

**Changes to legislation:** Charities Act 2011, Cross Heading: Educational institutions is up to date with all changes known to be in force on or before 11 May 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

## SCHEDULES

### SCHEDULE 3

#### EXEMPT CHARITIES

##### *Educational institutions*

- [<sup>F1</sup>2 Any of the following if it is a relevant higher education provider—
- (a) the university of Oxford;
  - (b) the university of Cambridge;
  - (c) the university of London;
  - (d) the university of Durham;
  - (e) the university of Newcastle upon Tyne;
  - (f) the university of Manchester.]

##### Textual Amendments

- F1** Sch. 3 para. 2 substituted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **43(2)**

- [<sup>F2</sup>3 Any of the following if it is a relevant higher education provider—
- (a) King’s College London;
  - (b) Queen Mary University of London.]

##### Textual Amendments

- F2** Sch. 3 para. 3 substituted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **43(3)**

- 4 (1) Any of the following, if [<sup>F3</sup>it is a relevant higher education provider and] Her Majesty declares it by Order in Council to be an exempt charity for the purposes of this Act—
- (a) a university in England,
  - (b) a university college in England, or
  - (c) an institution which is connected with a university in England or a university college in England.
- (2) Sub-paragraph (1) does not include—
- (a) any college in the university of Oxford;
  - (b) any college or hall in the university of Cambridge or Durham;
  - (c) any students' union.
- (3) For the purposes of this paragraph—
- (a) a university or university college is in England if its activities are carried on, or principally carried on, in England;

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(b) the Open University is to be treated as a university in England.

#### Textual Amendments

**F3** Words in Sch. 3 para. 4(1) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **43(4)**

- 5 (1) An English higher education corporation [<sup>F4</sup>if it is a relevant higher education provider].
- (2) For the purposes of this paragraph a higher education corporation is an English higher education corporation if the activities of the institution conducted by that corporation are carried on, or principally carried on, in England.

#### Textual Amendments

**F4** Words in Sch. 3 para. 5(1) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **43(5)**

- 6 (1) A successor company to a higher education corporation at a time when the [<sup>F5</sup>company or institution conducted by the company is a relevant higher education provider] .
- [<sup>F6</sup>(2) In this paragraph, “successor company”, in relation to a higher education corporation, has the meaning given by section 129(5) of the Education Reform Act 1988.]

#### Textual Amendments

**F5** Words in Sch. 3 para. 6(1) substituted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **43(6)(a)**

**F6** Sch. 3 para. 6(2) substituted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **43(6)(b)**

- 7 A further education corporation.
- 8 A qualifying Academy proprietor (as defined in section 12(2) of the Academies Act 2010).
- 9 The governing body of any foundation, voluntary or foundation special school.
- 10 Any foundation body established under section 21 of the School Standards and Framework Act 1998.
- 11 A sixth form college corporation (within the meaning of the Further and Higher Education Act 1992).
- [<sup>F7</sup>11A(1) A relevant higher education provider not otherwise listed in paragraphs 2 to 11 if Her Majesty declares it by Order in Council to be an exempt charity for the purposes of this Act.
- (2) Sub-paragraph (1) does not include—
- (a) any college in the university of Oxford;
  - (b) any college or hall in the university of Cambridge or Durham; or
  - (c) any students’ union.]

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#### Textual Amendments

**F7** Sch. 3 paras. 11A, 11B inserted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **43(7)**

[<sup>F7</sup>11B. In paragraphs 2 to 11A—

“higher education corporation” has the meaning given by section 90(1) of the Further and Higher Education Act 1992;

“relevant higher education provider” means an institution which is registered in the register of higher education providers established and maintained by the Office for Students pursuant to the Higher Education and Research Act 2017 (“the 2017 Act”) and—

- (a) which is funded wholly or partly by a grant, loan or other payment from the Office for Students under section 39 or 40 of the 2017 Act,
- (b) which is not so funded but is eligible to receive such funding under section 39 or 40 of the 2017 Act, or
- (c) which provides higher education courses which are designated for the purposes of section 22 of the Teaching and Higher Education Act 1998 by or under regulations made under that section.]

#### Textual Amendments

**F7** Sch. 3 paras. 11A, 11B inserted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **43(7)**

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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. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)