

## SCHEDULE

Article 3

### CONSEQUENTIAL AMENDMENTS

#### PART 1

##### PRIMARY LEGISLATION

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

1. In section 33M of the Further and Higher Education Act 1992(1), at the end insert “(and, as a result of its inclusion in Schedule 2 to the Charities Act 1993, is an exempt charity for the purposes of that Act)”.

###### **Charities Act 1993**

2. In section 3A(5)(a) of the Charities Act 1993(2), after “3(5B)(a)” insert “(ii)”.

###### **School Standards and Framework Act 1998**

3. In section 23 of the School Standards and Framework Act 1998(3)—
- (a) in subsection (1A) for the words from “is an institution” to the end substitute “is, as a result of its inclusion in Schedule 2 to the Charities Act 1993, an exempt charity for the purposes of that Act.”; and
  - (b) omit subsection (2).

###### **Charities Act 2006**

4. In paragraph 194 of Schedule 8 to the Charities Act 2006(4), omit sub-paragraph (4).

#### PART 2

##### SECONDARY LEGISLATION

###### **School Governance (Federations) (England) Regulations 2007**

5. In regulation 33 of the School Governance (Federations) (England) Regulations 2007(5)—
- (a) in paragraph (1) omit the words “which is an exempt charity for the purposes of the Charities Act 1993”; and
  - (b) omit paragraphs (2) and (3).

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(1) Section 33M was inserted by the Apprenticeships, Skills, Children and Learning Act 2009, Schedule 8, paragraphs 1 and 3.  
(2) Sections 3 and 3A were substituted for section 3 as originally enacted by the Charities Act 2006, section 9. The reference in section 3A(5)(a) to section 3(5B) is to that section as in force immediately before the day on which section 3(1) to (5) (as substituted) comes into force. Section 3(5B), which was inserted by the School Standards and Framework Act 1998, Schedule 30, paragraph 48, was repealed by the substitution. There are amendments of section 3A not relevant to this Order.  
(3) Section 23 was amended by the Charities Act 2006, Schedule 8, paragraphs 193 and 194.  
(4) There are amendments of Schedule 8 not relevant to this Order.  
(5) [S.I. 2007/960](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## **The Charities Act 2006 (Commencement No. 5, Transitional and Transitory Provisions and Savings) Order 2008**

6.—(1) The Charities Act 2006 (Commencement No. 5, Transitional and Transitory Provisions and Savings) Order 2008(6) is amended as follows.

(2) In article 1(2) for paragraph (b) of the definition of “formerly specified educational institution” substitute—

“(b) an institution to which subsection (2) of that section of that Act would have applied had it not been repealed by the Charities Act 2006 (Changes in Exempt Charities) Order 2011;”.

(3) In the following provisions, for “1st September 2011” substitute “1st August 2011”—

- (a) article 1 in both places it appears,
- (b) article 11 in both places it appears, and
- (c) article 19(1).

(4) In article 6 omit paragraph (2).

(5) In article 13 for paragraph (3) substitute—

“(3) Nothing in sections 43, 44 and 44A of the 1993 Act(7) applies to—

- (a) a formerly specified educational institution; or
- (b) an Education Action Forum which does not fall within section 3A(2)(d) of the 1993 Act(8),

in respect of any financial year of the charity which is a transitory financial year.”.

(6) For article 16(3) substitute—

“(3) In this article “qualifying request” means a request made under section 47(2) of the 1993 Act(9) for the most recent accounts of a relevant educational charity at any time before—

- (a) in the case of an Education Action Forum, the charity trustees of that charity have prepared—
  - (i) a statement of accounts under section 42(1) of that Act(10); or
  - (ii) an account and statement under section 42(3) of that Act(11),in respect of the standard financial year;

(b) in the case of a formerly specified educational institution, the charity trustees of that charity have prepared a statement of account in respect of the standard financial year (whether under section 46 of that Act or otherwise).”.

(7) In article 19 omit paragraphs (2) and (3).

(8) In article 21(2), for “the transitional period end date a relevant educational charity” substitute “the exempt charity appointed day an Education Action Forum”.

(9) For article 22(1) substitute—

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(6) [S.I. 2008/3267](#), amended by [S.I. 2009/2648](#) and [2010/1942](#).

(7) Section 43 was amended by the Charities Act 2006, section 28 and Schedule 8, paragraphs 96 and 134; by [S.I. 2005/1074](#), article 3; by [S.I. 2008/527](#), article 2; by [S.I. 2008/948](#), article 6 and Schedule 1, paragraphs 17 and 192 and by [S.I. 2009/508](#), articles 7 and 10. Section 44 was amended by the Charities Act 2006, Schedule 8, paragraphs 96 and 137 and Schedule 9; by [S.I. 2006/2951](#), paragraph 4 of Schedule; by [S.I. 2008/527](#), article 3 and by [S.I. 2008/948](#), article 6 and Schedule 1, paragraph 192. Section 44A was inserted by the Charities Act 2006, section 29.

(8) Section 3A(2) was inserted by the Charities Act 2006, section 9, and was amended by [S.I. 2006/2951](#), paragraph 4 of Schedule.

(9) Section 47(2) was amended by the Charities Act 2006, Schedule 8, paragraphs 96 and 140(1) and (3).

(10) Section 42(1) was amended by [S.I. 2006/2951](#), paragraph 4(q) of Schedule.

(11) Section 42(3) was amended by [S.I. 2009/508](#), articles 7 and 9.

- “(1) For the purposes of section 24 of the 1993 Act<sup>(12)</sup> (including the purposes of that section as applied by section 25 of that Act<sup>(13)</sup>), a relevant educational charity is to be treated—
- (a) in the case of a formerly specified institution, as having been an exempt charity during the period starting on 31st January 2009 and ending immediately before the tranche 2 exempt status day;
  - (b) in the case of an Education Action Forum, before the appointed day, as if it were an exempt charity.”.
- (10) In article 23 for “relevant educational charity” substitute “Education Action Forum”.
- (11) In article 24—
- (a) in paragraph (1)(b) omit “or (3)”; and
  - (b) omit paragraph (3).
- (12) For article 25 substitute—
- “**25.** For the purposes of section 37(10) of the 1993 Act—
- (a) an Education Action Forum is to be treated as ceasing to be an exempt charity on the exempt charity appointed day;
  - (b) a formerly specified educational institution is to be treated—
    - (i) until the tranche 2 exempt status day as if it were an exempt charity; and
    - (ii) on or after that day as if it had never ceased to be such a charity.”.
- (13) In article 26—
- (a) in paragraph (1)(b) omit “or (3)”; and
  - (b) omit paragraph (3).
- (14) In article 27(2)(a) for “relevant educational charity” substitute “Education Action Forum”.

### **The Charities Act 1993 (Exception from Registration) Regulations 2008**

7. In regulation 2(2) of the Charities (Exception from Registration) Regulations 2008<sup>(14)</sup> omit sub-paragraphs (a) and (c).

### **The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010**

8. In regulation 46 of the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010<sup>(15)</sup>—

- (a) in paragraph (1) omit the words “which is an exempt charity for the purposes of the Charities Act 1993”; and
- (b) omit paragraphs (2) and (3).

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<sup>(12)</sup> Section 24 was amended by the Charities Act 2006, section 23(1) and Schedule 8, paragraphs 96 and 116. It is prospectively amended by section 11(10).

<sup>(13)</sup> Section 25 was amended by the Charities Act 2006, section 23(2) and (3) and Schedule 8, paragraphs 96 and 117.

<sup>(14)</sup> [S.I. 2008/3268](#).

<sup>(15)</sup> [S.I. 2010/638](#).