CHAPTER xi

An Act to dissolve the University College of Nottingham and to transfer all the rights property and liabilities of that college to the University of Nottingham and for other purposes.

[31st May 1949.]

WHEREAS a college was established in the year eighteen hundred and eighty-one and was incorporated by a charter granted in the year nineteen hundred and three (in this Act referred to as "the charter of 1903") under the name of "the University College of Nottingham" (in this Act referred to as "the college") which charter was amended by a supplemental charter granted in the year nineteen hundred and thirty-eight (in this Act referred to as "the charter of 1938") for various objects including the following (that is to say):—

"To advance learning and human knowledge and to provide such instruction as may enable students especially those resident in the city of Nottingham and county of the same city the county of Nottingham and neighbouring (or adjacent) counties or county boroughs to obtain the advantages of university education and to provide such scientific technical and other instruction as may be of service in professional and commercial life";

and the college is under the management of a court of governors and a council appointed by or in pursuance of the said charters:

And whereas the college has made provision for teaching of university standard in faculties of arts science applied science agriculture and horticulture and in other schools and departments which have been from time to time prescribed by statutes and ordinances of the college:

And whereas on the petition of the college His Majesty on the twentieth day of August nineteen hundred and forty-eight

granted a charter constituting in the city of Nottingham a University by the name and style of "the University of Nottingham" (in this Act referred to as "the University") with faculties of arts education science applied science agriculture and horticulture and such other facilities either in addition to or in substitution for the aforesaid faculties or any of them as might from time to time be prescribed by statutes and ordinances of the university and with power to grant degrees and other academic distinctions and to do all such other acts and things as might be requisite in order to further the objects of the University as a place of education and of learning:

And whereas the last-mentioned charter enables the University to enter into any agreement with the college for the incorporation of the college in the University and for taking over the rights property liabilities and engagements of the college and if necessary to promote a Bill in Parliament to confirm or carry out any such agreement:

And whereas the court of governors and the council of the college are desirous and it is expedient that the college should be merged in the University and that all the rights property and liabilities of the college should be transferred to and vested in the University as provided by this Act:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

Short title.

1. This Act may be cited as the University of Nottingham Act 1949.

Dissolution of college and transfer of property to University.

2.—(1) As from the passing of this Act the college shall be by virtue of this Act dissolved and cease to exist and without prejudice to anything previously done or suffered the charter of 1903 and the charter of 1938 shall be revoked and be wholly void and all property real and personal of every description (including things in action) and all rights and privileges of the college which immediately before the passing of this Act belonged to or were vested in the college shall subject to the provisions of this Act be by virtue of this Act without any conveyance transfer or other instrument transferred to and vested in the University for all the estate and interest therein of the college and shall be applied to the objects and purposes for which the University is incorporated.

(2) Any property which by any deed will or other instrument is allocated to any specific foundation or object of the college shall after the said transfer be held upon trust for and applied by the University as far as possible to the same specific foundation or object of the University as that for which such property was held in trust for and applied by the college previously to the transfer:

Provided that any such foundation or object may from time to time be varied or added to by deed under the seal of the University which shall have been approved at a meeting of the court of the University by a majority of two-thirds of such members of the said court as may be present and vote at such meeting and confirmed at a subsequent meeting of the said court held not less than one month and not more than six months after such first-mentioned meeting by a majority of two-thirds of such members of the said court as may be present and vote at such subsequent meeting but so that the funds and investments for the time being allocated to every specific foundation or object shall as far as possible remain allocated for and distinguished as allocated to such specific foundation or object:

Provided also that any such deed shall not be of any validity until the same shall have been submitted to and approved by the Privy Council and a certificate of their approval thereof signed by the Clerk of the Privy Council shall be endorsed on such deed.

(3) Any property held by the college upon or subject to any trust or trusts (not being a trust or trusts relating to the objects or purposes for which the University is incorporated) shall be held by the University upon or subject to the trust or trusts upon or subject to which such property was held by the college previously to the transfer.

Transfer of liabilities.

3. On the passing of this Act all debts and liabilities of the college shall by virtue of this Act be transferred and attached to the University and shall thereafter be discharged and satisfied by the University.

Saving for agreements deeds actions &c.

4. All agreements awards contracts deeds and other instruments and all actions and proceedings and causes of action or proceedings which immediately before the passing of this Act were existing or pending in favour of or against the college shall 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 college had been party to or interested in the same respectively.

Saving for existing officers of college.

5. All professors and other members of and persons attached to or associated with the teaching staff of the college and all salaried or paid officers and servants of the college shall hold as nearly as practicable the same offices and places in the University as they held in the college immediately before the passing

of this Act and upon the same terms and conditions unless and until the council of the University shall otherwise decide.

Transfer of powers to nominate members of educational authorities and governing bodies.

6. Any power or right of the college to appoint or nominate a member of any educational authority or of the governing body of any educational charitable or other institution shall on the passing of this Act be transferred to and may be exercised by the council of the University.

Extension of privileges of graduates.

7. Wherever any office is or shall be open to graduates of the Universities of Oxford Cambridge London or Durham or the Victoria University of Manchester the Universities of Birmingham Liverpool Leeds Sheffield Bristol or Reading graduates of the University having the degree which would be a qualification for any such office if it had been granted by any of the other universities named in this section may become candidates for and may hold any such office and wherever any privilege or exemption has been or shall be given by any Act of Parliament or regulation of any public authority to graduates of any of the said universities (other than the University) graduates of the University shall be entitled to any such privilege or exemption as fully as graduates of any of the other universities named in this section.

Application of section 7 of Mortmain &c. Act 1888. 51 & 52 Vict. c. 42.

8. The University shall be deemed to have been included among the universities mentioned in section 7 of the Mortmain and Charitable Uses Act 1888 and that Act shall be read and have effect accordingly.

Construction of bequests in favour of College.

9. Any will deed or other document whether made or executed before or after the passing of this Act (including any will made before the passing of this Act by a testator living at the date of such passing) which contains any bequest gift or trust in favour of the college shall on and after the passing of this Act be read and have effect as if the University were therein named instead of the college.

As to Charitable Trusts Acts.

10. The Charitable Trusts Acts 1853 to 1939 shall not extend to property held for the general purposes of the University or of any college or hall therein.

Costs of Act.

11. The costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act shall be defrayed by the University out of income or out of the capital of the property by this Act transferred to the University or if the council of the University think fit out of money to be raised by sale or mortgage of some part of the said property.

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