

## TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPER 3: THE CHANCELLOR AND THE GOVERNMENT OF THE UNIVERSITY (STATUTE A)

30 June 2011

### THE CHANCELLOR AND THE GOVERNMENT OF THE UNIVERSITY

This paper is issued as part of the process of technical review of the Statutes, and Ordinances, authorised by Grace 10 of 21 July 2010, following the Report of the University Council dated 14 June 2010 (*Reporter*, 2009–10 p. 992). The paper has been considered and approved by the Technical Advisory Group chaired by Professor David Yates.

#### Summary

This paper makes suggestions about the present Statutes A and C, and related matters. An exposure draft of suggested amendments is set out later in the paper. Elements of the present Statutes C, D, and K are also included. It was suggested in consultation paper 1 that the present Statute J (about the Press) should be incorporated as a schedule but it has been represented by the Press Syndicate that a separate Statute for the Press is still necessary. Therefore no change in this regard is now proposed, and the present Statute J will continue until separately amended or repealed on the eventual recommendation of the Council.

#### Comments

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge CB2 1TN (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. All comments will be considered and a draft Report of the Council to the University will then be prepared for Discussion and eventual submission for approval in principle, through the ordinary University processes.

#### Explanation of the changes suggested

The suggested Statute makes provision for:

##### Chapter I. The Senate and the high officers

Provision is made for the election of the Chancellor and the High Steward not necessarily to be in person; and eligibility for membership of the Senate, which is the historic governing body of the University, is re-stated to give primacy to degrees (this does not affect the actual membership).

##### Chapter II. Powers of the University

This chapter states Powers which the University can exercise.

##### Chapter III. The Regent House

This chapter makes provision for the functions and composition of the Regent House, and provides for a new category of Special Ordinances (section 3) to be made after Report, and for other Ordinances. Section 6 will include provision for age limits, but the necessary continuing policy has not yet been determined.

##### Chapter IV. The Council and its committees

This chapter re-states existing provision about the Council. It also declares that the members of the Council are the charity trustees for the University and requires individual acknowledgement of this role. In view of the potentially onerous obligations which flow from this, section 2(d) permits, but does not require, the election of student members.

##### Chapter V. The General Board, the Schools, Faculties and Departments

This chapter makes simplified provision for the General Board and for these other institutions (and some others), in accordance with current practice within the University. Much present statutory provision (in the present Statute C) is not included in the suggested Statute. This will be updated and presented as draft Ordinances in due course.

##### Chapter VI. Boards and Syndicates

This chapter makes provision for Boards and Syndicates.

##### Chapter VII. The Board of Scrutiny

This chapter re-states the present powers and responsibilities of the Board of Scrutiny, and transfers some detailed provisions for the eligibility and election of members to Ordinances.

**Chapter VIII. Conduct of business**

This chapter provides for the conduct of Regent House and similar business to be regulated by Special Ordinance.

**Chapter IX. Review**

This chapter re-states existing provision for the review of alleged breaches of the Statutes and Ordinances (present Statute K, 5), declaration of the meaning of a Statute (present Statute K, 2) and quasi-visitorial review by the Commissary (present Statute D, V). The opportunity has been taken to exclude from the Commissary's jurisdiction student applications which are subject to review by the national Independent Adjudicator.

**Chapter X. Miscellaneous provisions**

This chapter deals with interpretation, commencement and transitional provision etc. of general application. Some other matters not currently included elsewhere are included here.

**Suggested explanatory notes to appear with the revised Statute if approved**

(These notes do not form part of the Statute.)

**Chapter I** states the statutory provision for the Chancellor, the High Steward, the Deputy High Steward and the Commissary, including for their election or appointment. It states the composition of the Senate, the historic governing body of the University, and makes provision for resignation from membership of the Senate.

**Chapter II** states powers of the University.

**Chapter III** is about the Regent House, and identifies its electoral, deliberative and legislative functions. Section 3 provides for Ordinances and Orders, including Special Ordinances to be approved by Grace following a Report of the Council, which is to state the main purposes of a proposed Special Ordinance.

**Chapter IV** states the responsibilities and composition of the Council, and the requirement for Finance and Audit Committees. The responsibilities of the Council mean that its members are the [principal] charity trustees for the University for the purposes of the Charities Acts. The Statute requires members of the Council individually to acknowledge this role.

**Chapter V** states the responsibilities of the General Board, and its composition, and provides for the Schools, their Councils and Heads, Faculties, Faculty Boards, Departments and Degree Committees. Detailed provisions are to be made by Ordinance, or by regulations made by the General Board.

**Chapter VI** makes provision for Boards and Syndicates.

**Chapter VII** deals with the constitution and responsibilities of the Board of Scrutiny.

**Chapter VIII** makes provision for the conduct of business, especially in the Regent House. Detailed provision is to be made by Special Ordinance or by ordinary Ordinance.

**Chapter IX** sets out or makes provision for review of various matters.

**Chapter X** makes miscellaneous provisions.

**Suggested draft revised Statute****STATUTE A****THE CHANCELLOR AND THE GOVERNMENT OF THE UNIVERSITY****Chapter I****The Chancellor, the Senate, the High Steward, the Deputy High Steward and the Commissary****The Chancellor**

1. The Chancellor is to be elected by the Senate and holds office, in accordance with the laws and customs of the University, until he or she voluntarily resigns or until the Senate otherwise determines.

2. The manner of nominating candidates, of taking votes in an election, and of determining the result of the election can be prescribed by Ordinance and unless so prescribed is as has been customary heretofore. When an election has taken place, an instrument of election must be sealed as soon as conveniently may be, and must be delivered to the person elected without delay.

3. The Chancellor can call Congregations of the Regent House, and can admit candidates to degrees and titles of degrees. The Chancellor can see that officers of the University duly perform their duties.
4. The Chancellor must perform the duties prescribed by Statute or Ordinance.
5. If the office of Chancellor is vacant, the duties and powers of the Chancellor which are not discharged by the Vice-Chancellor are to be discharged by the High Steward (or the Deputy High Steward).

#### **The Senate**

6. The Senate consists of:

(a) the Chancellor and the Vice-Chancellor;

(b) all persons who hold any of these complete degrees of the University: any Doctor's degree; any Master's degree; the degree of Bachelor of Divinity;

(c) all other persons whose names were inscribed on the Roll of the Regent House at the time of the last promulgation.

7. If any member of the Senate informs the Registry that he or she wishes to resign his or her membership of the Senate and if the Council deems the reasons given sufficient and permits the resignation, that person ceases forthwith to be a member of the Senate, and cannot be reinstated except by a subsequent decision of the Council which cannot be taken until a period of five years has elapsed from the date of removal. Any person who suffers suspension or deprivation of any degree is not be a member of the Senate during such suspension or deprivation.

8. The Senate must make Ordinances regulating its own procedure.

#### **The High Steward, the Deputy High Steward and the Commissary**

9. The High Steward is to be elected by the Senate. The arrangements prescribed by Statute and Ordinance for the election of the Chancellor apply to the election of the High Steward. The Deputy High Steward is appointed by the High Steward, by Letters Patent. The High Steward and the Deputy High Steward must perform the duties as have heretofore been customary and the duties prescribed by Statute or Ordinance. When the office of High Steward is vacant the duties of that office are undertaken by the Deputy High Steward.

10. The Commissary is to be appointed by Letters Patent by the Chancellor. The Commissary must have judicial or quasi-judicial experience or be legally qualified, and cannot hold any other office in the University or a College. In the event of a vacancy in the office of Commissary the Chancellor must appoint an Acting Commissary who has the full powers of the Commissary to act under the provisions of the Statutes until a newly appointed Commissary takes office. The Commissary must perform the duties as have heretofore been customary and duties prescribed by Statute or Ordinance. In the discharge of his or her duties under Statute A, IX the Commissary is not under the direction of the Council, nor of any other authority in the University.

11. The Chancellor, the High Steward, the Deputy High Steward and the Commissary can resign and the Senate can terminate tenure of the office.

## **Chapter II**

### **Powers of the University**

1. For the encouragement of learning, the maintenance of good order and discipline, and the management of its affairs, the University must make Ordinances, and Orders (whether by way of exception to an Ordinance or otherwise). No Ordinance or Order can contravene any provision of the Statutes.
2. The University can levy fees and other charges for any purpose or purposes connected with the University. [Other financial powers may be transferred here from Statute F, III ]
3. Subject to the provisions of the Statutes about University officers, the University can engage persons for employment in the service of the University, must determine their salaries and pensions (if any), and must prescribe the conditions of their service. [This may be transferred to Statute C]
4. The University can accept benefactions, and can accept a benefaction even if the conditions are at variance with the Statutes.
5. Subject to the provisions of the Statutes, the University can make Ordinances for the exercise of any of the powers specified in sections 2–4 above.
6. The University can make Ordinances under which fines may be imposed by a University authority.

7. (a) The University is to have a Great Common Seal and a Common Seal, and can give authority for either of the seals to be affixed to a document or to a class of documents. Neither seal can be affixed without such authority, except when authority has been given in some other manner for which provision is made by Statute.

(b) The Great Common Seal must be kept in some secure place, in a chest fastened with three locks, the keys of which shall be severally kept by the Vice-Chancellor and the Proctors; it cannot be affixed to any document except in the presence of the Vice-Chancellor or a duly appointed deputy and the Proctors or their deputies.

(c) The Common Seal must be kept in some secure place, and must be fastened with two keys, which must be severally kept by the Vice-Chancellor (or by a Pro-Vice-Chancellor designated from time to time by the Vice-Chancellor, such designation to be published), and by the Registrar; it cannot be affixed to any document except in the presence of those officers or deputies duly appointed by them.

8. Titles of degrees can be granted *honoris causa* to members of the Royal Family, to British subjects who are of conspicuous merit or have done good service to the State or to the University, and to foreigners of distinction.

### Chapter III

#### The Regent House

1. The Regent House is the governing body of the University. It has electoral, deliberative and legislative functions.

2. Any power of making, altering, or repealing Statutes assigned to the University by the Universities of Oxford and Cambridge Act 1923, or by any other Act of Parliament, is exercised by the Regent House.

3. The Regent House must make Ordinances and Orders. An ordinary Ordinance must be made by Grace. A Special Ordinance must be made (or amended) by Grace, after issue of a Report to the University by the Council, which must state the main purpose of the proposed Special Ordinance. An Order is made by Grace.

4. Whenever it is provided that an act or thing must or can be done or determined by the University, that must be done or determined by Grace of the Regent House unless it is expressly stated that it is to be done or determined otherwise, but it can be provided by Ordinance for the Council or another University authority to act in such matters.

#### Membership of the Regent House

5. The members of the Regent House at any time are to be those living persons whose names are on the Roll of the Regent House at the time of the last annual promulgation by the Registrar in accordance with arrangements approved by Ordinance. The following must be included in the Roll:

(a) The Chancellor, the High Steward, the Deputy High Steward, the Commissary, and the members of the Council in class (e);

(b) other University officers and persons treated as such under Statute J, 7;

(c) Heads of Colleges;

(d) Fellows of Colleges, conforming to conditions of residence set by Ordinance;

(e) other persons holding appointments in the University or a College in such categories and subject to such qualifying periods of service as are set by Ordinance.

6. [Provision for age limits to be added when current deliberations concluded]

### Chapter IV

#### The Council and its Committees

1. (a) The Council is the principal executive and policy-making body of the University. The Council has general responsibility for the administration of the University, for the planning of its work, and for the management of its resource; it must take such action as is necessary for it to discharge these responsibilities and has power to do so. It must also perform such other executive and administrative duties assigned to it by Statute, Ordinance or Order, or by or under any Act of Parliament or other legislation binding the University.

(b) The members of the Council are the [principal] charity trustees for the University, for the purposes of the Charities Acts, and must individually acknowledge their responsibility.

(c) The Council has the right of reporting to the University. It must advise the Regent House on matters of general concern to the University.

(d) The Council must make an Annual Report to the University, and must submit a Grace to the Regent House for its approval.

(e) The Council can submit Graces to the Regent House and the Senate. The procedure for the submission of Graces must be prescribed by Special Ordinance. All Graces submitted require the sanction of the Council.

(f) The Council must oversee the work of institutions in the University which are placed under its supervision, and must ensure that the University officers assigned to those institutions are satisfactorily performing the duties and fulfilling the conditions of tenure of their offices.

### **The composition of the Council**

2. The Council consists of the Chancellor, the Vice-Chancellor and other elected or appointed members in the following classes:

#### **Members elected by the Regent House (to serve for four years)**

(a) four Heads of Colleges;

(b) four Professors or Readers;

(c) eight members of the Regent House who are not Heads of Colleges, Professors or Readers;

#### **Elected student members (to serve for one year)**

(d) provision can be made by Special Ordinance for not more than three student members, of whom at least one must be a graduate student.

#### **Appointed members (to serve for four years)**

(e) four persons appointed by Grace of the Regent House who at the time of appointment are not qualified to be members of the Regent House except under Statute A, III, 5(a), nor are employees of the University or a College, one of whom must be designated by the Council to chair the Audit Committee of the Council.

3. Detailed provision for periods of service, nomination, election (or appointment), tenure and continuing eligibility must be made by Special Ordinance. Provision must be made by Special Ordinance for the filling of casual vacancies by resignation, death, disqualification or otherwise and for bye-elections.

4. No person can be elected or appointed a member of the Council after attaining the age of seventy years. [This section is under separate review.]

### **The Chairman and the Deputy Chairman**

5. (a) The Chairman of the Council is the Vice-Chancellor, but the Chancellor has the right to take the chair at any meeting of the Council at which he or she is present. If neither the Chancellor nor the Vice-Chancellor is present, the Chairman is to be a member of the Council appointed by the Vice-Chancellor to act, failing which some other member of the Council chosen by the members present.

(b) The Council must designate a member of the Council in classes (a), (b), (c), or (e), as Deputy Chairman of the Council, who can take the chair at such proceedings of the Council, notwithstanding that the Chancellor or the Vice-Chancellor is present, or otherwise, as the Council determines from time to time.

### **Frequency of meetings and quorum**

6. The Council must meet at least twice in each term. No business can be transacted at a meeting unless at least nine members are present.

### **Committees of the Council**

7. There must be standing Finance and Audit Committees of the Council. The Council can appoint other committees, whether standing or occasional.

### **Finance Committee**

8. The Finance Committee consists of the Vice-Chancellor, or a duly appointed deputy, as Chairman, and other persons elected or appointed as prescribed by Special Ordinance. The Committee must include three persons elected by representatives of the Colleges, and not less than three members of the Committee (including the Vice-Chancellor) must be members of the Council.

9. The Finance Committee must advise the Council on the management of the University's assets, including real property, moneys, and securities; investments, reserves and income and expenditure and must undertake other duties assigned to it by Statute or Ordinance or by the Council.

**Audit Committee**

10. Subject to the provisions of Statute A, IV, 2(e), the composition of the Audit Committee is to be determined by Special Ordinance. The Audit Committee must perform the duties assigned to it by Statute or Ordinance, or by the Council.

**Chapter V****The General Board, the Schools, Faculties and Departments****The General Board of the Faculties**

1. (a) Subject to the powers of the Regent House, and subject to the responsibilities of the Council under Statute A, IV, 1, the General Board of the Faculties (“the General Board”) is responsible for the academic and educational policy of the University, and must advise the University on questions relating to such policy. It must promote excellence both in education and research. The General Board is accountable to the Council for its management of the University’s academic and educational affairs. It must make an Annual Report to the Council on the discharge of its duties. It must fulfil the duties placed on it by Statute or Ordinance.

(b) The General Board must ensure that the University officers assigned to the institutions under its supervision are satisfactorily performing the duties and fulfilling the conditions of tenure of their offices.

2. The General Board consists of the following:

(a) the Vice-Chancellor, as Chairman;

(b) eight members of the Regent House appointed by the Councils of the Schools to serve for four years in accordance with arrangements determined by or under Special Ordinance;

(c) four members of the Regent House appointed by the Council, to serve for four years; three or more members of the Board (including the Vice-Chancellor) must be members of the Council; if a member of the Board ceases to be a member of the Council he or she does not thereby cease to be a member of the Board;

(d) two members elected by and from the students of the University to serve for one year, of whom one must be from among those certified by the Registry to be undergraduate students, and one from among those certified by the Registry to be graduate students. The term ‘student in the University’ and ‘graduate student’ must be defined by or under Ordinance.

If any member of the General Board becomes Vice-Chancellor, that place becomes vacant.

3. The Registry or a University officer designated from time to time by the Council after consultation with the General Board is its Secretary. The General Board must meet at least twice in each term, but the Chairman can cancel any meeting if there is insufficient business. No business can be transacted at a meeting unless five members at least are present.

**The Schools**

4. On the recommendation of the General Board the University must by Special Ordinance establish Schools. All Faculties and Departments must be assigned to a School by Special Ordinance, and other institutions under the supervision of the Board can be so assigned by Ordinance.

5. There is a Council of each School. The composition of each Council must be determined by Ordinance. The duties of the Council of a School include:

(a) preparation of academic and financial plans, and reports, as the General Board determines;

(b) allocation of funds available to it between the institutions in the School;

(c) working with the institutions in the School to ensure that academic plans are consistent, realistic, and affordable;

(d) consideration of any matter referred to it by the General Board and discharge of any responsibilities assigned to it by the General Board.

6. There is to be the University office of Head of each School. The Head is Chairman of the Council of the School and is the principal academic officer of the School. The Head is responsible to the Council of the School, the General Board, and the Vice-Chancellor for the overall running of the School, including for the use of the funds specified under 5(b) and the implementation of the approved plans referred to in 5(a).

**Faculties, Faculty Boards, Departments and Degree Committees**

7. A Faculty is a body of persons in the University associated in accordance with the Statutes for the purpose of furthering the study of a subject or subjects. Faculties are established by Ordinance on the recommendation of the General Board. Each Faculty must be assigned to a School. Provision must be made by Ordinance for the membership of Faculties, and for the composition of Faculty Boards.

8. Each Faculty Board is responsible to the General Board (and the Council of the School concerned) for ensuring the provision of appropriate instruction and adequate facilities for research in the subjects of the Faculty, for preparing the teaching programme of the Faculty, and for ensuring that teaching given is of a high standard.

**Departments**

9. On the recommendation of the General Board, the University can constitute one or more Departments within any Faculty, can constitute Departments independent of any Faculty but within a School and under the supervision of the General Board, or can suppress any Department. There must be a Head of each Department, appointed in accordance with regulations made by the General Board. Subject to the powers of the Council of the School, the Faculty Board or comparable authority and subject to the Ordinances and to regulations made by the General Board, the Head of a Department:

(a) must organize the teaching and research of the Department;

(b) must prepare and submit to the Council of the School and to the General Board the annual estimates of the Department;

(c) is responsible for the proper application of the funds available to the Department, and must ensure that the approved estimate of expenditure is not exceeded and that the accounts are correctly maintained.

10. Provision can be made by Ordinance for the establishment of Degree Committees for Schools, Faculties or Departments, to be constituted by regulations made by the General Board. Degree Committees must exercise functions prescribed by regulations of the General Board in respect of the approval of students as Graduate Students and the supervision of their work, the award of degrees, diplomas, and certificates in respect of graduate study or contributions to learning, and other cognate matters.

**Chapter VI****Boards and Syndicates**

1. There are

(a) Boards and Syndicates required by the Statute or Special Ordinance, the composition of which can be determined by Ordinance, subject to the provisions of the Statutes;

(b) any other Boards or Syndicates established by Ordinance.

Any Board or Syndicate has the right of reporting to the University.

2. No-one can be appointed or reappointed a member of any Board, or of any body of Electors or Managers even though it be not expressly called a Board, or of any Syndicate other than an occasional Syndicate, who at the commencement of his or her period of service or further period of service would have attained the age of seventy years.

[This section is under separate review]

**Chapter VII****The Board of Scrutiny**

1. There is to be a Board of Scrutiny, which must each year scrutinize on behalf of the Regent House the Annual Report of the Council, the abstract of the accounts of the University, and any budget Report of the Council proposing allocations from the Chest. In addition the Board must perform such other duties, and has such powers, as are specified by Special Ordinance.

2. The Board of Scrutiny has the right of reporting to the University on any matters falling within the scope of section 1 above which in the Board's opinion should be drawn to the attention of the University.

3. The Board of Scrutiny consists of

(a) the two Proctors;

(b) the two Pro-Proctors nominated by the Colleges;

(c) eight members of the Regent House elected by the Regent House to serve for four years, as follows:

(i) two persons who have been members of the Regent House for not more than ten years on 1 October next following their election;

(ii) six persons who are members of the Regent House.

Arrangements for election must be made by Ordinance. Provision must be made by Ordinance to provide for the exclusion from membership of University officers who have primarily administrative duties. The Chairman and Secretary of the Board must be elected annually.

4. The Board can

(a) consult any official documents or accounts (other than those of the University Press) which may be relevant to any enquiry;

(b) consult such official documents or accounts of the University Press as may be specified by Ordinance;

(c) make enquiry, whether in person or in writing, of the officers of any University authority on matters pertaining to a subject of enquiry;

(d) request that a matter be put down for discussion by the Regent House, which request the Council cannot unreasonably refuse.

Documents or accounts requested by the Board under subsection (a) or subsection (b) can be withheld only on the ground of their irrelevance, with the written sanction of the Vice-Chancellor.

## Chapter VIII

### Conduct of Business

Provision must be made by Special Ordinance for

(a) calling Congregations;

(b) preparation and submission of Reports to the Regent House and the Senate; and their Discussion;

(c) submission of Graces to the Regent House and the Senate; arrangements for voting and amendments; all Graces must be sanctioned for submission by the Council;

(d) elections by the Regent House and the Senate, and other elections;

(e) any other matters concerning the conduct of University business.

## Chapter IX

### Review

#### **Compliance with the Statutes and Ordinances**

1. (a) If, within thirty days after the doing of any act by any person or body having power to act under the Statutes, or in the event of failure or omission to act as required by Statute, Ordinance, or Order within thirty days after the date specified for the performance of that act, it is represented in writing to the Vice-Chancellor by a member of the University that there has been a contravention of the Statutes, Ordinances, or any Order in the doing of such act, or in such failure or omission, the Vice-Chancellor must inquire into the matter and must declare either that there has been no such contravention, or that the said act or matter is of no effect, or, if the Vice-Chancellor is of the opinion that the contravention has not affected the result, that in his or her opinion the validity of the act or matter is not affected by the circumstances represented. Where the Vice-Chancellor finds that there has been a failure or omission to act he or she can give such directions in the matter as seem to him or her to be appropriate. The person making the representation shall state in writing at the outset the act or matter to which he or she refers, with full detail of the contravention of Statute, Ordinance, or Order which he or she

represents has taken place. The Vice-Chancellor must give his or her decision promptly but in any event within three months, unless the person making the representation has agreed in writing to an extension of time.

(b) If the person making the representation is dissatisfied with the Vice-Chancellor's decision, or if he or she believes that there has been unreasonable delay, he or she may make a representation to the Commissary in the manner prescribed in this chapter. The decision of the Commissary is final. If there is no representation to the Commissary, the decision of the Vice-Chancellor is final.

(c) No act is invalid by reason of the fact that there has been a contravention of the Statutes, Ordinances, or Order unless there has been a representation in writing under paragraph (a) of this Statute within thirty days after the doing thereof.

(d) No act is invalid by reason of the fact that any person taking part in the act, and chosen in the manner prescribed or authorized by the Statutes, Ordinances, or Order to be the person or a member of the body authorized to act, was not qualified to be so chosen.

#### **Declaration of the meaning of a Statute**

2. If any doubt arises as to the true meaning of a Statute, or of any Statute for the University and any one or more of the Colleges in common, the Council can apply to the Chancellor, who must then declare in writing the meaning of the Statute in question. Such declaration must be registered by the Registry. The meaning of the Statute as declared is deemed to be the true meaning thereof. The University must defray the cost of any legal advice obtained by the Chancellor for the performance of his or her duty under this section.

#### **Review by the Commissary**

3. In the discharge of his or her duties under this Chapter the Commissary is not under the direction of the Council nor of any other authority in the University.

4. The Commissary has full power to determine all questions referred to his or her decision by a member of the University under the provisions of this Chapter. The Commissary can review, amend, or quash the decision of any University authority on the ground that the decision, or some aspect of the decision, was *ultra vires*, or was unreasonable by being procedurally unsatisfactory, or incorrect in fact, or on similar grounds, and to make such order (including an order

to amend, quash, or refer back the decision) as seems to him or her to be justified. The Commissary's powers under the provisions of this Chapter do not extend to:

(a) any matter still subject to further review by or appeal to any University authority, or by any Independent Adjudicator for student complaints in higher education, as established by or under Act of Parliament;

(b) the merits or substance of a decision made by:

(i) a University Court;

(ii) a Board of Examiners, a Degree Committee, the Board of Graduate Studies, a Review Committee or similar authority, in relation to the result of a University examination;

(c) any decision by a University authority about the appointment of an individual to employment in the University, or about promotion in such employment;

(d) any matter under the responsibility of the Press Syndicate or the Local Examinations Syndicate.

5. In any case the Commissary can appoint a person to act as his or her deputy, and can delegate to such a deputy his or her powers under the provisions of this Chapter in respect of the case concerned.

6. The Commissary or a deputy so appointed can strike out a case which in his or her opinion is vexatious, frivolous, or out of time.

7. In relation to any case (not being a case struck out as vexatious, frivolous, or out of time) the Commissary must direct that the matter shall be dealt with by oral or written representations, or both. Representations must be made:

(a) on behalf of the University by a person or persons appointed by the Council; and

(b) by any other party or parties to the proceedings either in person, or through a representative approved by the Commissary.

8. The Commissary must make rules of procedure. These bind the parties in any particular case.<sup>1</sup> The rules of procedure must make provision for a time limit or time limits within which a matter can be raised with the Commissary. In any particular case the decision of the Commissary (or a duly appointed deputy) on any procedural matter is final.

9. The Council must consult the Commissary before proposing any Ordinance concerning matters regulated by sections 3–11 of this Chapter. The Commissary has the right to publish a statement for the guidance of the University about any such proposed Ordinance.

10. The University must defray the cost of any legal advice obtained by the Commissary or a duly appointed deputy for the performance of their respective duties under this Chapter.

11. Nothing in this Chapter enables or requires the Commissary to hear any appeal or to determine any dispute regulated under the provisions of the Education Reform Act 1988 about a member of the academic staff of the University as defined in the Statutes, which, being a matter regulated under the said Act, concerns the member's appointment or employment, or the termination of that appointment or employment. The Commissary has no power to disallow or annul any Ordinance made under or having effect for the purposes of the Statutes in relation to matters regulated under the said Act. [This section is subject to separate review]

## Chapter X

### Miscellaneous provisions

#### Commencement and transitional provisions

1. Amendments to Statutes come into force on the date specified in the Grace making them, or on another date determined by Grace. Repeals of Statutes take effect from a date similarly determined. Repeal does not invalidate any order, election or appointment made or thing done under a Statute repealed, nor revive nor restore any Statute, order, or trust, or any power or provision repealed or abrogated by a repealed Statute.

2. Transitional provisions can be contained in Statutes, which can also provide for necessary transitional provisions to be made by Ordinance. If a Statute does not contain necessary transitional provision, such provision can be made by Ordinance.

<sup>1</sup> See the annex to Statute A (p. xxx).

#### Interpretation

3. In any Statute, Ordinance, Order, regulation or comparable provision references to University bodies or authorities, and to University officers and other individuals, have the meaning necessarily implied by the provisions of the Statutes. Additionally:

[(a) the term Ordinance means a Special Ordinance made under Statute A, III, 3, and any other Ordinance;]

(b) the term person *in statu pupillari* means a member of the University (including a member of a College or an Approved Society resident in the University with a view to matriculation) who has not been admitted to an office in the University (or to a post in the University Press specially designated under Statute J, 7 or to an appointment approved by the University for the purpose of Statute A, III, 5(e)), or to a Fellowship or office of a College, or to a degree which qualifies the holder for membership of the Senate, and is of less than three and a half years' standing from admission to his or her first degree (if any);

(c) in any Statute or Ordinance words of the masculine gender import the feminine unless this interpretation is excluded expressly or by necessary implication;

(d) the term degree means degree of the University unless in any Statute or Ordinance that meaning is expressly or by necessary implication excluded; a complete degree is a degree other than a title of degree;

(e) publication means publication in the *Cambridge University Reporter* unless necessarily stated or implied otherwise.

#### Additional provisions

4. A Report of the Council, or of any other body with the right of reporting to the University, must be signed by those members of the reporting body who agree with the Report; but no person *in statu pupillari* can sign a Report if he or she has been excluded, under the provisions of any Ordinance about reserved business, from any part of the discussion of the Report.

5. If in an election for which votes have been taken by poll or ballot there is an equality of votes between two or more candidates, the Vice-Chancellor or other returning officer, whether or not he or she has previously voted or been entitled to vote, can, unless it is otherwise expressly provided by Ordinance, give a casting vote.

6. Sermons must be preached in the University Church during full term on such days as may be appointed by the Chancellor or by the University. No one shall be allowed in any sermon before the University to impugn the doctrine or discipline of the Church of England as established by law. A Commemoration of Benefactors must be held every year in the University Church, at such time and in such manner as the University prescribes.

7. When in any Statute, Ordinance, contract, document, instrument of any description or any statement reference is made to the Treasurer or to the Secretary General of the Faculties after 14 December 2005 such reference shall be construed as a reference to the Registry, or a duly appointed deputy, unless different provision is made by Statute or Ordinance.

8. Provision shall be made by Special Ordinance for

(a) filling casual vacancies on University bodies;

(b) termination of membership of University bodies on account of failure to attend meetings;

(c) the majority necessary for a decision of a University body, and, if necessary, for the quorum necessary for business to be transacted; and for comparable matters;

(d) for the appointment of committees by University bodies, and delegation of decision to such committees or to a University officer; but delegation does not relieve the delegating body of responsibility for the matter delegated;

(e) exclusion of members *in statu pupillari* from the proceedings of a University body or bodies about particular classes of business.

9. Provision shall be made by Ordinance for:

(a) the academical year, terms and residence, and the precincts of the University;

(b) [OTHER MATTERS TO BE IDENTIFIED]