

ELIZABETH II



1988 CHAPTER v

An Act to empower Selwyn College in the University of Cambridge to make statutes in accordance with the provisions of the Universities of Oxford and Cambridge Act 1923; to provide for the validation of statutes purported to have been made in respect of that college under the said Act; and for other purposes.

[15th March 1988]

WHEREAS—

(1) Selwyn College in the University of Cambridge (hereinafter called “the College”) was originally incorporated by Royal Charter dated 13th September 1882 under which it was governed not by its head and fellows, as is usual in Cambridge Colleges, but by an external Council:

(2) By virtue of the Universities of Oxford and Cambridge Act 1923 1923 c. 33. (hereinafter called “the 1923 Act”) the statutes for or made by or in relation to a college are subject to alteration by statutes made by that college under the 1923 Act and passed by the governing body of that college in accordance with the procedure prescribed by that Act:

(3) As regards the Colleges in the University of Cambridge the governing body is defined for the purposes of the 1923 Act to mean the head and all actual fellows of the college, bye-fellows excepted, being graduates but in the case of the College the Governing Body is defined to be the Council of that College:

(4) In 1956 the Council of the College, wishing to transfer the government of the College to the Master and Fellows, made new statutes for the College (approved by Her Majesty in Council on 15th March 1957 and hereinafter called "the 1957 statutes") the purported effect of which was, inter alia, to reconstitute the College as "the Master, Fellows and Scholars of Selwyn College" and to vest in the Master and Fellows of the College other than life fellows (called "Fellows in Class E" in the 1957 statutes) the power of making statutes for the College under section 7 (2) of the 1923 Act:

(5) It now appears that the 1957 statutes were of no effect as respects the matters referred to in paragraph (4) above but it is no longer possible for the Council of the College to be brought into being again and in consequence it has become impossible for any further changes to be made in the College statutes under the procedure in the 1923 Act:

(6) The governing body of the College as constituted by the 1957 statutes has, in reliance on the 1957 statutes, on several occasions purported to alter the statutes of the College and it appears that those alterations are invalid notwithstanding that they have been approved in accordance with the provisions of the 1923 Act:

(7) The governing body of the College under the 1957 statutes does not have the same composition as "The Governing Body" as defined in the 1923 Act, in that it does not include life fellows of the College and (as altered by one of the alterations referred to in paragraph (6) above) includes student representatives:

(8) In these circumstances it is expedient to amend the 1923 Act so that (as in the case of other colleges in the University of Cambridge) the Master and Fellows of the College constitute the Governing Body of the College with power under section 7 of the 1923 Act to make new statutes for the College; to validate the 1957 statutes; to repeal so much of the 1957 statutes as would otherwise empower the governing body as constituted by the 1957 statutes instead of the Governing Body as defined by the 1923 Act to make new statutes for the College; and to validate the statutes made by the College since 1957:

1877 c. 48. (9) It is also expedient to repeal so much of the definition of "College" in section 2 of the Universities of Oxford and Cambridge Act 1877, as set out in the Schedule to the 1923 Act, as refers to "the Public Hostel known as Selwyn College, Cambridge", since although the College was originally so designated by the University of Cambridge and was not a fully accredited college in the University it was redesignated by the University of Cambridge as an Approved Foundation in 1926 and has since 1958 been a fully accredited college in the University:

(10) The purposes of this Act cannot be achieved without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Selwyn College Cambridge Act 1988.

Interpretation.

2. In this Act—

"the College" means Selwyn College in the University of Cambridge;

"the 1923 Act" means the Universities of Oxford and Cambridge Act 1923;

1923 c. 33.

“the 1957 statutes” means the statutes of the College referred to as such in the Preamble to this Act;

“the post 1957 statutes” means the statutes amending the statutes of the College which the Master and Fellows of the College purported to make under the provisions of the 1923 Act on the dates mentioned in Schedule 1 to this Act;

“the specified section” means section 2 of the Universities of Oxford and Cambridge Act 1877 as set out in the Schedule to the 1923 Act.

1877 c. 48.

3. The specified section shall have effect as follows:—

(a) in the definition of “College” the words “and the Public Hostel known as Selwyn College, Cambridge” shall be omitted;

(b) in the definition of “The Governing Body” as regards the Colleges in the University of Cambridge the words “and Selwyn College” and the words “and as regards Selwyn College, the Council of that College” shall be omitted.

Amendment of definitions relating to College.

4.—(1) Subject to subsection (2) below the 1957 statutes shall be deemed to be and always to have been valid for all purposes, and accordingly the post 1957 statutes shall be deemed to have been validly made and approved.

Validation of statutes of College.

(2) Nothing in subsection (1) above authorises the making of any statutes under paragraph (2) of statute XXVIII (originally numbered statute XXXIII) of the 1957 statutes after the passing of this Act, and that paragraph (which provides for the governing body of the College, as constituted by the statutes, to have the power under section 7 of the 1923 Act to alter the statutes) is hereby repealed.

5. The specified section is hereby repealed to the extent mentioned in Schedule 2 to this Act.

Repeal.

SCHEDULES

Section 2.

SCHEDULE 1

DATES ON WHICH STATUTES TO WHICH SECTION 4 (VALIDATION OF STATUTES OF COLLEGE) OF THIS ACT APPLIES WERE PURPORTED TO HAVE BEEN MADE BY THE MASTER AND FELLOWS OF SELWYN COLLEGE

4th February 1959
2nd March 1962
11th March 1966
3rd July 1974
30th May 1980
2nd November 1982

Section 5.

SCHEDULE 2

EXTENT OF REPEAL OF SPECIFIED SECTION

In the definition of "College" the words "and the Public Hostel known as Selwyn College, Cambridge".

In the definition of "The Governing Body" as regards the Colleges in the University of Cambridge the words "and Selwyn College" and the words "and as regards Selwyn College, the Council of that College".

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