

University of London Bill [HL]

EXPLANATORY MEMORANDUM

This Bill updates the procedure for making statutes for the University of London (“the University”). The University is incorporated by Royal Charter granted on 6 January 1863. The University statutes set out the objects and powers of, and the main constitutional arrangements for, the University. They establish a Board of Trustees (“the Board”) as the University’s governing body and a Collegiate Council to advise the Board. The power to make statutes is currently conferred by the University of London Act 1994 (“the 1994 Act”).

Clause 1 deals with citation.

Clause 2 sets out definitions of certain words and expressions used in the Bill. In particular, the term “Member Institution” is defined so as to include an institution which is a constituent member of the University, whether or not it is a university in its own right.

Clause 3 confers a general power on the Board to alter, revoke or add to (“amend”) the University statutes. Subsection (2) enables the Collegiate Council to bring forward its own proposals for the Board to amend the statutes. Subsection (3) sets out the requirements for the Board to consult the Collegiate Council and other persons before amending the statutes. Subsection (4) requires the Board to give the Collegiate Council reasons where it is not minded to adopt, or is minded materially to alter, the Collegiate Council’s proposals. Subsection (5) provides that the Board must follow the procedure prescribed in the University’s ordinances for reaching decisions in order to amend the statutes. Subsection (6) makes it clear that no statute made under this clause has the effect of amending the Royal Charter or any instrument of government of any Member Institution.

Clause 4 requires approval of any amendments to the statutes by the Privy Council. Subsection (2) enables the requirement for that approval to be repealed by Order in Council.

Clause 5 provides that an instrument entered into by the University or executed by third parties (e.g. a contract or a will) before or after the Bill passes into law still has effect, but that references to certain defunct bodies of the University are to be interpreted as referring to the existing governance bodies of the University.

Clause 6 repeals the 1994 Act.

Clause 7 contains savings provisions. Subsection (1) makes clear that enactment of the Bill does not affect the provisions of the Royal Charter. Subsection (2) provides that any statutes of the University in force immediately before the passing of the Bill into law continue to have effect unless and until they are amended in accordance with the provisions of the Bill.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of the University of London the provisions of the University of London Bill are compatible with the Convention Rights.

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To make new provision for the making of statutes for the University of London; and for related purposes.

WHEREAS—

- (1) The University of London (“the University”) was first incorporated by Royal Charter granted on 28 November 1836 and is now incorporated by Royal Charter granted on 6 January 1863:
- (2) The provisions relating to the making of statutes for the University are set out in the University of London Act 1994 (“the 1994 Act”) and the statutes are now made by the Board of Trustees of the University: 5
- (3) The 1994 Act does not contemplate that the University educational, academic or research institutions may obtain university status in their own right:
- (4) The provisions of the 1994 Act would benefit from modernising in other respects: 10
- (5) It is therefore expedient that provision be made to modernise the process for making statutes for the University:
- (6) The purposes of this Act cannot be effected without the authority of Parliament:
- (7) The consent of the Charity Commission to the University defraying expenditure incurred in the preparation and promotion of the Bill for this Act, as required by section 74 of the Charities Act 2011, has been obtained: 15

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:— 20

1 Citation

This Act may be cited as the University of London Act 2017.

2 Interpretation

In this Act, unless the context otherwise requires—

- “the 1994 Act” means the University of London Act 1994; 5
- “the Board” means the Board of Trustees of the University, or such other body as the statutes may from time to time designate as the governing body of the University;
- “the charter” means the charter incorporating the University granted by Her late Majesty Queen Victoria on 6 January 1863; 10
- “the Collegiate Council” means the Collegiate Council of the University, or such other body as the statutes may from time to time designate as the body responsible for determining, and advising the Board of, the collective view of the Member Institutions on all matters concerning the University; 15
- “the Council” means the body formerly designated under the statutes as the governing and executive body of the University;
- “the Court” means the body formerly known as the Court of the University;
- “Member Institution” means an educational, academic or research institution which is a constituent member of the University and has for the time being— 20
 - (a) the status of a college under the statutes; or
 - (b) the status of a university;
- “the ordinances” means the ordinances of the University as made from time to time; 25
- “the Senate” means the body formerly designated as the Senate under the statutes;
- “the statutes” means the statutes of the University having effect from time to time; and
- “the University” means the University of London. 30

3 Power to make statutes

- (1) The Board may alter, revoke or add to the statutes.
- (2) The Collegiate Council may submit proposals to the Board for altering, revoking or adding to the statutes under subsection (1), which the Board must consider. 35
- (3) If the Board is minded to exercise the power in subsection (1), it must first consult—
 - (a) the Collegiate Council, in any case when the Collegiate Council has not submitted proposals under subsection (2); and
 - (b) such other persons as it considers appropriate. 40
- (4) The Board must give the Collegiate Council reasons if it is not minded to give effect to, or is minded materially to alter, any proposals submitted by the Collegiate Council under subsection (2).

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- (5) In exercising the power in subsection (1), the Board must consider any responses to consultation carried out under subsection (3) and act in accordance with the procedures contained in the ordinances relating to decisions of the Board.
- (6) Nothing done under subsection (1) has the effect of amending the charter or any instrument of government of any Member Institution. 5
- 4 Approval of statutes**
- (1) No alteration, revocation or addition to a statute under section 3 (power to make statutes) has effect until it has been approved by the Privy Council.
- (2) Her Majesty may, by Order in Council, repeal subsection (1).
- 5 Construction of instruments** 10
- Any scheme, will, deed, contract, conveyance, transfer, lease, licence or other instrument (whether made or executed before or after the passing of this Act) has effect (except where the context otherwise requires) as if—
- (a) for any reference (however worded) describing or otherwise referring to a body as a School of the University there is substituted a reference describing or otherwise referring to that body as a Member Institution; 15
and
- (b) for any reference (however worded) to the Senate, the Court or the Council there is substituted a reference to the Board.
- 6 Repeal of the 1994 Act** 20
- The 1994 Act is repealed.
- 7 Savings**
- (1) Nothing in this Act affects those provisions of the charter by which the University is incorporated with perpetual succession and a common seal with power to sue and be sued and to purchase, take on lease, hold and dispose of land and other property. 25
- (2) Subject to any alteration, revocation or addition made in accordance with the provisions of this Act, the statutes in force immediately before the passing of this Act continue to have effect.

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SESSION 2016-17

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