



CHAPTER iii

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

[29th March 1955.]

WHEREAS:

(1) The Right Honourable Thomas Robinson Ferens LL.D. merchant of Kingston upon Hull and High Steward of that city in nineteen hundred and twenty-five gave the sum of two hundred and fifty thousand pounds for the purpose of founding and endowing a University College at Hull and to this sum was added a gift of one hundred and fifty thousand pounds from the lord mayor aldermen and citizens of the city and county of Kingston upon Hull (in this Act referred to as "the corporation") for the erection and equipment of the first buildings of such College upon a site of about eighteen acres presented to the corporation by the said Thomas Robinson Ferens and transferred by them to the College for that purpose:

(2) On the seventh day of October nineteen hundred and twenty-seven the University College of Hull (in this Act referred to as "the College") was incorporated under the provisions of the Companies Acts 1908 to 1917 with a licence from the Board of Trade to dispense with the word "limited" as a company limited by guarantee and not having a share capital:

(3) The objects of the College as set out in their memorandum of association were (inter alia) to found and maintain a college for students male and female and to carry on work at Kingston upon Hull or elsewhere for the promotion in all their branches of higher learning science the arts and knowledge in general and

to establish organise and maintain classes and lectures in Kingston upon Hull and in other towns and places in the East and North Ridings of the county of York and in the county of Lincoln and elsewhere for the purpose of promoting education and research and to provide instruction for the training of entrants to the learned teaching and technical professions industry and commerce:

(4) The College has made provision for teaching of university standard in faculties of arts and science:

(5) On the petition of the College Her Majesty on the sixth day of September nineteen hundred and fifty-four granted a charter constituting in the city and county of Kingston upon Hull a university by the name and style of "The University of Hull" (in this Act referred to as "the University") with faculties of arts and science and such other faculties either in addition to or in substitution for the aforesaid faculties or either of them as may from time to time be constituted by statutes or ordinances of the University and with power to grant degrees 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 learning:

(6) The said charter enables the University to enter into an agreement with the College for the incorporation of the College in the University and for taking over its rights property liabilities and engagements and if necessary to promote a Bill in Parliament to confirm or carry out any such agreement:

(7) The College is desirous that it should be incorporated in the University and accordingly an agreement dated the fifth day of November one thousand nine hundred and fifty-four has been entered into between the College on the one part and the University on the other part for the incorporation of the College in the University and for the transfer of the rights property and liabilities of the College to the University and it is expedient that that agreement a copy of which is set forth in the schedule to this Act should be confirmed and carried into effect:

(8) It is expedient that the other provisions contained in this Act 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 (that is to say):—

1. This Act may be cited as the University of Hull Act 1955.

2. The agreement between the College and the University set out in the schedule to this Act is hereby confirmed and made binding on the parties thereto:

Provided that the said agreement shall have effect as if in recital (2) for the words "thirteenth day of May" there were substituted the words "sixth day of September".

3.—(1) As from the commencement of this Act the College shall by virtue of this Act be dissolved and cease to exist and the memorandum and articles of association of the College shall as to any prospective operation thereof 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 commencement of this Act belonged to or were vested in or exercisable by the College shall subject to the provisions of this Act be by virtue of those provisions and without any conveyance transfer or other instrument transferred to vested in and exercisable by 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.

Dissolution of
College and
transfer of
property to
University.

(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.

(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 and 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.

4. On the commencement 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.

Transfer of
liabilities.

5. All agreements awards contracts deeds and other instruments and all actions and proceedings and causes of action or proceedings which immediately before the commencement 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

Saving for
agreements
deeds
actions etc.

same extent or in like manner as if the University instead of the College had been party to or interested in the same respectively.

Saving for
existing staff
of College.

6. 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 commencement of this Act and upon the same terms and conditions or upon such varied terms and conditions as the council of the University shall decide without prejudice to any existing rights in regard to tenure of office salary or other emoluments.

Transfer of
power to
appoint or
nominate.

7. 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 commencement of this Act be transferred to and may be exercised by the University.

Extension of
privileges of
graduates.

8. Wherever any office is or shall be open to graduates of the universities of Oxford Cambridge Durham or London or the Victoria University of Manchester or the universities of Birmingham Liverpool Leeds Sheffield Bristol Reading Nottingham or Southampton 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 other universities 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 etc.
Act 1888.
51 & 52 Vict.
c. 42.

9. 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 have effect accordingly.

Construction
of bequests in
favour of
College.

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

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

12.—(1) The University shall deliver to the Registrar of Copy of Act to Companies a printed copy of this Act and he shall retain and be registered. register it.

(2) There shall be paid to the Registrar by the University on such copy being registered the fee of five shillings.

13. The costs charges and expenses of and incidental to the Costs of Act. 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.

SCHEDULE

THIS AGREEMENT is made the fifth day of November One thousand nine hundred and fifty-four Between THE UNIVERSITY COLLEGE OF HULL whose registered office is situate at Cottingham Road in the City and County of Kingston upon Hull (hereinafter called "The College") of the one part and THE UNIVERSITY OF HULL whose address is at Cottingham Road aforesaid in the said City and County of Kingston upon Hull (hereinafter called "The University") of the other part

WHEREAS:

(1) The College was incorporated as a company limited by guarantee under the Companies Acts 1908 to 1917 on the seventh day of October One thousand nine hundred and twenty-seven:

(2) On the petition of The College Her Majesty Elizabeth the Second on the thirteenth day of May One thousand nine hundred and fifty-four granted a Charter constituting in the City and County of Kingston upon Hull a University by the name and style of "The University of Hull":

(3) The said Charter enables The University to enter into an agreement with The College for the incorporation of The College in The University and for taking over its rights property liabilities and engagements and if necessary to promote a Bill in Parliament to confirm or carry out any such agreement:

(4) 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:

NOW THIS AGREEMENT WITNESSETH as follows:

1. The College shall be incorporated in The University who agrees and the rights property liabilities and engagements of The College shall be assigned transferred and conveyed to and accepted and acquired by The University upon the terms and conditions hereinafter mentioned such transfer to include in particular:—

- (a) All real and personal property of every description (including things in action);
- (b) All rights and privileges of The College;
- (c) All debts and liabilities of The College.

2. Any property which by any Deed will or other instrument which is allocated to any specific Foundation Object of The College or other Trust shall be held upon trust for and applied by The University as far as possible to the same specific Foundation Object of The University or other Trust as that for which such property was held in trust for and applied by The College.

3. In the event of The University deciding to promote a Bill in Parliament to confirm and carry out this agreement or any of the Objects set out in the said Charter The College undertakes to exercise

all its powers for the purpose of assisting in the promoting and passing of such.

4. This agreement is subject to confirmation thereof by Parliament and to such alterations (if any) as Parliament may think fit to make therein but if any Committee make any material alteration therein it shall be competent to either party hereto on giving notice to the other party to withdraw therefrom.

IN WITNESS whereof The College has hereunto caused its Common Seal to be affixed the day and year first hereinbefore written.

AS WITNESS the hands of the parties for and on behalf of The University in pursuance of a resolution of the Council of the said University passed at a meeting held on the fifth day of November One thousand nine hundred and fifty-four.

THE COMMON SEAL of The University
College of Hull is hereto affixed in the
presence of—

H. I. LOTEN }
L. H. DOWNS } *Members of Council.*

C. MEGGITT *Registrar.*

SIGNED for and on behalf of The
University of Hull in pursuance of a
resolution of the Council of the said
University passed at a meeting held on
the fifth day of November 1954—

H. I. LOTEN
Chairman of the University Council.

L. H. DOWNS
Treasurer of the University.

W. D. CRAIG
Registrar.

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