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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Charities Act 2006 (Changes  
in Exempt Charities) Order 2009**

**Changes in exempt charities**

2.—(1) Schedule 2 to the 1993 Act (exempt charities)(1) is amended as follows.

(2) For paragraph (b) substitute—

“(b) the universities of Oxford, Cambridge, London, Durham, Newcastle and Manchester, and King’s College London and Queen Mary and Westfield College in the University of London;”.

(3) For paragraph (c) substitute—

“(c) any of the following if Her Majesty declares it by Order in Council to be an exempt charity for the purposes of this Act—

(i) a university in England;

(ii) a university college in England; or

(iii) an institution which is connected with a university in England or a university college in England;

(*but see Note 1A*);”.

(4) In paragraph (h) for “a higher” substitute “an English higher”.

(5) For paragraph (i) substitute—

“(i) a successor company to a higher education corporation (within the meaning of subsection (5) of section 129 of the Education Reform Act 1988(2)) at a time when the institution conducted by the corporation is eligible, by virtue of an order made under that section, to receive support from funds administered by the Higher Education Funding Council for England;”.

(6) Omit paragraph (z).

(7) In paragraph (za) after “Board” insert “and any institution which is administered by or on behalf of the Board and is established for the general purposes of, or for any special purpose of or in connection with, the Board”.

(8) After Note 1 insert—

“**1A.** Paragraph (c) above does not include—

(a) any college in the university of Oxford;

(b) any college or hall in the university of Cambridge or Durham;

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(1) 1993 c.10. Schedule 2 was amended by the National Lottery Act 1993 (c.39), Schedule 5, paragraph 12, by the Education Act 1996 (c.56), Schedule 38, by the Education Act 1997 (c.44), Schedule 7, paragraph 7, by the School Standards and Framework Act 1998 (c.31), Schedule 31, by the Teaching and Higher Education Act 1998 (c.30), Schedule 4, by S.I. 2005/3239, Schedule 1, paragraph 4, by the National Lottery Act 2006 (c.23), Schedule 3, and by the Charities Act 2006, section 11 and Schedule 8, paragraph 177 (not all of the amendments made by section 11 of the 2006 Act are in force).

(2) 1988 c.40. Section 129 was amended by the Further and Higher Education Act 1992 (c.13), section 72 and Schedule 9. There are other amendments to the 1988 Act not relevant to article 2(5) of this Order.

(c) any students' union.”.

(9) For Note 2 substitute—

“2. Paragraph (w) above 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 students' union.”.

(10) After Note 2 insert—

*“Interpretation*

For the purposes of this Schedule—

- (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;
- (c) 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.”.