

University of Wales:Trinity Saint David Bill

EXPLANATORY MEMORANDUM

This Bill is promoted by the University of Wales:Trinity Saint David (“the University”) and the University of Wales for the purpose of providing that the University of Wales will cease to exist as a separate body corporate and will be united with the University having the same body corporate as the University.

The Bill also provides for the revocation of the Royal Charters by which the University of Wales was incorporated and is governed; and transfers to the University all the rights, properties, assets and obligations belonging to the University of Wales.

The Bill will give effect to the recommendations made to the Minister of Education and Skills by the Higher Education Funding Council for Wales.

PART 1

PRELIMINARY

Clause 1 gives a short title for the intended Act.

Clause 2 contains definitions of terms used in the Bill.

PART 2

UNIVERSITY OF WALES TO BE INCORPORATED WITH UNIVERSITY AND TRANSFER OF FUNCTIONS AND PROPERTY, ETC., TO UNIVERSITY

Clause 3 provides, on the appointed day, for the University of Wales to cease to exist as a separate body corporate and to be incorporated in, and to have the same body corporate as, the University. It also provides for the revocation of the Royal Charters by which the University of Wales was incorporated and is governed.

Clause 4 provides for the transfer to the University of all property, rights, interests and functions of the University of Wales. The clause also provides for the intellectual property so transferred to be valued at one pound.

Clause 5 provides for the transfer to the University of all debts and obligations of the University of Wales.

Clause 6 contains saving provisions for agreements and other matters (including actions and proceedings and causes of actions or proceedings), existing or pending in favour of or against the University of Wales immediately before the appointed day so that the University will become a party to any such agreement or matter in place of the University of Wales.

Clause 7 provides for every member of staff of the University of Wales to become a member of staff of the University in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006; and to have continuity of employment.

Clause 8 provides for any scheme, will or deed in favour of the University of Wales to be read and have effect as if the University were named therein instead of the University of Wales.

Clause 9 transfers to the University certain powers of the University of Wales to appoint or nominate members of educational, charitable or other institutions.

Clause 10 provides that if a scheme, will, deed or other instrument creating a trust, which is to be transferred to the University by the Bill, contains a provision restricting or excluding the general power of investment provided under the Trustee Act 2000, that provision shall cease to apply after the appointed day. The clause also provides for the University to hold the funds of any trust which should fail or be determined absolutely for the University's general charitable purposes.

PART 3

MISCELLANEOUS

Clause 11 restricts the future use of the names University of Wales and UWIST.

Clause 12 allows the University of Wales to produce final accounts which are for a period greater than one year ending on the appointed day.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of the University and the University of Wales the provisions of the University of Wales:Trinity Saint David Bill are compatible with the Convention rights.

University of Wales: Trinity Saint David Bill

CONTENTS

PART 1

PRELIMINARY

- 1 Short title
- 2 Interpretation

PART 2

UNIVERSITY OF WALES TO BE INCORPORATED WITH UNIVERSITY AND TRANSFER OF FUNCTIONS AND PROPERTY, ETC., TO UNIVERSITY

- 3 Union of University of Wales with University
- 4 Transfer of property, functions, etc., to University
- 5 Transfer of obligations, etc., to University
- 6 Savings for agreements, deeds, actions, etc.
- 7 Continuation of employment
- 8 Construction of bequests, etc.
- 9 Transfer of powers to appoint or nominate
- 10 Trust funds

PART 3

MISCELLANEOUS

- 11 Restriction on use of certain names
- 12 Final accounting period of University of Wales

A

B I L L

To make provision for the union of the University of Wales with the University of Wales:Trinity Saint David including the transfer to the University of Wales:Trinity Saint David of all rights, properties, assets and obligations of the University of Wales; and for related purposes.

WHEREAS—

- (1) By Royal Charter granted by his late Majesty King George the Fourth on 6 February 1828 there was founded and established at Lampeter in the County of Cardigan a College with perpetual succession and a Common Seal for the reception and education of persons destined for Holy Orders with the name “Saint David’s College”: 5
- (2) In the years 1852, 1865, 1896 and 1963 Supplemental Royal Charters were granted to Saint David’s College which variously conferred certain powers of conferring Degrees and made further provision for the government of the College: 10
- (3) By a further Supplemental Royal Charter granted on 6 February 1971 the whole of the Charter of 1828 (except that part which founded and established Saint David’s College as a body corporate with perpetual succession and a Common Seal) was revoked together with the Supplemental Royal Charters of 1852, 1865, 1896 and 1963: 15
- (4) The Supplemental Royal Charter of 1971 was amended at various times by resolutions made by Saint David’s College and approved by the Privy Council and by such a resolution made on 26 June 1996 the name and style of Saint David’s College was changed to “University of Wales, Lampeter” or in Welsh “Prifysgol Cymru, Llanbedr Pont Steffan”: 20

- (5) Trinity College Carmarthen was established as South Wales and Monmouthshire Training College on 24 October 1848 by the National Society “for promoting the Education of the poor in the Principles of the Established Church throughout England and Wales” and by virtue of a Scheme made by the Charity Commissioners on 12 June 1997 the company limited by guarantee (Charity number 1048771) was appointed as the Trustee of Trinity College Carmarthen, which then became known as Trinity University College, following approval of a change in name by the Privy Council on 19 February 2009: 5
- (6) By virtue of a Supplemental Royal Charter granted by Her Majesty Queen Elizabeth the Second on 18 November 2010 the University of Wales, Lampeter became the sole member of Trinity University College and that University and that College were merged as a single University under the name of “University of Wales:Trinity Saint David”: 10
- (7) By Royal Charter granted by Her late Majesty Queen Victoria on 23 November 1893 there was constituted and founded a University in and for Wales with the name of the University of Wales with perpetual succession and a Common Seal: 15
- (8) In the years 1906, 1920 and 1931 Supplemental Royal Charters were granted to the University of Wales:
- (9) By a further Supplemental Royal Charter granted by Her Majesty Queen Elizabeth the Second on 27 January 1960 the Supplemental Royal Charters granted in the years 1906, 1920 and 1931 were revoked: 20
- (10) By a further Supplemental Royal Charter granted on 11 December 1967 the University of Wales continued to be constituted as a body corporate with a revised constitution and was from that date to be known as either “Prifysgol Cymru” or as “the University of Wales” and the Supplemental Charter of 1960 was revoked: 25
- (11) As a consequence of recommendations made to the Minister of Education and Skills by the Higher Education Funding Council for Wales, the University and the University of Wales have agreed that it is expedient that the Royal Charters respectively referred to in paragraphs (7) and (10) be revoked and the University of Wales be united with the University as a single University to continue to be known as “the University of Wales:Trinity Saint David”: 30
- (12) It is expedient that the other provisions contained in this Act should be enacted:
- (13) The objects of this Act cannot be attained without the authority of Parliament: 35

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:—

PART 1

PRELIMINARY

1 Short title

This Act may be cited as the University of Wales:Trinity Saint David Act 2012.

2 Interpretation

In this Act, unless the subject or context otherwise requires—

“the appointed day” means 1 October 2012; and

“the University” means the University of Wales:Trinity Saint David.

PART 2

UNIVERSITY OF WALES TO BE INCORPORATED WITH UNIVERSITY AND TRANSFER OF
FUNCTIONS AND PROPERTY, ETC., TO UNIVERSITY 10

3 Union of University of Wales with University

On the appointed day, the University of Wales shall cease to exist as a separate body corporate and shall be incorporated in, and have the same body corporate as, the University and, accordingly— 15

(a) shall be subject to the provisions of the Supplemental Charter granted to the University and referred to in paragraph (6) of the Preamble to this Act and to any statutes or other provisions made under that Charter; and

(b) the extant part of the Royal Charter granted in 1893 and the whole of the Supplemental Royal Charter granted in 1967 and which are respectively referred to in paragraphs (7) and (10) of the Preamble to this Act are revoked. 20

4 Transfer of property, functions, etc., to University

(1) Such of the following as immediately before the appointed day belonged to or were vested in or exercisable by the University of Wales— 25

(a) all property, real and personal, of every description (including things in action), and

(b) all rights, interests, privileges, and functions,

shall on the appointed day, without any conveyance, transfer, assignment or other instrument, be transferred to and vested in, or be exercisable by, the University for all the estate and interest therein of the University of Wales. 30

(2) All intellectual property transferred by subsection (1) shall be valued for all purposes in connection with the transfer at one pound.

(3) In this section “functions” includes functions conferred by or under any enactment. 35

5 Transfer of obligations, etc., to University

All debts and obligations of the University of Wales shall on the appointed day be transferred and attached to the University and shall thereafter be discharged and satisfied by the University.

6 Savings for agreements, deeds, actions, etc.

5

Such of the following as immediately before the appointed day were existing or pending in favour of, or against, the University of Wales—

(a) all agreements, appointments, awards, contracts, deeds and other instruments, and

(b) all actions and proceedings and causes of action or proceedings, 10

shall on and from the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against, the University to the same extent and in like manner as if the University instead of the University of Wales had been party to, or interested in, the same respectively.

7 Continuation of employment

15

(1) On the appointed day every member of the staff of the University of Wales shall by virtue of this Act become a member of the staff of the University and the contract of employment of every such member shall transfer in accordance with, and to the extent provided by, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246). 20

(2) Employment of members of the staff to which subsection (1) applies shall be deemed for all purposes to be a single continuing employment.

8 Construction of bequests, etc.

Any scheme, will, deed or other instrument, whether made or executed before, on or after the appointed day, which contains any bequest, gift or trust or other benefit in favour of the University of Wales shall, on and after the appointed day, be read and have effect as if the University were named therein instead of the University of Wales. 25

9 Transfer of powers to appoint or nominate

Any power or right of the University of Wales or of any of its officers or employees to appoint or nominate a member of any education authority, or of the governing body of any educational, charitable or other institution, shall on the appointed day be transferred to, and may be exercised by, the University or by the officer or employee of the University, who in the opinion of the Council of the University most nearly performs the functions formerly performed by the former officer or employee in question. 30
35

10 Trust funds

(1) Notwithstanding any provision of any scheme, will, deed or other instrument relating to a trust which has been transferred to and which is exercisable by, the University under this Act, being a provision which would restrict or exclude 40

the general power of investment conferred by the Trustee Act 2000 (c.29), then on and after the appointed day that scheme, will, deed or other instrument shall be read and have effect as if that restriction or exclusion had been omitted.

- (2) In the event of the failure or determination of a trust which has been transferred to and which is exercisable by, the University under this Act, the funds held for the purposes of that trust shall on and after that failure or determination be held by the University absolutely for its general charitable purposes. 5

PART 3

MISCELLANEOUS

11 Restriction on use of certain names 10

- (1) Subject to subsection (2), no person other than the University shall, within a period of 25 years beginning with the date on which this Act is passed, use the name University of Wales or the name UWIST without the consent of the University.
- (2) Nothing in subsection (1) shall apply to the University of Wales, Newport. 15

12 Final accounting period of University of Wales

Notwithstanding any enactment or other rule of law to the contrary, the University of Wales may produce final accounts for a period greater than one year ending on the appointed day.

University of Wales:Trinity Saint David Bill

A

BILL

To make provision for the union of the University of Wales with the University of Wales:Trinity Saint David including the transfer to the University of Wales:Trinity Saint David of all rights, properties, assets and obligations of the University of Wales; and for related purposes.

SESSION 2010–12

EVERSHEDS LLP
One Wood Street
London
EC2V 7WS
Parliamentary Agents

(016713)

LONDON: THE STATIONERY OFFICE
Printed in the United Kingdom by
The Stationery Office Limited

25.11.11
55/1