Changes to legislation: *Charities Act 2011, SCHEDULE 3 is up to date with all changes known to be in force on or before 20 July 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

Section 22

EXEMPT CHARITIES

Institutions with an exemption from the Charitable Trusts Acts 1853 to 1939

1 (1) Any institution which, if the Charities Act 1960 had not been passed, would be exempted from the powers and jurisdiction, under the Charitable Trusts Acts 1853 to 1939, of—

(a) the Charity Commissioners for England and Wales, or

(b) the Minister of Education,

(apart from any power of the Commissioners or Minister to apply those Acts in whole or in part to charities otherwise exempt) by the terms of any enactment not contained in the Charitable Trusts Acts 1853 to 1939 other than section 9 of the Places of Worship Registration Act 1855.

(2) Sub-paragraph (1) does not include—

(a) any Investment Fund or Deposit Fund within the meaning of the Church Funds Investment Measure 1958,

(b) any investment fund or deposit fund within the meaning of the Methodist Church Funds Act 1960, or

(c) the representative body of the Welsh Church or property administered by it.

Educational institutions

[[F1]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)**

[[F2]3 Any of the following if it is a relevant higher education provider—

(a) King's College London;

(b) Queen Mary University of London.**]**

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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 **[**[F3]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;

(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 **[**[F4]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 **[**[F5]company or institution conducted by the company is a relevant higher education provider**]** .

[[F6](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)**

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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).

[F7 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.]

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)**

[F7 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)**

Museums, galleries etc.

12 The Board of Trustees of the Victoria and Albert Museum.

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13 The Board of Trustees of the Science Museum.

14 The Board of Trustees of the Armouries.

15 The Board of Trustees of the Royal Botanic Gardens, Kew.

16 The Board of Trustees of the National Museums and Galleries on Merseyside.

17 The trustees of the British Museum.

18 The trustees of the Natural History Museum.

19 The Board of Trustees of the National Gallery.

20 The Board of Trustees of the Tate Gallery.

21 The Board of Trustees of the National Portrait Gallery.

22 The Board of Trustees of the Wallace Collection.

23 The Trustees of the Imperial War Museum.

24 The Trustees of the National Maritime Museum.

25 The British Library Board.

Housing

26 Any registered society within the meaning of **[**[F8]the Co-operative and Community Benefit Societies Act 2014**]**, if the society is also a **[**[F9]private**]** registered provider of social housing.

Textual Amendments

F8 Words in Sch. 3 para. 26 substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 183(2)** (with Sch. 5)

F9 Word in Sch. 3 para. 26 substituted (1.4.2024) by The Social Housing (Regulation) Act 2023 (Consequential and Miscellaneous Amendments) Regulations 2024 (S.I. 2024/399), reg. 1(9), **Sch. 1 para. 3**; S.I. 2024/437, **reg. 2(c)**

27 Any registered society within the meaning of **[**[F10]the Co-operative and Community Benefit Societies Act 2014**]**, if the society is also registered in the register of social landlords under Part 1 of the Housing Act 1996.

Textual Amendments

F10 Words in Sch. 3 para. 27 substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 183(3)** (with Sch. 5)

Connected institutions

28 (1) Any institution which—

(a) is administered by or on behalf of an institution included in any of paragraphs 1 to 8 and 11 to 25, and

(b) is established for the general purposes of, or for any special purpose of or in connection with, the institution mentioned in paragraph (a).

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(2) Sub-paragraph (1) does not include—

(a) any college in the university of Oxford which is administered by or on behalf of that university;

(b) any college or hall in the university of Cambridge or Durham which is administered by or on behalf of that university;

(c) any student's union.

[[F11](d) an institution included in any of paragraphs 1 to 11A.**]**

(3) Any institution which—

(a) is administered by or on behalf of a body included in paragraph 9 or 10, and

(b) is established for the general purposes of, or for any special purpose of or in connection with, that body or any foundation, voluntary or foundation special school or schools.

Textual Amendments

F11 Sch. 3 para. 28(2)(d) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **43(8)**

Changes to legislation:
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View outstanding changes

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