

SCHEDULE

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—

“(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”

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

(2) 1996 c.56. Section 537A was inserted by the Education Act 1997 (c.44), section 20, and substituted by the School Standards and Framework Act 1998 (c.31), Schedule 30, paragraph 15. 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.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

(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).”.