2A) For the purposes of this section, as it extends to Scotland, [^{F23}“the appropriate authority” means] the Scottish Ministers.]

(3) A body falls within this subsection if it is not a recognised body and [^{F24}it]—
[^{F25}(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;]

(a) provides any course which is in preparation for a degree to be granted by a recognised body [^{F26}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 [^{F27}—

- (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,

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- (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

- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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)
- F22** 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.
- F23** 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)
- F24** 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)
- F25** 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)
- F26** 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)
- F27** 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)

217 Unrecognised degrees: Northern Ireland and Channel Islands.

- (1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M1}Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is only made for purposes corresponding to the purposes of sections 214 to 216 of this Act—
 - (a) shall not be subject to sub-paragraphs (4) and (5) of paragraph 1 of that Schedule; but
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Her Majesty may by Order in Council direct that those sections shall extend to any of the Channel Islands with such adaptations and modifications (if any) as may be specified in the Order.

Modifications etc. (not altering text)

- C1** S. 217(2) modified (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. **54(18)**, 124(5) (with s. 55); S.I. 2018/241, reg. 2(f)

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Marginal Citations

M1 1974 c. 28.

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