

ELIZABETH II



1964 CHAPTER 51

An Act to amend the law relating to property held by or on behalf of universities and colleges, and for purposes connected therewith. [16th July 1964]

B E 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.—(1) The Ecclesiastical Leases Act 1571, the Ecclesiastical Leases Act 1572, the Ecclesiastical Leases Act 1575 and the Ecclesiastical Leases Act 1836 shall not have effect in relation to any college in any university. Ecclesiastical Leases Acts.

(2) In this Act "college" includes a hall; and for the purposes of this Act the Cathedral or House of Christ Church in Oxford shall be considered to be a college in the University of Oxford.

2.—(1) This section applies to the following universities and colleges, that is to say— Removal of restrictions in Universities and College Estates Act 1925.

(a) the universities to which the Universities and College Estates Act 1925 (in this Act referred to as "the Act of 1925") applies, and

(b) all colleges in those universities.

(2) In relation to universities and colleges to which this section applies, the Act of 1925 shall have effect subject to the exceptions and modifications specified in Part I of Schedule 1 to this Act (being exceptions and modifications for removing restrictions on the powers of those universities and colleges).

3.—(1) In relation to universities and colleges to which the last preceding section applies, the Act of 1925 shall have effect subject to the further exceptions and modifications Capital money.

specified in Part II of Schedule 1 to this Act (being exceptions and modifications relating to the receipt and application of capital money).

(2) Where at the commencement of this Act any capital money belonging to a university or college to which the last preceding section applies is held by the Minister of Agriculture, Fisheries and Food, that Minister shall pay or transfer it to that university or college, or to a person designated for the purpose by that university or college.

(3) Any capital money which in pursuance of the last preceding subsection is paid or transferred to a university or college, or to a person designated by a university or college, shall be held by that university or college, or by that person, as the case may be, on the like trusts (if any) and subject to the like provisions (whether having effect by virtue of an enactment or otherwise) as the capital money so paid or transferred would have been subject to if it had continued to be held as mentioned in the last preceding subsection.

(4) Any stamp duty payable on, or other expenses of or incidental to, the payment or transfer of any capital money in pursuance of this section shall be paid by the university or college to whom the capital money belongs.

(5) The provisions of Schedule 2 to this Act shall have effect with respect to sinking funds.

(6) In this section "capital money" includes any property representing capital money, and "property" includes any investment, any estate or interest in real or personal property, any negotiable instrument, debt or other chose in action and any other right or interest whether in possession or not; and for the purposes of this section capital money shall be taken to belong to a university or college if it is held on behalf of that university or college, whether for the general purposes thereof or for any special endowment or other special purpose connected with that university or college.

Amendment
and repeal of
enactments.

4.—(1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule (being minor amendments or amendments consequential upon the preceding provisions of this Act).

(2) The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.

Short title,
citation,
extent and
commence-
ment.

5.—(1) This Act may be cited as the Universities and College Estates Act 1964; and the Universities and College Estates Act 1925 and this Act may be cited together as the Universities and College Estates Acts 1925 and 1964.

(2) This Act shall not extend to Scotland or to Northern Ireland.

(3) In so far as any enactment contained in this Act, or amended or modified by this Act, is capable of applying, as part of the law of England and Wales, to land in Scotland or in Northern Ireland, the last preceding subsection shall not affect the operation of that enactment, as part of that law, in relation to any such land.

(4) This Act shall come into operation at the end of the period of one month beginning with the day on which it is passed.

SCHEDULES

Sections 2, 3.

SCHEDULE 1

EXCEPTIONS AND MODIFICATIONS TO UNIVERSITIES
AND COLLEGE ESTATES ACT 1925

PART I

EXCEPTIONS AND MODIFICATIONS REFERRED TO IN SECTION 2(2)

1. In section 2, subsection (2) shall be omitted.
2. In section 15(1), the words " with the consent of the Minister " shall be omitted.
3. In section 17, the words " with the consent of the Minister ", in each place where they occur, and in subsection (1) the words " with such consent as aforesaid ", shall be omitted.
4. In section 23(1), the words " with the consent of the Minister " shall be omitted.
5. In section 26, the words " with the consent of the Minister " in subsections (1) and (2), and the words " and on the terms mentioned in the order consenting to the loan " in paragraph (a) of the proviso to subsection (2), shall be omitted.
6. In section 30(1), the words " with the consent of the Minister " and the words from " and may be authorised " to the end of the subsection shall be omitted.
- 7.—(1) In subsection (1) of section 31, the words " with the consent of the Minister ", the words from " and be stated " to " specified in the order " and, in paragraph (b) of the proviso, the words " with the approval of the Minister ", shall be omitted.
(2) In subsection (2) of that section, for the words " as may be deemed reasonable by the Minister " there shall be substituted the words " as is reasonable ".
8. In section 32(1), the words " in such manner as may be approved by the Minister " shall be omitted, and for the words " as may be sanctioned by the Minister " there shall be substituted the words " as the university or college think fit ".
- 9.—(1) In section 38, subsections (1), (2), (3) and (6) shall be omitted.
(2) In subsection (5) of that section, the word " such ", in the first place where it occurs, shall be omitted, after the word " mortgage " there shall be inserted the words " proposed to be made under an order of the Minister under section 21 of this Act ", and for the word " consent " there shall be substituted the words " valuation or plan ".
10. In section 40, the words " with the consent of the Minister " shall be omitted.

PART II

SCH. 1

EXCEPTIONS AND MODIFICATIONS REFERRED TO IN SECTION 3(1)

1. In section 3(2), the words from “when received” to “the Minister and” shall be omitted, and, in the proviso, for the words “the Minister” there shall be substituted the words “the university or college concerned”.

2. In section 5, the words “and be paid to the Minister” shall be omitted.

3. In section 7(4), the words “and be paid to the Minister” shall be omitted.

4. In section 13(7), the words “shall be paid to the Minister, and” shall be omitted.

5. In section 14(4), the words “and be paid to the Minister” shall be omitted.

6. In section 15(2), the words “and be paid to the Minister” shall be omitted.

7. In section 16(4), the words “and be paid to the Minister” shall be omitted.

8. In section 20(1), the words “shall be paid to the Minister, and” shall be omitted.

9. In section 23(5), the words “and be paid to the Minister” shall be omitted.

10. In section 24(5), the words “shall be paid to the Minister, and” shall be omitted.

11. In section 26, in subsection (1), after the words “any enactment hereby repealed” there shall be inserted the words “or paid to a university or college under this Act”; and in subsection (5) for the word “Minister”, where it first occurs, there shall be substituted the words “university or college concerned” and for the words from “the Minister shall” to the end there shall be substituted the words “the university or college shall make such provision accordingly.”.

12.—(1) In section 28, in subsections (1) and (2), for the words “the Minister” there shall be substituted the words “the university or college”.

(2) In subsection (3) of that section, for the words from “the Minister”, in the first place where they occur, to the end there shall be substituted the words “a university or college under this section shall be treated as capital money under this Act and as securities representing such capital money.”.

13. In section 29, for the words from “to the Minister” to “hereby repealed” there shall be substituted the words “to a university or college under this Act”; for the words “the Minister may, notwithstanding anything in this Act, require and” there shall be substituted the words “the university or college concerned shall”; and for the words “the Minister”, in the last place where they occur, there shall be substituted the words “the university or college”.

14. In section 42, the words “and be paid to the Minister” shall be omitted and for the words “such payment as aforesaid” there

SCH. 1 shall be substituted the words "the money (if any) to be paid by way of equality of exchange has been paid to the university or college".

Section 3.

SCHEDULE 2

SINKING FUNDS

1. The provisions of this Schedule shall have effect where any capital money belonging to a university or college, which is required to be paid or transferred under section 3(2) of this Act, is comprised in a sinking fund maintained in pursuance of a direction given by the Minister under the Act of 1925.

2. Until that capital money is so paid or transferred, the university or college shall continue to pay to the Minister any sums which, in accordance with the direction, are required to be so paid for the purpose of maintaining the sinking fund; and any sums so paid, and (in so far as the direction so requires) any income accruing from property comprised in the sinking fund, shall be dealt with as an accretion to that fund.

3. After the capital money has been so paid or transferred, the university or college shall continue to maintain the sinking fund in accordance with the direction until the end of the period for which it was directed to be maintained.

4. For the purposes of this Schedule—

- (a) any approval or sanction of the Minister in pursuance of paragraph (a) of the proviso to section 26(2) of the Act of 1925, or under section 32(1) of that Act,
- (b) any condition imposed by the Minister in giving his consent to any transaction under that Act (whether that condition was contained in any order evidencing that consent or not), and
- (c) any condition attached to a direction given by the Minister under that Act,

shall be treated as a direction given by the Minister under that Act.

5.—(1) In this Schedule "the Minister" means the Minister of Agriculture, Fisheries and Food.

(2) Subsection (6) of section 3 of this Act shall apply for the purposes of this Schedule as it applies for the purposes of that section.

SCHEDULE 3

Section 4.

ENACTMENTS AMENDED

PART I

AMENDMENTS RELATED TO SECTIONS 2 AND 3

Enactment	Amendment
The Kendal Corn Rent Act 1932 (22 & 23 Geo. 5. ch. lxiv).	<p>In section 10, in subsection (1), the word "pay" shall be transferred to the beginning of paragraph (a), and, in paragraph (b), for the words "to the Minister" there shall be substituted the words "shall retain"; in subsection (3), for the words "so paid to the Minister shall be accumulated by him on behalf of the rectors" there shall be substituted the words "retained by the rectors under paragraph (b) of subsection (1) of this section shall be accumulated by them"; and in subsections (3) and (4) the words "the Minister on behalf of", in each place where they occur, shall be omitted.</p>
The Universities and Colleges (Trusts) Act 1943 (6 & 7 Geo. 6. c. 9).	<p>In section 11, in subsection (4), in paragraph (i), for the word "Minister" there shall be substituted the word "rectors", and, in paragraph (ii), for the word "Minister" there shall be substituted the word "rectors" and the words "him on behalf of" shall be omitted; and in subsection (5) the words "to the Minister" shall be omitted.</p> <p>In section 2, at the end there shall be added the following subsection:—</p> <p>"(5) Subsection (2) of this section shall not have effect in relation to any university or college to which section 2 of the Universities and College Estates Act 1964 (in this subsection referred to as 'the Act of 1964') applies; and in subsection (3) of this section—</p> <p>(a) in its application to any university or college to which section 2 of the Act of 1964</p>

SCH. 3

Enactment	Amendment
<p>The Universities and Colleges (Trusts) Act 1943—<i>cont.</i></p>	<p>applies, any reference to the Universities and College Estates Act 1925 (in this subsection referred to as ‘the Act of 1925’) shall be construed as a reference to that Act as modified by Schedule 1, and amended by Schedule 3, to the Act of 1964, and the words from ‘subject to the modification’ to ‘such property as aforesaid’ shall be omitted;</p> <p>(b) in its application to any college to which the Act of 1925 applies, but section 2 of the Act of 1964 does not apply, any reference to the Act of 1925 shall be construed as a reference to that Act as amended by Schedule 3 to the Act of 1964; and</p> <p>(c) in its application to any college to which the Act of 1925 does not apply, the reference to applying any of the provisions of that Act shall be construed as a reference to applying any of the provisions of that Act as modified by Schedule 1, and amended by Schedule 3, to the Act of 1964, and the words ‘subject to the modification aforesaid’ shall be omitted.”</p>
<p>The Agricultural Holdings Act 1948 (11 & 12 Geo. 6. c. 63).</p>	<p>In section 81, at the end of subsection (2) there shall be added the words “or, in the case of a university or college to which section 2 of the Universities and College Estates Act 1964 applies, it appears to the university or college to be necessary to do so in accordance with the said subsection (5) as modified by Schedule 1 to the said Act of 1964”.</p>

PART II
OTHER MINOR AMENDMENTS

SCH. 3

Enactment	Amendment
The Universities and College Estates Act 1925 (15 & 16 Geo. 5. c. 24).	In section 29, for the words from "will give to the parties interested" to the end there shall be substituted the words "is appropriate to make a proper allocation thereof as between capital and income". In section 43(vii), in the definition of "mining purposes" for the words "the settled land, or any other" there shall be substituted the word "any".
The War Damage Act 1943 (6 & 7 Geo. 6. c. 21).	In Schedule 1, in paragraph (xxxi), the words "principal mansion, house or other" shall be omitted. In section 66(2)(b), for the words "thirty-one" there shall be substituted the word "thirty".
The Coast Protection Act 1949 (12, 13 & 14 Geo. 6. c. 74).	In section 11(2)(a), for the words "thirty-one" there shall be substituted the word "thirty".
The Landlord and Tenant Act 1954 (2 & 3 Eliz. 2. c. 56).	In Schedule 2, in paragraph 6, for the words "thirty-one" there shall be substituted the word "thirty".
The Coal-Mining (Subsidence) Act 1957 (5 & 6 Eliz. 2. c. 59).	In section 11(7), for the words "thirty-one" there shall be substituted the word "thirty".
The Town and Country Planning Act 1962 (10 & 11 Eliz. 2. c. 38).	In section 206(1), for the words "thirty-one" there shall be substituted the word "thirty".

SCHEDULE 4

Section 4.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 24.	The Universities and College Estates Act 1925.	In Schedule 1, in paragraph (xxxi), the words "principal mansion, house or other".
1963 ch. xi.	The Universities of Durham and Newcastle upon Tyne Act 1963.	In Schedule 1, in paragraph 16(1), the proviso; in paragraph 17(2), the proviso; and paragraph 17(3).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Ecclesiastical Leases Act 1571	13 Eliz. I c. 10.
Ecclesiastical Leases Act 1572	14 Eliz. I c. 11.
Ecclesiastical Leases Act 1575	18 Eliz. I c. 11.
Ecclesiastical Leases Act 1836	6 & 7 Will. 4. c. 20.
Universities and College Estates Act 1925	15 & 16 Geo. 5. c. 24.
Universities and Colleges (Trusts) Act 1943	6 & 7 Geo. 6. c. 9.
Agricultural Holdings Act 1948	11 & 12 Geo. 6. c. 63.

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