



# Universities of Oxford and Cambridge Act 1923

## 1923 CHAPTER 33

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

WHEREAS the Commissioners appointed by His Majesty's Warrant bearing date the fourteenth day of November, nineteen hundred and nineteen, to consider the applications which have been made by the Universities of Oxford and Cambridge for financial assistance from the State, and for that purpose to enquire into the financial resources of the Universities and of the colleges and halls therein, into the administration and application of these resources, into the government of the Universities and into the relations of the colleges and halls to the Universities and to each other, have in their Report (in this Act referred to as " the Report of the Royal Commission ") made recommendations with respect to the matters aforesaid and in particular have recommended that Statutory Commissions should be set up to carry out the changes In University and College statutes consequent on the recommendations of the Commissioners - and where necessary to revise trusts :

Be it therefore enacted by the King'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:—

### **1 Establishment of Commissions**

- (1) There shall be two bodies of Commissioners to be styled respectively "the University of Oxford Commissioners " and "the University of Cambridge Commissioners."
- (2) The provisions of this Act referring to the Commissioners shall be construed as applying to those two bodies respectively, or of one of the those two bodies, separately, as the case" may require.

## 2 Appointment of Oxford Commissioners

The following persons shall be the University of Oxford Commissioners :—

The Right Honourable Viscount Chelmsford, G.C.S.I., G.C.M.G., G.C.LE., G.B.E., Master of Arts;

The Right Reverend Thomas .Banks, Lord Bishop of Ripon, G.B.E., Doctor of Divinity;

The Honourable Sidney Cornwallis Peel, Master of Arts;

Sir Archibald Edward Garrod, K.C.M.G., Doctor of Medicine, Fellow of the Royal Society, Regius Professor of Medicine;

David George Hogarth, Esquire, C.M.G., Doctor of Letters;

Emily Penrose, O.B.E., Master of Arts, Principal of Somerville College;

Francis William Pember, Esquire, Doctor of Civil Law, Warden of All Souls College;

The Reverend Francis John Lys, Master of Arts, Provost of Worcester College ;

Percy Ewing Matheson, Esquire, Master of Arts ;

Charles Robert Mowbray Fraser Cruttwell, Master of Arts, Dean, Tutor, and Lecturer of Hertford College; and

Albert Mansbridge, Esquire, Honorary Master of Arts.

## 3 Appointment of Cambridge Commissioners

The following persons shall be the University of Cambridge Commissioners:—

The Right Honourable Viscount Ullswater, G.C.B., Doctor of Laws;

The Right Reverend Bishop Herbert Edward Ryle, K.C.V.O., Doctor of Divinity, Dean of Westminster;

Sir Thomas Little Heath, K.C.B., K.C.V.O., Doctor of Science, Fellow of the Royal Society;

Sir Richard Tetley Glazebrook, K.C.B., Doctor of Science, Fellow of the Royal Society;

Sir Henry Francis Wilson, K.C.M.G., K.B.E., Master of Arts;

Sir Hugh Kerr Anderson, Doctor of Medicine, Fellow of the Royal Society, Master of Gonville and Caius College;

William Spens, C.B.E., Master of Arts, Fellow of Corpus Christi College;

Bertha Surtees Phillpotts, O.B.E., Doctor of Letters, Mistress of Girton College;

Peter Giles, Esquire, Doctor of Letters, Master of Emmanuel College;

William Reginald Rendell, Esquire, Master of Arts, Fellow of Trinity Hall; and

Edward Hugh John Neale Dalton, Esquire, Doctor of Science, Cassel Reader in Commerce in the University of London.

## 4 Officers and expenses of Commissioners

- (1) The Commissioners may, with the consent of the Treasury as to number, from time to time employ such persons as they may think necessary for the execution of their duties under this Act.
- (2) There shall be paid to any person employed by the Commissioners such remuneration as the Treasury may determine, and all expenses incurred by the Commissioners in

the execution of this Act (including the remuneration aforesaid) shall, up to an amount approved by the Treasury, be paid out of moneys provided by Parliament.

## **5 Duration of Commissions**

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.

## **6 Duties of Commissioners**

- (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, hat 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,

## **7 Power of Universities and Colleges to alter statutes**

- (1) After the cesser of the powers of the Commissioners, 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) After the cesser of the powers of the Commissioners, 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 other than the section numbered thirty-five therein) 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.

## **8 Statutes relating to trusts and college contributions to University purposes**

- (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, whether by the Commissioners or 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.

## **9 Exemption from mortmain**

The exemption from the obligation to obtain a licence in mortmain which is given by section sixty of the Universities of Oxford and Cambridge Act, 1877, in respect of certain purchases of land by the University or a college shall extend, and be deemed always to have extended, to all assurances of land to the University or a college.

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

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

- (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.
- (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 Short title**

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

## SCHEDULE

Sections 7, 10.

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

#### “2 Interpretation.

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) :

" 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, and also includes Keble College, Oxford, and the Public Hostel known as Selwyn College, Cambridge :

" 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 Oxford, except Christ Church and Keble College, the head and all actual fellows of the College, being graduates, and as regards Christ Church, means the dean, canons, and students, and as regards Keble College, means the Council of that College : " The Governing Body " of a College means, as regards the Colleges in the University of Cambridge, except Downing College and Selwyn 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, and as regards Selwyn College, the Council of that College :

Emolument" includes—

- (1) A headship, professorship, lectureship, readership, praelectorship, fellowship, bye-fellowship, tutorship, studentship, scholarship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, sub-sizarship, 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 and
- (3) As regards the University of Oxford a bursary appropriated to any College in Scotland :

" 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.”

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*Status: This is the original version (as it was originally enacted).*

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**“6 Vacancies among Commissioners.**

If any person nominated a Commissioner by this Act dies, resigns, or becomes incapable of acting as a Commissioner, it shall be lawful for His Majesty to appoint a person to fill his place, and so from time to time as regards every person appointed under this section :

Provided that the name of every person so appointed shall be laid before the Houses of Parliament within ten days after the appointment, if Parliament is then sitting, or if not, then ten days after the next meeting of Parliament.”

**“8 Chairmen and meetings of Commissioners.**

The Commissioner first named in this Act, as regards each of the two bodies of Commissioners, shall be the Chairman of the respective body of Commissioners ; and in case of his ceasing from any cause to be a Commissioner, or of his absence from any meeting, the Commissioners present at each meeting shall choose a chairman.

The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.”

**“9 Seals of Commissioners.**

The Commissioners shall have a common seal, which shall be judicially noticed.”

**“10 Vacancies not to invalidate acts.**

Any act of the Commissioners shall not be invalid by reason only of any vacancy in their body, but if at any time and as long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.”

**“11 Power for University and Colleges to make statutes.**

Until the end of the year one thousand nine hundred and twenty-four, the University and the Governing Body of a College shall have the like powers in all respects of making statutes for the University or the College respectively, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the Commissioners by this Act, but every statute so made shall, before the end of that year, be laid before the Commissioners, and the same, if approved before or after the end of that year by the Commissioners by writing under their seal, but not otherwise, shall, as regards the force and operation of the statute, and as regards proceedings prescribed by this Act to be taken respecting a statute made by the Commissioners after (but not before) the statute is made, be deemed to be a statute made by the Commissioners.

If within one month after a statute so made by a College is laid before the Commissioners, a member of the Governing Body of the College makes a representation in writing to the Commissioners respecting the statute, the Commissioners, before approving of the statute, shall take the representation into consideration.

In considering a statute so made by a College, the Commissioners shall have regard to the interests of the University and the Colleges therein as a whole.”

**“14 Regard to main design of founder.**

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.”

**“15 Provision for education, religion, &c.**

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.”

**“20 Power to allow continuance of voluntary payments.**

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 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.”

**“30 Distinction of University and College Statutes.**

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.”

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

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.”

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*Status: This is the original version (as it was originally enacted).*

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**“32 Publication of proposed statutes for College and Halls.**

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.”

**“33 Suspension of elections.**

The Commissioners may, if they think fit, by writing under their seal, from time to time authorise and direct the University or any College or the Hall to suspend the election or appointment to, or limit the tenure of, any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the Commissioners as then ascertained ; and the election' or appointment thereto or tenure thereof shall be suspended of limited accordingly.”

**“34 Saving for existing interest.**

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.”

**“35 Production of documents, &c.**

The Commissioners, in the exercise of their authority, may take evidence, and for that purpose may require from any officer of the University or of a College or the Hall the production of any documents or accounts relating to the University or to the College or Hall (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.”

**“36 Election of Commissioners by College, For Hall, Principal to be Commissioner.**

Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute to be made by the Commissioners for a College or the Hall, they shall, by writing under their seal, give notice to the Governing Body of the College, and in the University of Oxford to the Visitor of the College, and in the case of the Hall to the Principal thereof, of their intention to do so.

The Governing Body of the College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

But, in the case of a. College, any actual member of the foundation whereof is nominated a Commissioner in this Act, no more than two persons shall be so elected, while that member is a Commissioner.



If during the continuance of the powers of the Commissioners a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election ; and so from time to

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected to represent a College, and the Principal of the Hall, shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College or Hall, before and after the making thereof, but not further or otherwise, save that they shall not be counted as Commissioners for the purposes of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.”

**“37 Notice to College or Hall of meeting.**

Where the Commissioners propose at any meeting, not being an adjourned meeting, to make a statute for a College or the Hall, they shall give to the Governing Body of the College or to the Principal of the Hall, by writing under the seal of the Commissioners, or under the hand of their secretary, fourteen days notice of the meeting.”

**“38 Validity of acts as regards Colleges and Hall.**

Any act of the Commissioners shall not be invalid by reason only of any failure to elect any person to be a Commissioner to represent a College, or the failure of any person elected to represent a College, or of the Principal of the Hall, to attend a meeting of the Commissioners.”

**“45 Submission of statutes to His Majesty in Council.**

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).

The subsequent proceedings under this Act respecting the statute shall not be affected by the cesser of the powers of the Commissioners.”

**“46 Petition against statute.**

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.”

**“47 Reference to Committee.**

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

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*Status: This is the original version (as it was originally enacted).*

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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.”

**“48 Disallowance by Order in Council, or remitting to Commissioners.**

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.

If, during the continuance of the powers of the Commissioners, the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a declaration, it shall be lawful for His Majesty in Council to remit the same accordingly ; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.”

**“49 Statutes not referred, or not disallowed or remitted, to be laid before Houses of Parliament.**

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 Approval of statutes by Order in Council.**

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.”

**“51 Statutes to be binding and effectual.**

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.”

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

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.”

**“56 Statutes awaiting submission to His Majesty in Council, or made before cesser of powers of Commissioners.**

Every statute, ordinance, and regulation made as follows, namely :—

- (1) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act before the passing of this Act, and required by any former Act to be submitted to His Majesty in Council, but not so submitted before the passing of this Act; and
- (2) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act after the, passing of this Act, and before the cesser of the powers of the Commissioners, and required by any former Act to be submitted to His Majesty in Council; and
- (3) Every statute, ordinance, and regulation made by or in relation to a College under any former Act or any ordinance since the first day of January, one thousand nine hundred and twenty-three, and before the passing of this Act,  
shall, in lieu of being submitted to His Majesty in Council under and according to any former Act or any ordinance, and whether or not a submission to His Majesty in Council is required under any former Act or any ordinance, be, with the consent of the Commissioners in writing under their seal, but not otherwise, submitted to His Majesty in Council under this Act, and be proceeded on as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf; and the same, if and as far as it is approved by Order in Council under this Act, shall have effect as if it had been submitted and proceeded on under any former Act or any ordinance.”

**“57 Saving for Tests Act**

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