

PASSAGES FROM ACTS OF PARLIAMENT RELATING TO THE UNIVERSITY OF CAMBRIDGE

FROM THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT 1923

An Act to make further provision with respect to the Universities of Oxford and Cambridge and the Colleges therein. [31st July 1923.]

Establishment of Commissions.
Duration of Commissions.

1. (1) There shall be two bodies of Commissioners to be styled respectively “the University of Oxford Commissioners” and “the University of Cambridge Commissioners”.....

5. The powers of the Commissioners shall continue in force until the end of the year nineteen hundred and twenty-five and no longer:

Provided that His Majesty in Council may, on the application of the Commissioners, continue their powers for such further period as His Majesty may think fit, but not beyond the end of the year nineteen hundred and twenty-seven.

Duties of Commissioners.

6. (1) Subject to the provisions of this Act, the Commissioners shall, from and after the first day of January, nineteen hundred and twenty-five, make statutes and regulations for the University, its colleges and halls, and any emoluments, endowments, trusts, foundations, gifts, offices, or institutions in or connected with the University in general accordance with the recommendations contained in the Report of the Royal Commission, but with such modifications (not being modifications directly dealing with the curriculum or course of study in the University) as may, after the consideration of any representations made to them, appear to them expedient.

(2) In making any statutes or regulations under this Act, the Commissioners shall have regard to the need of facilitating the admission of poorer students to the Universities and colleges.

Power of Universities and colleges to alter statutes.

7. (1) A statute affecting the University made by the Commissioners or by any other authority, not being a statute made for a college, shall be subject to alteration from time to time by statute made by the University under this Act, but, if and in so far as any such statute (not being a statute prescribing the scale or basis of assessment of the contributions to be made by the colleges to University purposes) affects a college, it shall not be subject to alteration except with the consent of the college.

(2) A statute for a college made by the Commissioners, and any statute, ordinance or regulation made by or in relation to a college under any authority other than that of this Act, shall be subject to alteration from time to time by statute made by the college under this Act and passed at a general meeting of the governing body of the college specially summoned for the purpose by the votes of not less than two-thirds of the number of persons present and voting:

Provided that –

(a) notice of any proposed statute for a college shall be given to the University before the statute is submitted to His Majesty in Council; and

(b) a statute made for a college which affects the University shall not be altered except with the consent of the University.

(3) The provisions contained in this Act (including the provisions of the Schedule to this Act) with respect to the making of statutes by the Commissioners and to the proceedings to be taken after the making thereof in connection with statutes made by the Commissioners, and to the effect thereof after approval, shall, with the necessary substitutions, apply to the making of statutes by the University or by a college and to the proceedings to be taken in connection with statutes made by the University or a college, and to the effect of such statutes.

Statutes relating to trusts and college contributions to University purposes.

8. (1) No statute shall be made under any of the provisions of this Act for altering a trust, except with the consent of the trustees or governing body of the trust, unless sixty years have elapsed since the date on which the instrument creating the trust came into operation, but nothing in this subsection shall prevent the making of a statute increasing the endowment of any emolument or otherwise improving the position of the holder thereof.

(2) In the making of any statute by the University, prescribing or altering the scale or basis of assessment of contributions to be made by the colleges to University purposes, regard shall be had in the first place to the needs of the several colleges in themselves for educational and other collegiate purposes.

Application for purposes of the Act of certain provisions of 40 & 41 Vict. c. 48.

10. The provisions of the Universities of Oxford and Cambridge Act 1877 shall, as set out with modifications in the Schedule to this Act, apply to the Commissioners appointed under this Act and to their procedure, powers and duties and to any statutes made by them as if they were re-enacted with the said modifications in this Act.

11. (1) It shall be lawful for the University to make a scheme for establishing a superannuation fund for the benefit of persons in the employment of the University, not being members of its administrative or teaching staff, and for a college to adopt in relation to persons in the employment of the college, not being members of its administrative or teaching staff, any scheme so made.

Power to establish superannuation funds for certain university and college employees.

(2) The provisions of this Act relating to the making of statutes, ordinances and regulations by the University or a college shall not apply to any statutes, ordinances or regulations made for the purposes of this section.

(3) Nothing in this section shall be taken to be in derogation of or to affect the duties of the Commissioners or the powers of the University or a college under the foregoing provisions of this Act.

12. This Act may be cited as the Universities of Oxford and Cambridge Act 1923.

Short title.

SCHEDULE:

PROVISIONS OF THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT 1877,
APPLIED FOR PURPOSES OF THIS ACT¹

2. In this Act –

“The University” means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require):

Interpretation.

“The Senate” means the Senate of the University of Cambridge:

“College” means a College in the University, and includes the Cathedral or House of Christ Church in Oxford:

“Hall” means St Edmund Hall, in the University of Oxford:.....

“The Governing Body” of a College means, as regards the Colleges in the University of Cambridge, except Downing College, the head and all actual fellows of the College, bye-fellows excepted, being graduates, and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates:

“Emolument” includes –

- (1) A headship, professorship, lectureship, readership, prælectorship, fellowship, bye-fellowship, tutorship, studentship, scholarship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, subsizarship, or other place in the University or a College or the Hall, having attached thereto an income payable out of the revenues of the University or of a College or the Hall, or being a place to be held and enjoyed by a head or other member of a College or the Hall as such, or having attached thereto an income to be so held and enjoyed, arising wholly or in part from an endowment, benefaction, or trust; and
- (2) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a College or the Hall as such, and any fund, endowment, or property held by or on behalf of the University or a College or the Hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the University or College or Hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member;.....

“School” means a school or other place of education beyond the precincts of the University, and includes a College in Scotland:

“Advowson” includes right of patronage, exclusive or alternate.

14. The Commissioners, in exercising their power to make a statute, shall have regard to the main design of the founder of any institution or emolument which will be affected by the statute, except where that design has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the institution or emolument have been altered in substance by or under any other Act.

Regard to main design of founder.

15. The Commissioners, in making a statute, shall have regard to the interests of education, religion, learning and research, and in the case of a statute which affects a College or the Hall shall have regard, in the first instance, to the maintenance of the College or Hall for those purposes.

Provision for education, religion, &c.

20. Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the voluntary continuance of

Power to allow continuance of voluntary payments.

¹ As amended by the Selwyn College Cambridge Act 1988 and the Keble College Oxford Act 1988.

any voluntary payment that has been used to be made out of the revenues of the College in connection with the College estates or property.

Distinction of University and College Statutes.

30. A statute made by the Commissioners may, if the Commissioners think fit, be in part a statute for the University, and in part a statute for a College or the Hall.

The Commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the University or for a College or the Hall therein named; and the declaration in that behalf of the Commissioners shall be conclusive, to all intents.

If any statute is in part a statute for a College or the Hall, it shall, for the purposes of the provisions of this Act relative to the representation of Colleges and the Hall, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the College or Hall.

Communication of proposed statutes for University, &c. to Council, &c.

31. Where the Commissioners contemplate making a statute for the University or a statute for a College or the Hall containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, and to the Head and to the Visitor of the College affected thereby, or to the Principal of the Hall, and in the University of Cambridge to the Council of the Senate and to the Governing Body of the College affected thereby.

The Commissioners shall take into consideration any representation made to them by the Council, College, Visitor, Principal, or Governing Body respecting the proposed statute.

Within seven days after receipt of such communication by the Council, the Vice-Chancellor of the University shall give public notice thereof in the University.

Publication of proposed statutes for Colleges and Halls.

32. Where the Commissioners contemplate making a statute for a College or the Hall, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Head, and in the University of Oxford the Visitor, of the College, and to the Principal of the Hall.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

Saving for existing interest.

34. Any statute made by the Commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College or the Hall, or been elected or appointed to a University or College emolument, or acquired a vested right to be elected or appointed thereto.....

Submission of statutes to His Majesty in Council.

45. The Commissioners, within one month after making a statute, shall cause it to be submitted to His Majesty in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).....

Petition against statute.

46. At any time within eight weeks (exclusive of any University vacation) after the gazetting of a statute, the University or the Governing Body of a College, or the trustees, governors, or patron of a University or College emolument, or the Principal of the Hall, or the Governing Body of a school, or any other person or body, in case the University, College, emolument, Hall, school, person, or body, is directly affected by the statute, may petition His Majesty in Council for disallowance of the statute, or of any part thereof.

Reference to Committee.

47. It shall be lawful for His Majesty in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for His Majesty in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

Disallowance by Order in Council.

48. If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for His Majesty in Council to disallow the statute or that part, and thereupon the statute or that part shall be of no effect.....

Statutes not referred, or not disallowed, to be laid before Houses of Parliament.

49. If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

If a statute is referred to the Universities Committee, and the Committee do not report that the same ought to be wholly disallowed or to be remitted to the Commissioners, then as soon as conveniently may be after the report of the Universities Committee thereon, the statute, or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

50. If neither House of Parliament, within four weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying His Majesty to withhold his consent thereto, it shall be lawful for His Majesty in Council by Order to approve the same.

Approval of statutes by Order in Council.

51. Every statute or part of a statute made by the Commissioners, and approved by Order in Council, shall be binding on the University and on every College and on the Hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, decree, order, statute, or other instrument, or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation, or endowment, or otherwise regulating the University or a College or the Hall.

Statutes to be binding and effectual.

52. If after the cesser of the powers of the Commissioners any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University of Cambridge, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the Registry of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

Power in Cambridge for Chancellor to settle doubts as to meaning of University statutes.

57. Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act 1871.

Saving for Tests Act, 34 & 35 Vict. c. 26.

FROM THE EDUCATION REFORM ACT 1988

202.—(1) There shall be a body of Commissioners known as the University Commissioners (in this section and sections 203 to 207 of this Act referred to as “the Commissioners”) who shall exercise, in accordance with subsection (2) below, in relation to qualifying institutions, the functions assigned to them by those sections.

The University Commissioners.

(2) In exercising those functions, the Commissioners shall have regard to the need—

- (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;
- (b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

(3) The following are qualifying institutions for the purposes of this section and sections 203 to 206 of this Act, namely—

- (a) any university or other institution to which, during the period of three years beginning 1st August 1987, grants in aid are or have been made by the Universities Funding Council, or by the Secretary of State acting on the advice of the University Grants Committee;
 - (b) any constituent college, school or hall or other institution of a university falling within paragraph (a) above; and
 - (c) any institution not falling within paragraph (a) above which is authorised by charter to grant degrees and to which, during the period of three years beginning 1st August 1987, grants are or have been made by the Secretary of State.
- (4) Schedule 11 to this Act shall have effect with respect to the Commissioners.

203.—(1) The Commissioners shall exercise the powers conferred by section 204 of this Act with a view to securing that the statutes of each qualifying institution include—

Duty of Commissioners.

- (a) provision enabling an appropriate body, or any delegate of such a body, to dismiss any member of the academic staff by reason of redundancy;
- (b) provision enabling an appropriate officer, or any delegate of such an officer, acting in accordance with procedures determined by the Commissioners, to dismiss any member of the academic staff for good cause;
- (c) provision establishing disciplinary procedures determined by the Commissioners for dealing with any complaints made against any member of the academic staff relating to his appointment or employment;

- (d) provision establishing procedures determined by the Commissioners for hearing and determining appeals by any members of the academic staff who are dismissed or under notice of dismissal (whether or not in pursuance of such provision as is mentioned in paragraph (a) or (b) above) or who are otherwise disciplined; and
- (e) provision establishing procedures determined by the Commissioners for affording to any member of the academic staff opportunities for seeking redress for any grievances relating to his appointment or employment.

(2) No provision such as is mentioned in subsection (1)(a) or (b) above which is included in the statutes of a qualifying institution by virtue of section 204 of this Act shall enable any member of the academic staff to be dismissed unless the reason for his dismissal may in the circumstances (including the size and administrative resources of the institution) reasonably be treated as a sufficient reason for dismissing him.

(3) Where any such provision as is mentioned in subsection (1) above is included in the statutes of a qualifying institution (whether by virtue of section 204 of this Act or otherwise) and—

- (a) there is no requirement for any instrument which would have the effect of modifying the provision to be approved by Her Majesty in Council or to be laid before both Houses of Parliament; and
- (b) but for this subsection, there would be no requirement for such an instrument to be approved by the Privy Council;

the Commissioners shall exercise the powers conferred by that section with a view to securing that no instrument which would have the effect of modifying the provision shall have that effect unless it has been approved by the Privy Council;

(4) Any reference in this section to academic staff includes a reference to persons whose terms of appointment or contracts of employment are, in the opinion of the Commissioners, so similar to those of academic staff as to justify their being treated as academic staff for the purposes of this section.

(5) For the purposes of this section the dismissal of a member of staff shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to —

- (a) the fact that the institution has ceased, or intends to cease, to carry on the activity for the purposes of which he was appointed or employed by the institution, or has ceased, or intends to cease, to carry on that activity in the place in which he carried out his work; or
- (b) the fact that the requirements of that activity for members of staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

(6) For the purposes of this section “good cause”, in relation to a member of the academic staff of a qualifying institution, means a reason which is related to his conduct or to his capability or qualifications for performing work of the kind which he was appointed or employed to do; and in this subsection—

- (a) “capability”, in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
- (b) “qualifications”, in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by him.

(7) In this section—

“appropriate”, in relation to a body or officer of a qualifying institution, means appearing to the Commissioners to be appropriate having regard to the nature and circumstances of the institution; “dismiss” and “dismissal”—

- (a) include remove or, as the case may be, removal from office; and
- (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

(8) In this section and sections 204 to 206 of this Act “statutes”, in relation to an institution, includes any regulations, ordinances or other instruments which, in the opinion of the Commissioners, serve as statutes for the purposes of that institution and are designated as such by the Commissioners.

204.—(1) For the purpose of performing the duty imposed on them by section 203 of this Act, the Commissioners may make such modifications of the statutes of any qualifying institution as they consider necessary or expedient.

(2) Modifications made for the purpose of securing that the statutes of a qualifying institution comply with the requirements of section 203(1)(a) of this Act shall not apply in relation to a person unless—

- (a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or
- (b) he is promoted on or after that date.

(3) For the purposes of this section a person shall be taken to be promoted on or after 20th November 1987 if (and only if) immediately before that date he is paid on a scale which provides for a maximum rate of remuneration (his former pay scale) and on or after that date the terms of his appointment, or of his contract of employment, are varied (whether with effect before or after that date) so that—

- (a) his rate of remuneration is increased to a rate which exceeds the highest point on his former pay scale at the date on which the increase takes effect; or
- (b) he is paid on another scale on which the highest point at the date the variation takes effect exceeds the highest point on his former pay scale at that date; or
- (c) he is paid on a basis which does not provide for a maximum rate of remuneration.

(4) For the purposes of subsection (3) above references, in relation to a pay scale, to the highest point on the scale at any date are references to the maximum rate of remuneration payable at that date in accordance with the scale whether on a regular or a discretionary basis.

(5) For the purposes of this section a person holding an office or position of any description shall not be taken to be promoted by reason only of any general variation of the terms of appointment or of contracts of employment of persons holding offices or positions of that description.

(6) Modifications such as are mentioned in subsection (2) above shall not apply in relation to a person who held an office or position at the institution in question immediately before 20th November 1987 by reason only of the fact that—

- (a) he is appointed to, or employed in, a different office or position at the institution instead of his former office or position if the terms of his appointment or of his contract of employment which relate to remuneration are the same as those of his former appointment or contract of employment;
- (b) he is appointed to, or employed in, an additional office or position at the institution which carries no remuneration; or
- (c) he is promoted or is appointed to, or employed in, a different office or position at the institution if he is so promoted, appointed or employed only on a temporary basis for a particular purpose with an expectation that the promotion will cease to have effect, or that he will resume his former office or position, when that purpose is accomplished.

(7) Modifications made for the purpose of securing that the statutes of a qualifying institution comply with the requirements of section 203(1)(b) of this Act shall not apply in relation to anything done or omitted to be done before the date on which the instrument making the modifications is approved under subsection (9) below.

(8) Subject to subsections (2) to (7) above, the Commissioners' powers under this section include power to make such incidental, supplementary and transitional provision as they consider necessary or expedient.

(9) No instrument made in the exercise of the Commissioners' powers under this section shall have effect unless it has been approved by Her Majesty in Council.

PROCEDURE FOR MAKING A STATUTE FOR A COLLEGE

The procedure for making a College Statute is prescribed by the Universities of Oxford and Cambridge Act 1923. The following provides information on the steps to be taken in assessing whether a proposed College Statute affects the University.

- (1) Proposed College Statutes should be sent to the Vice-Chancellor, who within seven days of receipt shall give public notice of the proposed Statute by publishing a notice in the *Reporter* or by posting a notice outside the Senate-House, describing where the text of it may be seen.
- (2) When the Vice-Chancellor has given public notice of a proposed Statute, the Council will consider it, and will then announce:
 - either* (a) that in their opinion the proposed Statute alters a Statute which affects the University, and may not be made without the consent of the University; but that the interests of the University are not prejudiced by it, and that they will bring before the Regent House a Grace for the grant of the necessary consent;
 - or* (b) that in their opinion the proposed Statute alters a Statute which affects the University, and may not be made without the consent of the University; that the interests of the University are prejudiced by it and that they will bring before the Regent House a Grace for the refusal of the necessary consent;
 - or* (c) that in their opinion the proposed Statute makes no alteration of any Statute which affects the University, and does not require the consent of the University; that the interests of the University are not prejudiced by it, and that they have resolved to take no action upon it;
 - or* (d) that in their opinion the proposed Statute makes no alteration of any Statute which affects the University, and does not require the consent of the University; but that the interests of the University are prejudiced by it, and that they have accordingly resolved to petition Her Majesty in Council for its disallowance, or for the disallowance of part of it.
- (3) When the Vice-Chancellor makes an announcement under sub-paragraph (a) or sub-paragraph (c) above, the Grace seeking the consent of the Regent House or the resolve of the Council to take no action, as the case may be, must be subject to a time limit, and the Council has determined that this limit shall be one year. Any such Grace or announcement will include a statement that it is subject to the proviso that the proposed Statute be submitted to the Privy Council by a specified date (that is to say a date one year later than the date of the announcement) after which date the Council will wish to reconsider the proposed Statute.
- (4) If, after a proposed Statute has been submitted to the Privy Council, the Vice-Chancellor is informed that the Governing Body of a College wish to make further alterations of it, the procedure set out above should be followed afresh in its entirety, except in the following case. After giving public notice in accordance with sub-paragraph (3) above of receipt of the further alterations, the Vice-Chancellor may, if it is clear that the alterations are of a minor character and will not render the Statute substantially different from the Statute which was the subject of the earlier announcement under sub-paragraph (a) or sub-paragraph (c), in due course and after consultation with the Privy Council, as appropriate, give notice that no further statement on behalf of the University is required.

RULES OF PROCEDURE MADE BY THE COMMISSARY UNDER STATUTE A IX 7

1. The review jurisdiction of the Commissary is established by the Statutes of the University. These rules of procedure bind the parties in any particular case. They are subject to the provisions of Statute A I 13 and A IX 3–10.

2. The Commissary will not consider applications about matters excluded under the provisions of Statute A IX 3.

3. A member of the University submitting a matter to the Commissary must do so in writing, using the approved application form. The applicant shall send three copies of the form and of the accompanying material to the Commissary at the specified address.

4. An application for review by the Commissary shall not, without the leave of the Commissary, which will only be given in exceptional circumstances, be made later than three months after the date of the matter in respect of which review is requested.

5. The applicant must, in the application and accompanying material, make a full declaration of the material facts and circumstances, and may not introduce new material thereafter without the leave of the Commissary.

6. All material submitted in a particular case will be disclosed by the Commissary to the parties and to the person or persons nominated by the Council to make representations for the University.

7. The Commissary will refer an application (other than one rejected as vexatious, frivolous, or out of time) to any other party and to the University representative nominated by the University Council. These persons will be asked to make a written response. The Commissary will refer these responses to the applicant, who may make a written statement about them. This statement will be sent by the Commissary to the other parties and to the University representative.

8. Upon receipt of the statements referred to in rule 7 the Commissary will direct whether the matter will be dealt with on the basis of written representations or at an oral hearing. The Commissary's direction in this regard will be communicated in writing.

9. The procedure for any oral hearing will be determined by the Commissary in any particular case.

10. Any power or function of the Commissary under these rules may be exercised or discharged by a duly appointed Deputy.