CHAP. 26.

An Act to alter the law respecting Religious Tests in the Universities of Oxford, Cambridge, and Durham, and in the Halls and Colleges of those Universities. A.D. 1871.

[16th June 1871.]

WHEREAS it is expedient that the benefits of the Universities of Oxford, Cambridge, and Durham, and of the colleges and halls now subsisting therein, as places of religion and learning, should be rendered freely accessible to the nation:

And whereas, by means of divers restrictions, tests, and disabilities, many of Her Majesty's subjects are debarred from the full enjoyment of the same:

And whereas it is expedient that such restrictions, tests, and disabilities should be removed, under proper safeguards for the maintenance of religious instruction and worship in the said universities and the colleges and halls now subsisting within the same:

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:

1. This Act may be cited as "The Universities Tests Act, 1871." Short title.

2. In the construction of this Act— Interpretation of terms.

The word "college" includes the cathedral or house of Christ Church in Oxford, and any hall not being a private hall established under the Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty-one, nor being a hostel established under the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter eighty-eight:

A.D. 1871.

The word "office" includes every professorship other than professorships of divinity, every assistant or deputy professorship, public readership, prelectorship, lectureship, headship of a college or hall, fellowship, studentship, tutorship, scholarship, and exhibition, and also any office or emolument not in this section specified, the income of which is payable out of the revenues of any of the said universities, or of any college within the said universities, or which is held or enjoyed by any member as such of any of the said universities, or of any college within any of the said universities.

Persons taking lay academical degrees or holding lay academical or collegiate offices not to be required to subscribe any formulary of faith, &c.

3. From and after the passing of this Act, no person shall be required, upon taking or to enable him to take any degree (other than a degree in divinity) within the Universities of Oxford, Cambridge, and Durham, or any of them, or upon exercising or to enable him to exercise any of the rights and privileges which may heretofore have been or may hereafter be exercised by graduates in the said universities or any of them, or in any college subsisting at the time of the passing of this Act in any of the said universities, or upon taking or holding or to enable him to take or hold any office in any of the said universities or any such college as aforesaid, or upon teaching or to enable him to teach within any of the said universities or any such college as aforesaid, or upon opening or to enable him to open a private hall or hostel in any of the said universities for the reception of students, to subscribe any article or formulary of faith, or to make any declaration or take any oath respecting his religious belief or profession, or to conform to any religious observance, or to attend or abstain from attending any form of public worship, or to belong to any specified church, sect, or denomination; nor shall any person be compelled, in any of the said universities or any such college as aforesaid, to attend the public worship of any church, sect, or denomination to which he does not belong: Provided that—

(1.) Nothing in this section shall render a layman or a person not a member of the Church of England eligible to any office or capable of exercising any right or privilege in any of the said universities or colleges, which office, right, or privilege, under the authority of any Act of Parliament or any statute or ordinance of such university or college in force at the time of the passing of this Act, is restricted to persons in holy orders, or shall remove any obligation to enter into holy orders which is by such authority attached to any such office.

(2.) Nothing in this section shall open any office (not being an office mentioned in this section) to any person who is not a member of the Church of England, where such office is at the passing of this Act confined to members of the said Church by reason of any such degree as aforesaid being a qualification for holding that office.

Act not to interfere with lawfully established system of religious instruction, worship, and discipline.

4. Nothing in this Act shall interfere with or affect, any further or otherwise than is hereby expressly enacted, the system of religious instruction, worship, and discipline which now is or which may hereafter be lawfully established in the said universities respectively, or in the colleges thereof or any of them, or the statutes and ordinances of the said universities and colleges respectively relating to such instruction, worship, and discipline.

Religious instruction.

5. The governing body of every college subsisting at the time of the passing of this Act in any of the said universities shall provide sufficient religious instruction for all members thereof in statu pupillari belonging to the Established Church.

Morning and Evening Prayer to be used as heretofore, but an abridgment may be used on week days on request of governing body.

6. The Morning and Evening Prayer according to the Order of the Book of Common Prayer shall continue to be used daily as heretofore in the chapel of every college subsisting at the time of the passing of this Act in any of the said universities; but notwithstanding anything contained in the statute thirteenth and fourteenth Charles the Second, chapter four, or in this Act, it shall be lawful for the visitor of any such college, on the request of the governing body thereof, to authorise from time to time, in writing, the use on week days only of any abridgment or adaptation of the said Morning and Evening Prayer in the chapel of such college instead of the Order set forth in the Book of Common Prayer.

Attendance at lectures.

7. No person shall be required to attend any college or university lecture to which he, if he be of full age, or, if he be not of full age, his parent or guardian, shall object upon religious grounds.

Repeal of Acts in schedule.

8. After the passing of this Act, the Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of the said schedule mentioned; and any provision in any Act of Parliament or in any statute or ordinance of the said universities or colleges, so far as it is inconsistent with this Act, shall be repealed.

SCHEDULE.

This Schedule, so far as respects Acts prior to the reign of George the First, refers to the edition prepared under the direction of the Record Commission, intituled "The Statutes of the Realm, printed by command of His Majesty King George "the Third, in pursuance of an address of the House of Commons of Great "Britain, from original records and authentic manuscripts."

Date of Act.	Title of Act.	Extent of Repeal.
(1) 14 Chas. 2. c. 4. -	An Act for the uniformity of public prayers and administration of sacraments and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the Church of England.	So much of section six (2) as is unrepealed; section eight (3); and section thirteen (4), except so far as it relates to the colleges of Westminster, Winchester, and Eton, or any governor or head thereof.
1 Geo. 1. st. 2. c. 13. -	An Act for the further security of His Majesty's person and government, and the succession of the Crown in the heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors.	So much as is unrepealed.
31 Geo. 3. c. 32. -	An Act to relieve upon conditions, and under restrictions, the persons therein described from certain penalties and disabilities to which Papists or persons professing the Popish religion are by law subjects.	So much of section fourteen as relates to any of the universities of Oxford, Cambridge, and Durham.
10 Geo. 4. c. 7. -	An Act for the relief of His Majesty's Roman Catholic subjects.	So much as relates to any of the said universities or any college therein.
19 & 20 Vict. c. 88. -	An Act to make further provision for the good government and extension of the University of Cambridge, of the colleges therein, and of the College of King Henry the Sixth at Eton.	Section forty-five from the words "but such degree" inclusive, to the end of the section.

(1) 13 and 14 Chas. 2. in Ruffhead.
(2) Sections 9 and 10 in Ruffhead.
(3) Section 12 in Ruffhead.
(4) Section 17 in Ruffhead.

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