



# Universities of Oxford and Cambridge Act 1923

## 1923 CHAPTER 33 13 and 14 Geo 5

An Act to make further provision with respect to the Universities of Oxford and Cambridge and the Colleges therein. [31st July 1923]

Whereas the Commissioners appointed by His Majesty's Warrant bearing date the fourteenth day of November, nineteen hundred and nineteen, to consider the applications which have been made by the Universities of Oxford and Cambridge for financial assistance from the State, and for that purpose to enquire into the financial resources of the Universities and of the colleges and halls therein, into the administration and application of these resources, into the government of the Universities and into the relations of the colleges and halls to the Universities and to each other, have in their Report (in this Act referred to as "the Report of the Royal Commission") made recommendations with respect to the matters aforesaid and in particular have recommended that Statutory Commissions should be set up to carry out the changes in University and College statutes consequent on the recommendations of the Commissioners and where necessary to revise trusts.

### **1 Establishment of Commissions.**

- (1) There shall be two bodies of Commissioners to be styled respectively "the University of Oxford Commissioners" and "The University of Cambridge Commissioners."
- (2) The provisions of this Act referring to the Commissioners shall be construed as applying to those two bodies respectively, or to one of those bodies separately, as the case may require.

2—4. ....<sup>F1</sup>

#### **Textual Amendments**

**F1** Ss. 2—4 repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. V](#)

*Status: Point in time view as at 22/07/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Universities of Oxford and Cambridge Act 1923. (See end of Document for details)*

## **F<sup>2</sup>5 Duration of Commissions.**

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### **Textual Amendments**

**F2** S. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 7

## **6 Duties of Commissioners.**

- (1) Subject to the provisions of this Act, the Commissioners shall, from and after the first day of January, nineteen hundred and twenty-five, make statutes and regulations for the University, its colleges and halls, and any emoluments, endowments, trusts, foundations, gifts, offices, or institutions in or connected with the University in general accordance with the recommendations contained in the Report of the Royal Commission, but with such modifications (not being modifications directly dealing with the curriculum or course of study in the University) as may, after the consideration of any representations made to them, appear to them expedient.
- (2) In making any statutes or regulations under this Act, the Commissioners shall have regard to the need of facilitating the admission of poorer students to the Universities and colleges.

## **7 Power of Universities and colleges to alter statutes.**

- (1) <sup>F3</sup> . . . a statute affecting the University made by the Commissioners or by any other authority, not being a statute made for a college, shall be subject to alteration from time to time by statute made by the University under this Act, but, if and in so far as any such statute (not being a statute prescribing the scale or basis of assessment of the contributions to be made by the colleges to University purposes) affects a college, it shall not be subject to alteration except with the consent of the college.
- (2) <sup>F3</sup> . . . a statute for a college made by the Commissioners, and any statute, ordinance or regulation made by or in relation to a college under any authority other than that of this Act, shall be subject to alteration from time to time by statute made by the college under this Act and passed at a general meeting of the governing body of the college specially summoned for the purpose by the votes of not less than two-thirds of the number of persons present and voting:  
Provided that—
  - (a) notice of any proposed statute for a college shall be given to the University before the statute is submitted to His Majesty in Council; and
  - (b) a statute made for a college which affects the University shall not be altered except with the consent of the University.
- (3) The provisions contained in this Act (including the provisions of the Schedule to this Act <sup>F3</sup> . . .) with respect to the making of statutes by the Commissioners and to the proceedings to be taken after the making thereof in connection with statutes made by the Commissioners, and to the effect thereof after approval, shall, with the necessary substitutions, apply to the making of statutes by the University or by a college and to the proceedings to be taken in connection with statutes made by the University or a college, and to the effect of such statutes.

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**Textual Amendments**

**F3** Words in s. 7(1),(2) and (3) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt.III**, Group 2

**8 Statutes relating to trusts and college contributions to University purposes.**

- (1) No statute shall be made under any of the provisions of this Act for altering a trust, except with the consent of the trustees or governing body of the trust, unless sixty years have elapsed since the date on which the instrument creating the trust came into operation, but nothing in this subsection shall prevent the making of a statute increasing the endowment of any emolument or otherwise improving the position of the holder thereof.
- (2) In the making of any statute <sup>F4</sup> . . . by the University, prescribing or altering the scale or basis of assessment of contributions to be made by the colleges to University purposes, regard shall be had in the first place to the needs of the several colleges in themselves for educational and other collegiate purposes.

**Textual Amendments**

**F4** Words in s. 8(2) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1, Pt.III**, Group 2

**9** . . . . . <sup>F5</sup>

**Textual Amendments**

**F5** S. 9 repealed by **Charities Act 1960 (c. 58)**, **Sch. 7 Pt. II**

**10 Application for purposes of the Act of certain provisions of 40 & 41 Vict. c. 48.**

The provisions of the <sup>M1</sup>Universities of Oxford and Cambridge Act 1877 shall, as set out with modifications in the Schedule to this Act, apply to the Commissioners appointed under this Act and to their procedure, powers and duties and to any statutes made by them as if they were re-enacted with the said modifications in this Act.

**Marginal Citations**

**M1** 1877 c. 48.

**11 Power to establish superannuation funds for certain university and college employees.**

- (1) It shall be lawful for the University to make a scheme for establishing a superannuation fund for the benefit of persons in the employment of the University, not being members of its administrative or teaching staff, and for a college to adopt in relation to persons in the employment of the college, not being members of its administrative or teaching staff, any scheme so made.

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- (2) The provisions of this Act relating to the making of statutes, ordinances and regulations by the University or a college shall not apply to any statutes, ordinances or regulations made for the purposes of this section.
- (3) Nothing in this section shall be taken to be in derogation of or to affect the duties of the commissioners or the powers of the University or a college under the foregoing provisions of this Act.

## **12 Short title.**

This Act may be cited as the Universities of Oxford and Cambridge Act 1923.

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## SCHEDULE

Sections 7, 10.

### PROVISIONS OF THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT 1877, APPLIED FOR PURPOSES OF THIS ACT

#### *Interpretation.*

#### 2 In this Act—

“The University” means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require):

“The Senate” means the Senate of the University of Cambridge:

“College” means a College in the University, and includes the Cathedral or House of Christ Church in Oxford, . . . <sup>F6</sup>, . . . <sup>F7</sup>:

“Hall” means St. Edmund Hall, in the University of Oxford:

“The Governing Body” of a College means, as regards the Colleges in the University of Oxford, except Christ Church . . . <sup>F8</sup>, the head and all actual fellows of the College, being graduates, and as regards Christ Church, means the dean, canons, and students, . . . <sup>F8</sup>:

“The Governing Body” of a College means, as regards the Colleges in the University of Cambridge, except Downing College . . . <sup>F9</sup>, the head and all actual fellows of the College, bye-fellows excepted, being graduates, and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates, . . . <sup>F9</sup>:

“Emolument” includes—

- (1) A headship, professorship, lectureship, readership, prælectorship, fellowship, bye-fellowship, tutorship, studentship, scholarship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, subsizarship, or other place in the University or a College or the Hall, having attached thereto an income payable out of the revenues of the University or of a College or the Hall, or being a place to be held and enjoyed by a head or other member of a College or the Hall as such, or having attached thereto an income to be so held and enjoyed, arising wholly or in part from an endowment, benefaction, or trust; and
- (2) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a College or the Hall as such, and any fund, endowment, or property held by or on behalf of the University or a College or the Hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the University or College or Hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member; and
- (3) As regards the University of Oxford a bursary appropriated to any College in Scotland:

“School” means a school or other place of education beyond the precincts of the University, and includes a College in Scotland:

“Advowson” includes right of patronage, exclusive or alternate.

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**Textual Amendments**

- F6 Words repealed by [Keble College Oxford Act 1988 \(c. iv\)](#), ss. 2, 3, 5, **Sch. 2**
- F7 Words repealed by [Selwyn College Cambridge Act 1988 \(c. v\)](#), ss. 2, 3(a), 5, **Sch. 2**
- F8 Words repealed by [Keble College Oxford Act 1988 \(c. iv\)](#), ss. 2, 3(b), 5, **Sch. 2**
- F9 Words repealed by [Selwyn College Cambridge Act 1988 \(c. v\)](#), ss. 2, 3(b), 5, **Sch. 2**

*Vacancies among Commissioners.*

F10<sub>6</sub> .....

**Textual Amendments**

- F10 [Sch. paras. 6-11](#) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt.III**, Group 2

F11<sub>8</sub> .....

**Textual Amendments**

- F11 [Sch. paras. 6-11](#) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt.III**, Group 2

F12<sub>9</sub> .....

**Textual Amendments**

- F12 [Sch. paras. 6-11](#) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1, Pt.III**, Group 2

F13<sub>10</sub> .....

**Textual Amendments**

- F13 [Sch. paras. 6-11](#) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt.III**, group 2

F14<sub>11</sub> .....

**Textual Amendments**

- F14 [Sch. paras. 6-11](#) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1, Pt. III**, Group 2

*Regard to main design of founder.*

14 The Commissioners, in exercising their power to make a statute shall have regard to the main design of the founder of any institution or emolument which will be affected by the statute, except where that design has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the institution or emolument have been altered in substance by or under any other Act.

*Provision for education, religion, &c.*

- 15 The Commissioners, in making a statute, shall have regard to the interests of education, religion, learning and research, and in the case of a statute which affects a College or the Hall shall have regard, in the first instance, to the maintenance of the College or Hall for those purposes.

*Power to allow continuance of voluntary payments.*

- 20 Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the voluntary continuance of any voluntary payment that has been used to be made out of the revenues of the College in connection with the College estates or property.

*Distinction of University and College Statutes.*

- 30 A statute made by the Commissioners may, if the Commissioners think fit, be in part a statute for the University, and in part a statute for a College or the Hall.

The Commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the University or for a College or the Hall therein named; and the declaration in that behalf of the Commissioners shall be conclusive, to all intents.

If any statute is in part a statute for a College or the Hall, it shall, for the purposes of the provisions of this Act relative to the representation of Colleges and the Hall, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the College or Hall.

*Communication of proposed statutes for University, &c. to Council, &c.*

- 31 Where the Commissioners contemplate making a statute for the University or a statute for a College or the Hall containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, and to the Head and to the Visitor of the College affected thereby, or to the Principal of the Hall, and in the University of Cambridge to the Council of the Senate and to the Governing Body of the College affected thereby.

The Commissioners shall take into consideration any representation made to them by the Council, College, Visitor, Principal, or Governing Body respecting the proposed statute.

Within seven days after receipt of such communication by the Council, the Vice-Chancellor of the University shall give public notice thereof in the University.

*Publication of proposed statutes for Colleges and Halls.*

- 32 Where the Commissioners contemplate making a statute for a College or the Hall, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Head, and in the University of Oxford, the Visitor, of the College, and to the Principal of the Hall.

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Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

F15<sup>33</sup> .....

**Textual Amendments**  
F15 Sch. para. 33 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1, Pt. III, Group 2

*Saving for existing interest.*

34 Any statute made by the Commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College or the Hall, or been elected or appointed to a University or College emolument, or acquired a vested right to be elected or appointed thereto.

F16<sup>35</sup> .....

**Textual Amendments**  
F16 Sch. para. 35 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt. III, Group 2

*Election of Commissioners by College. For Hall, Principal to be Commissioner.*

36 Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute to be made by the Commissioners for a College or the Hall, they shall, by writing under their seal, give notice to the Governing Body of the College, and in the University of Oxford to the Visitor of the College, and in the case of the Hall to the Principal thereof, of their intention to do so.

The Governing Body of the College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

But, in the case of a College any actual member of the foundation whereof is nominated a Commissioner in this Act, no more than two persons shall be so elected, while that member is a Commissioner.

If during the continuance of the powers of the Commissioners a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected to represent a College, and the Principal of the Hall shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College or Hall, before and after the making thereof, but not further or otherwise, save that they shall not be counted as Commissioners for the purposes



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of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.

*Notice to College or Hall of meeting.*

- 37 Where the Commissioners propose at any meeting, not being an adjourned meeting, to make a statute for a College or the Hall, they shall give to the Governing Body of the College or to the Principal of the Hall, by writing under the seal of the Commissioners, or under the hand of their secretary, fourteen days notice of the meeting.

*Validity of acts as regards Colleges and Hall.*

- 38 Any act of the Commissioners shall not be invalid by reason only of any failure to elect any person to be a Commissioner to represent a College, or the failure of any person elected to represent a College, or of the Principal of the Hall, to attend a meeting of the Commissioners.

*Submission of statutes to His Majesty in Council.*

- 45 The Commissioners, within one month after making a statute, shall cause it to be submitted to His Majesty in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).

The subsequent proceedings under this Act respecting the statute shall not be affected by the cesser of the powers of the Commissioners.

*Petition against statute.*

- 46 At any time within eight weeks (exclusive of any University vacation) after the gazetting of a statute, the University or the Governing Body of a College, or the trustees, governors, or patron of a University or College emolument, or the Principal of the Hall, or the Governing Body of a school, or any other person or body, in case the University, College, emolument, Hall, school, person, or body, is directly affected by the statute, may petition His Majesty in Council for disallowance of the statute, or of any part thereof.

*Reference to Committee.*

- 47 It shall be lawful for His Majesty in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for His Majesty in Council to make from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

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*Disallowance by Order in Council, or remitting to Commissioners.*

48 If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for His Majesty in Council to disallow the statute or that part, and thereupon the statute or that part shall be of no effect.

If, during the continuance of the powers of the Commissioners, the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a declaration, it shall be lawful for His Majesty in Council to remit the same accordingly; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

*Statutes not referred, or not disallowed or remitted, to be laid before Houses of Parliament.*

49 If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

If a statute is referred to the Universities Committee, and the Committee do not report that the same ought to be wholly disallowed or to be remitted to the Commissioners, then, as soon as conveniently may be after the report of the Universities Committee thereon, the statute, or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

*Approval of statutes by Order in Council.*

50 If neither House of Parliament, within four weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying His Majesty to withhold his consent thereto, it shall be lawful for His Majesty in Council by Order to approve the same.

*Statutes to be binding and effectual.*

51 Every statute or part of a statute made by the Commissioners, and approved by Order in Council, shall be binding on the University and on every College and on the Hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, decree, order, statute, or other instrument, or thing constituting wholly or in part an instrument or foundation, or confirming or varying a foundation, or endowment, or otherwise regulating the University or a College or the Hall.

*Power in Cambridge for Chancellor to settle doubts as to meaning of University statutes.*

52 If after the cesser of the powers of the Commissioners any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University of Cambridge, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the Registry of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

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**F17** 56 .....

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**Textual Amendments**

**F17** Sch. para. 56 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.III, Group 2

*Saving for Tests Act.*

57 Nothing in this Act shall be construed to repeal any provision of the <sup>M2</sup>Universities Tests Act 1871.

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**Marginal Citations**

**M2** 1871 c. 26.

**Status:**

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