
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Higher Education and Research Act 2017
(Further Implementation etc.) Regulations 2019**

PART 4

Amendments to the Charities Act 2011

Amendments to Schedule 3 to the Charities Act 2011

43.—(1) Schedule 3 to the Charities Act 2011(1) (exempt charities) is amended as follows.

(2) For paragraph 2, substitute—

“**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.”

(3) For paragraph 3, substitute—

“**3.** Any of the following if it is a relevant higher education provider—

- (a) King’s College London;
- (b) Queen Mary University of London.”

(4) In paragraph 4(1), after “if”, insert “it is a relevant higher education provider and”.

(5) In paragraph 5(1), after “corporation”, insert “if it is a relevant higher education provider”.

(6) In paragraph 6—

- (a) in sub-paragraph (1), for the words from “institution” to “England”, substitute “company or institution conducted by the company is a relevant higher education provider”;
- (b) for sub-paragraph (2), substitute—

“(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.”.

(7) After paragraph 11 (before the heading preceding paragraph 12), insert—

“**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.

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.”.

(8) In paragraph 28, in sub-paragraph (2), after paragraph (c), insert—

- “(d) an institution included in any of paragraphs 1 to 11A.”.