



BENEFACTIONS TO THE UNIVERSITY OF OXFORD AND ITS COLLEGES

This memorandum is for the guidance of intending benefactors and is not meant to fetter their discretion in any way.

The Status and Powers of the University and the Colleges

1. The University is a corporate body, with the title of 'The Chancellor Masters and Scholars of the University of Oxford'. It was given its corporate status under a private Act of Parliament in 1571. It is an exempt charity (and therefore has no charity registration number): it is recognised as a charity by HMRC.
2. Each of the Colleges is a separate corporate body, which is registered as a charity. Its corporate title and registered number can be found on the Charity Commission's website (<http://www.charity-commission.gov.uk>)
3. The University and each of the Colleges is itself entitled to take and hold gifts of real and personal property, whether made by will or otherwise. A gift direct to the University or a College should specify the full corporate title of the recipient, and should not reference trustees.

The University of Oxford Development Trust Fund

4. However, the University has established a trust for the receipt and allocation of gifts to the collegiate University. This is the University of Oxford Development Trust Fund ("OUDT"). Like the University itself, it is an exempt charity, and therefore has no charity registration number. It is recognised as a charity by HMRC.
5. The objects of OUDT are "*to procure, assist and secure the advancement of education, learning, teaching, scholarship and research at or in connection with the University and its Colleges and other Societies in so far as the same are charitable.*"

Please note that these are educational objects. Some Colleges also have religious or heritage objects which are not merely ancillary to their educational purposes. Should you wish to give to a College expressly for religious or heritage purposes, please do so direct to the College; and not to OUDT.

6. The Trustee of OUDT is the University. The University (acting by its Council) has delegated the administration of OUDT to a Board of Management which consists of the following persons (or their respective nominees): the Pro-Vice-Chancellor (Planning and Resources), the Director of Finance, the Director of Legal Services, the Secretaries to each of the Divisions, and a representative of the Conference of Colleges. Enquiries about the role of OUDT and its procedures should be addressed to the Trusts Administrator (trusts.administrator@admin.ox.ac.uk).
7. Within OUDT there are a series of broad purpose Funds, the current ones being:-
 - the Vice-Chancellor's (general) Fund;
 - the Oxford Teaching Fund;
 - the Oxford Undergraduate Scholarship Fund;

- the Oxford Graduate Scholarship Fund;
- the Widening Access and Participation Fund;
- the Sports Fund;
- the Oxford Invention Fund;
- a Fund for each Academic Division and for the Department for Continuing Education;
- the Bodleian Fund;
- the Ashmolean Fund;
- a Fund for the other University Collections; and
- a Fund for each College.

Each of the above Funds (apart from the Vice-Chancellor's Fund) is described in a separate Prospectus which is available from the Development Office.

8. The Vice-Chancellor's Fund is unrestricted and can be applied for the general purposes of the Collegiate University. We would encourage you to give your gift on an unrestricted basis, so that it can be used by the University in the areas of greatest need.
9. However, if you would like to restrict your gift, we would invite you to specify one or other of the above Funds, as for example:

*"I give to Oxford University Development Trust Fund the sum of
< > pounds (£< >) for the Oxford Undergraduate
Scholarship Fund; and I direct that the receipt of the Trusts Administrator or
other proper officer of the Trust shall be a sufficient discharge to the executors
for this gift."*

If you do not specify any other Fund, your gift will be allocated to the Vice-Chancellor's Fund.

10. Each Fund will be able to hold three types of donation:
 - permanent endowment – which must be retained for a specific use and invested to produce an income;
 - expendable endowment – which can either be retained (and invested to produce an income) or spent, according to the discretion of the University acting through the Trusts Board of Management;
 - income – which must be spent within a reasonable period of time.

Unless a donor specifies either of the other types, all donations to the Oxford Graduate Scholarship Fund will be treated as permanent endowment; and all other donations will be treated as expendable endowment.

11. If you would like to be more specific about the application of your money within a particular Fund, we would ask you to add the following:

“I express the wish, without creating any trust or imposing any other legally-binding obligation, that ... [e.g. preference be given to undergraduates reading Archaeology and Anthropology]”

The University will take the greatest care to ensure that such wishes are carried out. With the passage of time, however, circumstances may arise in which it will no longer be possible to carry out your original intention. For example, a serious fall in the value of money, or changes in the rules governing the making of awards from public funds, may result in there being no competition for a scholarship or prize. In such an eventuality, there may well be other ways in which your desire to assist the study of a particular subject could be fulfilled, but unless the University is given some discretion it is often difficult to take any effective action without resort to the Charity Commission or the Courts. Obtaining a Court Order or a Charity Commission Scheme would incur significant costs, which would be chargeable to the trust fund. It is for this reason that we would prefer any expressions of wishes not to be legally binding.

Separate Trust Funds

12. The cost of running a small trust acts as a disproportionate drain on the resources of the trust. The University is concerned to minimise this administrative expense, which only becomes sensible when there is more than £100K in the trust. Even with those larger gifts, we would hope that most donors will be comfortable with one or more of the broad purpose Funds within OUDT (and expressions of wishes). However should you wish us to create a bespoke trust for a sum in excess of £100K, we will be happy to assist. Past experience has shown that the detailed regulations affecting any specific benefaction should not be left in the hands of executors or trustees who are not acquainted with University methods and circumstances; for otherwise the realisation of a benefactor's main wishes may be impeded. The University's Development and Legal Services Offices are always pleased to advise on the drawing up of any scheme, in consultation with the benefactor.

Protected Characteristics

13. If you wish to impose restrictions on your gift which relate to any of the characteristics protected under the Equality Act 2010 (for example nationality, sex or age), we may be unable to comply. Please consult the Development Office or the Legal Services Office.

The University's Brand

14. If as a corporate donor you wish to make use of the University's name or logo in your publicity, please contact the Legal Services Office. The University has a strategy for the protection of its brand through the registration of trade marks; and it will be necessary to document your use in an appropriate manner. You can view the strategy at <http://www.admin.ox.ac.uk/lso/faq/trademark.shtml>.

Tax-efficient Giving

15. A broad outline of the tax reliefs available on lifetime cash and other forms of gift to the University (for both UK-resident and overseas donors) can be found at http://www.campaign.ox.ac.uk/contribute/tax_efficient_giving/index.shtml. Any gifts to the University which result in benefits being provided to the donor may also have VAT implications, either in the form of UK VAT payable on contributions or possibly in the form of reverse charge VAT payable by corporate donors in territories where VAT or GST is levied (e.g. the EU, Canada, China and Japan).
- As mentioned above, the University, OUDT and the Colleges are all UK charities.
 - Tax exemption has been granted to the University (but not OUDT) in the USA pursuant to Section 501(c)(3) of the Internal Revenue Code. This means that private foundations, public charities, estates and charitable lead trusts can give in a tax-efficient manner directly to the University. However individual donors, and other benefactors who also need to satisfy the condition in Section 170(c) that the recipient organisation be created or organised in the States, should contact our North American Office (mcunningham@oxfordna.org) for details of our “American Friends” organisation – Americans for Oxford, Inc.
 - The University (but not OUDT) enjoys prescribed (tax exempt) status under Section 118.1 of the Canadian Income Tax Act as an institution which is empowered to confer degrees and which ordinarily includes, in its student body, students from Canada.
 - If you pay tax in another EU Member State, a donation to the University or OUDT may qualify for tax deductions in that Member State in the same way as a donation to a charity established in that Member State. Your home state may require you to provide certain evidence to establish the tax status of the University and the University’s objects must be recognised as charitable in your home state’s legislation. Unfortunately, not all Member States have yet extended their domestic charity tax reliefs and exemptions to foreign charities in accordance with European law and the mechanisms used vary from country to country, with some imposing additional restrictions. The scope of tax reliefs on donations also varies across the EU Member States. Whilst the University will be happy to assist you in providing evidence of its charitable status, if you would like to claim a tax deduction in another EU Member State, you should seek specialist local legal advice.
 - In Hong Kong, the University of Oxford China Office Limited is a registered charity under Section 88 of the Inland Revenue Ordinance. Gifts of HKD 100 or more may be claimed for tax deduction purposes. Further details can be obtained from the Oxford China Office in Hong Kong at info@oxforduchina.org.
 - For advice on the position in Japan, please refer to The University of Oxford Japan Office at oxford@abox4.so-net.ne.jp.

JCHA
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