

ELIZABETH II



1988 CHAPTER xxiv

An Act to unite St. Mary's Hospital Medical School with the Imperial College of Science and Technology; to transfer all rights, properties and liabilities from the Medical School to the College; to make provision with respect to the administration and management of certain funds relating to the College; and for connected and other purposes. [29th July 1988]

WHEREAS—

(1) The Imperial College of Science and Technology ("Imperial College") was established by Royal Charter in 1907 combining the Royal College of Science, the Royal School of Mines and the City and Guilds College, for the purpose of giving the highest specialised instruction, and providing the fullest equipment for the most advanced training and research in various branches of science, especially in its application to industry:

(2) Imperial College became a School of the University of London ("the University") in 1908:

(3) St. Mary's Hospital was established in 1851 as a voluntary association or society and St. Mary's Hospital Medical School ("the Medical School") was founded in 1854 and admitted as a School of the University in 1900:

1946 c. 81.

(4) The Medical School remained a constituent part of St. Mary's Hospital until 23rd June 1948 when, pursuant to a scheme made under section 15 of the National Health Service Act 1946, the Medical School was reconstituted as a body corporate with its own governing body, having perpetual succession and a common seal, and with the main objects of acquiring and carrying on the Medical School for the purpose of the education of students of medicine and the allied sciences, providing practical training of such students and initiating and supporting original research into the promotion of health and the prevention of disease:

(5) It is the policy of the University that the academic strength and financial viability of the medical schools of the University should be enhanced by uniting some of those schools with certain multi-faculty institutions of the University:

(6) The University, Imperial College and the Medical School have agreed that it is expedient that Imperial College and the Medical School should be united as one college in accordance with the provisions of this Act and that the Charter of Imperial College should be amended so as to make suitable provision in consequence thereof:

(7) It is expedient to make provision for the pooling of the funds of Imperial College and the various trust funds held by it and as to their investment:

(8) It is expedient that the other provisions contained in this Act should be enacted:

(9) 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 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 I

PRELIMINARY

Citation.

1. This Act may be cited as the Imperial College Act 1988.

Interpretation.

2. In this Act, except where the context otherwise requires, the following expressions have the following meanings:—

“the appointed day” means 1st August 1988;

“general pool” means the general investment pool set up in pursuance of the provisions of section 12 of this Act;

“the Governing Body” means the Governing Body of Imperial College;

“Imperial College” means the Imperial College of Science and Technology;

“the Medical School” means St. Mary's Hospital Medical School;

“trustee investments pool” means the trustee investments pool set up in pursuance of the provisions of section 12 of this Act.

PART II

DISSOLUTION OF ST. MARY'S HOSPITAL MEDICAL SCHOOL AND TRANSFER OF
FUNCTIONS AND PROPERTY, ETC., TO IMPERIAL COLLEGE

3. On the appointed day the Medical School shall be dissolved and the scheme made pursuant to section 15 of the National Health Service Act 1946 constituting the governing body of the Medical School and defining the duties and powers of the Medical School and providing for its management and control shall be revoked. Dissolution of Medical School. 1946 c. 81.
4. All property, real and personal, of every description (including things in action) and all rights and privileges of the Medical School which immediately before the appointed day belonged to or were vested in or exercisable by the Medical School shall on the appointed day, subject to the provisions of this Act, without any conveyance, transfer, assignment or other instrument, be transferred to and vested in, or be exercisable by, Imperial College for all the estate and interest therein of the Medical School. Transfer of property, etc.
5. All debts and obligations of the Medical School shall on the appointed day be transferred and attached to Imperial College and shall thereafter be discharged and satisfied by Imperial College. Transfer of obligations, etc.
6. All agreements, appointments, awards, contracts, deeds and other instruments, and all actions and proceedings and causes of action which immediately before the appointed day were existing or pending in favour of, or against the Medical School shall on and after the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against, Imperial College to the same extent and in like manner as if Imperial College instead of the Medical School had been party to, or interested in, the same respectively. Saving for agreements, deeds, actions, etc.
7. 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 or connected with the Medical School shall, on and after the appointed day, be read and have effect as if Imperial College were named therein instead of the Medical School. Construction of bequests, etc.
8. Any power or right of the Medical School or 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, Imperial College or the officer or employee of Imperial College who in the opinion of the Governing Body most nearly performs the functions formerly performed by the former officer or employee in question. Transfer of powers to appoint or nominate.
9. Without prejudice to the preceding provisions of this Act, the property of the Medical School transferred to Imperial College by this Act shall include the freehold and leasehold properties specified in Part I of the Schedule to this Act and the trust funds specified in Part II of that Schedule. Specified freehold and leasehold properties and trust funds transferred to Imperial College.

PART III

INVESTMENT POOLS

10. In this Part of this Act, unless the context otherwise requires, the following expressions have the following meanings:— Definitions in Part III.

PART III
— cont.

1960 c. 58.

“accounting period” means the yearly period commencing on 1st August in each year or other period for which the accounts and financial affairs of Imperial College are for the time being made up, arranged and calculated;

“auditor” means the auditor of Imperial College;

“certified capital value” means, in reference to any investment with respect to which the expression is used, the capital value of that investment as certified by the auditor in pursuance of the provisions of section 14 of this Act;

“the Commissioners” and “the court” have the same meanings as in the Charities Act 1960;

“endowment fund” means a fund which is applicable for the benefit of Imperial College or any work, purpose or feature thereof and the investments of which are for the time being held by and in the name of Imperial College;

“investment unit” means a share in the trustee investments pool or the general pool, as the case may be, of the value determined from time to time pursuant to section 16 of this Act;

“operative date” means such date as the Governing Body may by resolution passed in pursuance of section 11 of this Act determine;

“shareholding” means, in regard to the trustee investments pool or the general pool and in reference to any endowment fund with respect to which the expression is used, the aggregate of the investment units in that pool to which such fund is entitled;

“trustee investments endowment fund” means an endowment fund the investments of which are by reason of the provisions of an instrument (including an Act of Parliament other than this Act) relating to that fund to be confined to investments for the time being authorised by law for the investment of trust property.

Adoption of
Part III.

11. If the Governing Body so resolve, the provisions of this Part of this Act shall apply to Imperial College and the Governing Body on and after such date (being a date not earlier than the appointed day) as may be determined in the resolution.

Pooling of
investments.

12.—(1) The Governing Body shall, on the operative date, set up and shall thereafter maintain two investment pools which shall be called respectively “the trustee investments pool” and “the general pool” and shall be administered by the Governing Body in the manner provided in this Act.

(2) On, or at any time after, the operative date, the Governing Body may carry into the trustee investments pool any such investments and money as belong for the time being to any trustee investments endowment fund.

(3) On, or at any time after, the operative date, the Governing Body may carry into the general pool any such investments and money as belong for the time being to any endowment fund:

Provided that the Governing Body shall not carry into the general pool any investment or money belonging to a trustee investments endowment fund.

(4) The aggregate amount of the certified capital values, certified at the date when they are carried in, of all the investments and money belonging to any endowment fund which are carried into the trustee investments pool or the general pool (as the case may be) at any one time in pursuance of the

provisions of this section shall be divided by the value at that time of an investment unit. The result of such division (any fraction amounting to less than one-half being ignored and any fraction amounting to one-half or more being reckoned as one) shall be the number of investment units to which that endowment fund is entitled by virtue of the investments and money so carried in.

PART III
— cont.

13.—(1) The trustee investments pool shall constitute a trust fund for the purposes of the Trustee Investments Act 1961 (“the 1961 Act”) and shall be invested in the name of Imperial College in the manner authorised by section 1 of that Act:

Administration of
investment pools.
1961 c. 62.

Provided that—

(a) in its application to the powers of investment conferred by the said section 1, section 2 of the 1961 Act shall have effect, subject to the provisions of subsection (8) below, as if—

(i) in subsection (1) of that section, for the words “the parts being, subject to the provisions of this Act, equal in value at the time of the division” there were substituted the words “the value of the wider-range part at the time of the division bearing to the then value of the narrower-range part the proportion of two to one”;

(ii) in paragraph (b) of subsection (3) of that section, for the words “each part of the fund is increased by the same amount” there were substituted the words “the wider-range part of the fund is increased by an amount which bears to the amount by which the narrower-range part of the fund is increased the proportion of two to one”;

(b) nothing in section 3 or section 4 of the 1961 Act shall apply to the exercise of the powers of this Act.

(2) Any money for the time being in the general pool and available for investment shall be invested in the name of Imperial College in the purchase of or on the security of such stocks, funds, shares, securities or other investments (including land of any tenure or any interest therein) of whatsoever nature and wheresoever and whether involving liability or not, and whether or not authorised by law for the investment of trust funds and generally in such manner as the Governing Body shall, in their absolute discretion, think fit.

(3) Any money for the time being comprised in the trustee investments pool or the general pool and awaiting investment may be placed on deposit by the Governing Body in the name of Imperial College with any bank or licensed deposit taker and all interest (if any) payable in respect thereof shall be applied as if it were income from an investment comprised in that pool.

(4) At any time after the operative date the Governing Body, if they, for any of the purposes of any endowment fund or in order to separate that fund in whole or in part from the pool, decide to realise any investment units forming the whole or any part of the shareholding of that fund in the trustee investments pool or the general pool, may effect such realisation by cancelling those investment units and withdrawing from the pool in which those investment units are held either—

(a) an amount of money equal to the aggregate nominal value of the investment units so cancelled; or

(b) investments the certified capital value of which is equal to such aggregate nominal value; or

PART III
— cont.

(c) an amount equal to such aggregate nominal value and composed partly of money and partly of investments the certified capital value of which when added to the amount of such money gives a total amount equal to such aggregate nominal value.

(5) The Governing Body may at any time sell any of the investments for the time being comprised in the trustee investments pool or the general pool if such a sale is required for the purpose of realising any investment units in that pool or is thought by the Governing Body to be expedient.

(6) The Governing Body may at any time vary or transpose any investments in either pool for or into other investments of any nature authorised for that pool, but subject, in the case of the variation or transposition of investments comprised in the trustee investments pool, to the provisions of the 1961 Act, as modified by subsection (1) above.

(7) The income arising from the investments comprised from time to time in the trustee investments pool and the general pool respectively shall be dealt with in the manner specified in section 15 of this Act.

(8) If the Treasury by order under subsection (1) of section 13 of the 1961 Act prescribe a proportion greater than two to one, subsection (1) above shall be amended by the substitution in paragraph (i) and in paragraph (ii) of proviso (a) thereto, of the proportion so prescribed for the proportion of two to one.

Certification of
capital values of
investments.

14. Whenever the capital value of any investment requires for any purpose of this Act to be certified, the amount of that capital value shall be certified in writing by the auditor. For the purpose of such certification the auditor shall ascertain, calculate or estimate the capital value of the investment upon such basis as is in his judgment the most accurate and reliable basis available and, in the case of any security for which reliable market prices are available, the valuation shall be based on the mid-market price.

Apportionment
of income from
pooled
investments.

15.—(1) The net amount of the aggregate income for any accounting period from the investments comprised in the trustee investments pool or the general pool after deduction of—

- (a) any expenses of administration of the pool;
- (b) any amount which may be retained in the pool in pursuance of the provisions of subsection (2) below; and
- (c) any amount set aside in pursuance of the provisions of subsection (3) below;

shall be apportioned among the endowment funds entitled to share in the pool in proportion to the numbers of investment units in the pool to which those funds are respectively entitled and, in the case of any investment unit or units to which an endowment fund was entitled during only a part of that accounting period, after paying due regard to the time during which that fund was so entitled.

(2) The Governing Body may retain in the pool and carry to a reserve fund in the accounts of the pool at the end of any accounting period any such amount of income from the investments comprised in the pool, not exceeding such percentage as the Governing Body may by resolution from time to time determine of the gross aggregate amount of that income for that accounting period, as the Governing Body may consider it expedient to reserve with a view

to supplementing the income from the investments comprised in the pool to be apportioned in any subsequent accounting period, and so helping to equalise the rates of the annual distributions of income in respect of the pool: the whole or any part of the income thus held in reserve for the time being in the pool may be applied at the discretion of the Governing Body by way of addition to the amount of income otherwise falling to be apportioned in respect of any subsequent accounting period among the endowment funds entitled to share in the pool and as if it were part of that income.

(3) The Governing Body may retain in the pool and carry to a capital redemption account in the accounts of the pool at the end of any accounting period any such amount of income from the investments comprised in the pool not exceeding such percentage as the Governing Body may by resolution from time to time determine of the gross aggregate amount of that income for that accounting period as the Governing Body may consider it expedient to set aside to meet capital losses.

(4) Any sums set aside pursuant to subsection (2) or (3) above shall be invested by the Governing Body in the same manner as that in which money for the time being in the pool and available for investment is required to be invested in pursuance of the provisions of section 13 of this Act and the capital and income of such investments shall respectively form part of the capital and income of the pool.

(5) If an investment is redeemed or terminated or, in pursuance of the provisions of section 13 of this Act, withdrawn from the pool or sold, the Governing Body may deduct a sum, being not greater than the capital loss, if any, resulting from such redemption, termination, withdrawal or sale, from the capital redemption account of the pool, and may apply it at their discretion in meeting the capital loss.

16.—(1) The auditor shall as soon as practicable after the end of each accounting period, and at any other time if so required by the Governing Body, make to the Governing Body a report on the investments for the time being comprised in the trustee investments pool and in the general pool, and if at any time the Governing Body, after investigation and after receiving such report, shall come to the conclusion that by reason of appreciation or depreciation of the values of investments or by reason of the deduction of any sum standing to the credit of a capital redemption account in pursuance of the provisions of subsection (5) of section 15 of this Act the aggregate amount of the capital values of the investments and any money for the time being comprised in the trustee investments pool or the general pool is substantially greater or substantially less than the total value of all the investment units in that pool, the Governing Body shall make such an addition to or reduction of the nominal value of an investment unit in that pool, as the Governing Body may deem appropriate in the circumstances, so as to equate that total value with such aggregate amount.

(2) The initial value of an investment unit shall be one pound.

17.—(1) The trustee investments pool and the general pool shall be treated for all purposes as if they were funds established under section 22 of the Charities Act 1960.

(2) The court and the Commissioners shall have the same powers after the passing of this Act to make and bring into operation schemes relating to an endowment fund, the trustee investments pool and the general pool as they would have if the provisions of this Part of this Act were contained in an order

PART III
— cont.

Increase or
reduction of
value of
investment unit.

Supplementary
provisions.
1960 c. 58.

PART III
—cont.

made under the said section 22 instead of in an Act of Parliament; and this Part of this Act shall, accordingly, have effect subject to the provisions of any such scheme.

(3) Except as provided in subsection (2) above, this Part of this Act shall have effect notwithstanding the provisions of any instrument relating to any endowment fund.

PART IV

FURTHER PROVISIONS AS TO INVESTMENT

Further
provisions as to
investment.

18.—(1) Subject to subsection (2) below, money in the hands of Imperial College and available for investment (other than money in the general pool or the trustee investments pool) may be invested by the Governing Body in any of the following modes or objects of investment:—

- (a) by placing them on deposit with any bank or licensed deposit taker;
- (b) by investing them in such stocks, funds, shares, securities or other investments (including land of any tenure or any interest therein) of whatsoever nature and wheresoever and whether involving liability or not, as the Governing Body shall, in their absolute discretion, think fit.

(2) In the case of money held by Imperial College as trustees, the powers conferred by subsection (1) above shall be exercised subject to the provisions of the law relating to investment by trustees.

(3) The Governing Body may by writing appoint (and in like manner revoke or vary the terms of any such appointment) any person or firm to act as investment advisers or investment managers and permit any money, investments or other property belonging to or in the hands of Imperial College to be registered or held in the name of any nominee within the United Kingdom on behalf of Imperial College without being liable for any loss occasioned thereby in each case subject to such conditions and upon such terms (including the payment of remuneration) as may from time to time be agreed in writing between the Governing Body and the person or firm concerned.

(4) In consequence of subsection (3) above the last reference to Imperial College in section 10 of this Act and the references to Imperial College in section 13 of this Act shall be construed as including a reference to a nominee of Imperial College.

SCHEDULE

Section 9.

SPECIFIED FREEHOLD AND LEASEHOLD PROPERTIES AND
TRUST FUNDS TRANSFERRED TO IMPERIAL COLLEGE

PART I

SPECIFIED FREEHOLD AND LEASEHOLD PROPERTIES

1. The freehold property known as St. Mary's Hospital Medical School, Praed Street, London W.2 and registered at Her Majesty's Land Registry under title number LN 105502.

2. The freehold property in London W.2, being 38 to 76 (even numbers) Sussex Gardens, 32 and 34 Southwick Street, 15 Sale Place, 1, 2 and 5 Rainsford Street and the land and buildings lying on the north-west and the south-east of Rainsford Street, and registered at Her Majesty's Land Registry under title number NGL 418719.

3. The freehold property lying between Udney Park Road, Cromwell Road and Kingston Lane, Twickenham, Middlesex and registered at Her Majesty's Land Registry under title number MX 50258.

4. The freehold property known as Minffordd, Drws-y-Coed, Nantlle, Gwynedd, North Wales.

5. The leasehold property being parts of the ground and first floors of the Mint Wing, South Wharf Road, London W.2 comprised in a lease dated 2nd April 1987 and made between the Secretary of State for Social Services and the Medical School.

6. The leasehold property being part of the first floor of the Lisson Grove Health Centre, Gateforth Street, London N.W.8 occupied by the Medical School.

7. The leasehold property being part of the fourth floor of the Patterson Wing, St. Mary's Hospital, South Wharf Road, London W.2, comprised in a lease dated 14th March 1988 and made between the Secretary of State for Social Services and the Medical School.

8. The premises comprising part of the tenth floor and other areas of Queen Elizabeth the Queen Mother Wing of St. Mary's Hospital, South Wharf Road, London W.2 occupied by the Medical School.

9. The leasehold property known as Horace Joules Hall at Central Middlesex Hospital, Park Royal, London N.W.10 comprised in a lease dated 11th January 1966 and made between the Minister of Health and The Middlesex Hospital Medical School and occupied for teaching purposes by the Medical School.

PART II

SPECIFIED TRUST FUNDS

1. St. Mary's Hospital Medical School Memorial Prize Fund Charity.
2. Frederick John Palmer Scholarship Fund.
3. Geraldine Harmsworth Scholarship Fund.
4. Adrian Lyell Taylor Scholarship Fund.
5. Martin John Turner Scholarship Fund.
6. Lord Moran Scholarship Fund.
7. Wallace Memorial Prize Fund.
8. David Lees Memorial Prize Fund in Clinical Medicine.

SCH.
—cont.

9. Sir William Broadbent Prize Fund.
10. Agnes Dora Cope Prize Fund.
11. V. Warren Low Prize Fund.
12. Dudley Phillips Prize Fund.
13. R.N.V.R. Memorial Fund.
14. Students Assistance Fund.
15. John Diver Memorial Book Fund.
16. Rene Mendez Memorial Fund.
17. Mrs. Wharrie and H. A. Harben Fund.
18. Tatiana Gourlande Fund.
19. Pfizer Fund for Chair of Immunology.
20. Waller Lecture Fund.
21. Students Travel Fund.
22. Edgar Lawley Prize Fund and Scholarship Fund.
23. Michell-Heggs Fund.
24. Margaret Gordon Prize.
25. Hawker Scholarship Fund.
26. Mildred Rachel Lees Fund.
27. C. R. A. Martin Scholarship Fund.
28. Ernst Neumark Fund.
29. Huggett Prize Fund.
30. W. T. M. McCowan Fund.
31. Wright-Fleming Trust.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR J. A. DOLE
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament



Imperial College Act 1988

CHAPTER xxiv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Citation.
2. Interpretation.

PART II

DISSOLUTION OF ST. MARY'S HOSPITAL MEDICAL SCHOOL AND TRANSFER OF FUNCTIONS AND PROPERTY, ETC., TO IMPERIAL COLLEGE

3. Dissolution of Medical School.
4. Transfer of property, etc.
5. Transfer of obligations, etc.
6. Saving for agreements, deeds, actions, etc.
7. Construction of bequests, etc.
8. Transfer of powers to appoint or nominate.
9. Specified freehold and leasehold properties and trust funds transferred to Imperial College.

PART III

INVESTMENT POOLS

Section

10. Definitions in Part III.
11. Adoption of Part III.
12. Pooling of investments.
13. Administration of investment pools.
14. Certification of capital values of investments.
15. Apportionment of income from pooled investments.
16. Increase or reduction of value of investment unit.
17. Supplementary provisions.

PART IV

FURTHER PROVISIONS AS TO INVESTMENT

18. Further provisions as to investment.

SCHEDULE—Specified freehold and leasehold properties and trust funds transferred to Imperial College—

Part I—Specified freehold and leasehold properties.

Part II—Specified trust funds.