
STATUTORY INSTRUMENTS

2010 No. 502

The Charities (Exception from Registration) Regulations 2010

Exception from registration for institutions of a particular description ceasing to be exempt charities

3.—(1) Subject to the financial limit specified in section 3A(2)(c) of the 1993 Act, any institution to which paragraph (2) applies is, in so far as it is a charity, excepted from the duty to be registered under section 3A(1) of that Act.

(2) This paragraph applies to any institution which—

- (a) is a college in the university of Oxford;
- (b) is a college or hall in the university of Cambridge or Durham;
- (c) was an exempt charity by virtue of an Order in Council made under paragraph (c) of Schedule 2 to the 1993 Act but ceased to be so when that Order was amended or revoked by the Charities Act 2006 (Changes in Exempt Charities) Order 2010(1);
- (d) is a Welsh higher education corporation;
- (e) is 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 company is eligible, by virtue of an order made under that section, to receive support from funds administered by the Higher Education Funding Council for Wales;
- (f) is a students' union falling within paragraph (3);
- (g) is administered by the Church Commissioners; or
- (h) is an institution falling within paragraph (4).

(3) A students' union falls within this paragraph if it—

- (a) is administered by or on behalf of an institution—
 - (i) included in any of paragraphs (a) to (v) of Schedule 2 to the 1993 Act(3); or
 - (ii) to which sub-paragraph (a), (b), (c), (d) or (e) of paragraph (2) above applies; and
- (b) is established for the general purposes of, or for any special purpose of or in connection with, that institution.

(4) An institution falls within this paragraph if it is—

- (a) administered by or on behalf of an institution—
 - (i) which is specified in regulation 2(2)(b), (c) or (d); or
 - (ii) to which sub-paragraph (a), (b), (c), (d) or (e) of paragraph (2) above applies; and

(1) [S.I. 2010/500](#).

(2) [1988 c.40](#). Section 129 was amended by the Further and Higher Education Act [1992 \(c.13\)](#), section 72 and Schedule 9.

(3) Schedule 2 to the Charities Act 1993 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 \(c.30\)](#), Schedule 4, by [S.I. 2005/3239](#), Schedule 1, paragraph 4, by the National Lottery Act [2006 \(c.23\)](#), Schedule 3, 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) and by [S.I. 2010/500](#), article 2.

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(b) established for the general purposes of, or for any special purpose of or in connection with, that institution.

(5) For the purposes of this regulation a higher education corporation is a “Welsh higher education corporation” if the activities of the institution conducted by that corporation are carried on, or principally carried on, in Wales.