

SCHEDULE

Regulation 5

AMENDMENTS

PART 1

AMENDMENTS TO DISCLOSURE PROVISIONS

**Further and Higher Education Act 1992**

1.—(1) The Further and Higher Education Act 1992(1) is amended as follows.

(2) After section 69(1), insert—

“(1A) Subsection (1) does not apply to any information which the Higher Education Funding Council for England receives in its capacity as principal regulator (within the meaning of section 13 of the Charities Act 2006).

(1B) Subsection (1A) does not prevent the Higher Education Funding Council for England disclosing information under section 10A of the Charities Act 1993.”.

**Education Act 1996**

2.—(1) The Education Act 1996(2) is amended as follows.

(2) After section 537B, insert—

**“Disclosure of information by or to principal regulators of exempt charities**

**537C.**—(1) Nothing in section 537, 537A or 537B above, nor any regulations made under those provisions, requires or authorises the provision of information—

(a) by the Higher Education Funding Council for England (“the Council”) if the information was received by the Council in its capacity as principal regulator (within the meaning of section 13 of the Charities Act 2006); or

(b) to the Council in its capacity as principal regulator.

(2) This section does not prevent the Council disclosing information under section 10A of the Charities Act 1993.”.

**Higher Education Act 2004**

3.—(1) Section 40 of the Higher Education Act 2004(3) (provision of information) is amended as follows.

(2) After subsection (1), insert—

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(1) 1992 c.13. There are amendments to the 1992 Act not relevant to these Regulations.

(2) 1996 c.56. Section 537 was amended by the Education Act 1994 (c.44), Schedule 7, paragraph 37; by the School Standards and Framework Act 1998 (c.31), Schedule 30, paragraph 152, and Schedule 31; by the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 60, and by the Education Act 2002 (c.32), Schedule 7, paragraph 6, and Schedule 22. Section 537A was inserted by the Education Act 1997, section 20, and substituted by the School Standards and Framework Act 1998, Schedule 30, paragraph 15. Section 537AA was inserted by the Education and Skills Act 2008 (c.25), Schedule 1, paragraph 8 (paragraph 8 of Schedule 1 to the 2008 Act is not yet in force). Section 537B was inserted by the Education and Inspections Act 2006 (c.40), section 164.

(3) 2004 c.8. There are amendments to section 40 which are not relevant to these Regulations.

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“(1A) Subsection (1) does not apply to any information which the Higher Education Funding Council for England receives in its capacity as principal regulator (within the meaning of section 13 of the Charities Act 2006).

(1B) Subsection (1A) does not prevent the Higher Education Funding Council for England disclosing information to the Director under section 10A of the Charities Act 1993.”.

(3) After subsection (2), insert—

“(3) Subsection (2) does not apply to information which the Higher Education Funding Council for England requires for the purposes of its functions as principal regulator (within the meaning of section 13 of the Charities Act 2006).”.

## PART 2

### CONSEQUENTIAL AMENDMENTS

#### **Further and Higher Education Act 1992**

4. After section 79 of the Further and Higher Education Act 1992 insert—

#### **“Power to request information from higher education institutions that are exempt charities**

**79A.** The Higher Education Funding Council for England may direct any exempt charity in relation to which it is the principal regulator (within the meaning of section 13 of the Charities Act 2006) to provide it with such information as it considers necessary for the purpose of discharging its duty under subsection (2) of that section.”.

#### **Education Act 2005**

5. In section 92 of the Education Act 2005(4) (joint exercise of functions) at the end insert—

“(5) This section does not apply in relation to the functions of the Higher Education Funding Council for England in its capacity as principal regulator (within the meaning of section 13 of the Charities Act 2006).”.

#### **Natural Environment and Rural Communities Act 2006**

6. In section 81(2) of the Natural Environment and Rural Communities Act 2006 (reserved functions)(5), after paragraph (g) insert—

“(h) any function as principal regulator of an exempt charity (within the meaning of section 13 of the Charities Act 2006).”.

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(4) 2005 c.18. There are amendments to section 92 not relevant to these Regulations.

(5) 2006 c. 16. There are amendments to the Act not relevant to these Regulations.