Cambridge University Act 1856

1856 CHAPTER 88 19 and 20 Vict

Constitution of the University

5 Establishment of Council of the Senate.

. . . . . [F1F2]... The Council of the Senate[F2]... shall consider and prepare all graces to be offered to the Senate, whether proceeding from individual members of the Senate or from syndicates; and no grace shall be offered to the Senate without the sanction of the major part of those voting upon it in the Council.

Textual Amendments

F1 Words repealed by Statute Law Revision Act 1892 (c. 19)

F2 Words in s. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 7**

6 Composition of Council.

The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, four heads of colleges, four professors of the University, and eight other members of the Senate, such eight members to be chosen from the electoral roll herein-after mentioned, and such heads of colleges, professors, and members of the Senate to be elected by the persons whose names shall be on such electoral roll: Provided always, that there shall never be more than two members of the same college among such eight elected members.

7 Vice-Chancellor to promulgate lists of members of Senate.

The Vice-Chancellor shall, on or before the second Monday in October in every year, cause to be promulgated, in such way as may to him seem expedient for the purpose of giving publicity thereto, a list of the members of the Senate whom he shall ascertain to have resided within one mile and a half of Great St. Mary's Church for fourteen weeks at the least between the first day of the preceding Michaelmas term and the first day of the said month of October; and such list, together with the following persons,

(that is to say,) all officers of the University being members of the Senate, the heads of houses, the professors, and the public examiners, shall be the electoral roll of the University for the purposes of this Act.

8 Lists may be objected to and amended.

The Vice-Chancellor shall at the same time fix some convenient time and place, not more than fourteen nor less than seven days from the time of such promulgation, for publicly hearing objections to the said list, which any member of the Senate may make on the ground of any person being improperly placed on or omitted from the said list; and if any such objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said list accordingly, and he shall thereupon sign and promulgate the said list, which shall thenceforth be the electoral roll for the year thence next ensuing, and until a new roll shall in like manner have been promulgated.

9 . . . . . [F3]

Textual Amendments

F3 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

10 For supply of periodical vacancies in Council. Members vacating may be re-elected.

The places of the members of the Council vacating their seats shall be supplied by a new election, to be made on the seventh of November, or in case the seventh of November should be Sunday on the eighth of November, in every other year, in the same manner as is herein-before prescribed as to the election to take place on the seventh day of November one thousand eight hundred and fifty-six, save only that all members of the Council to be then elected shall be elected to hold office for four years; and all members so vacating their seats shall (if otherwise eligible) be capable of re-election.

11 As to filling up of casual vacancies.

Any casual vacancy occurring by death, resignation, or otherwise among the members of the Council shall be filled by the election of a qualified person, according to the directions of this Act, upon a day not later than twenty-one days or sooner than seven days after such occurrence, to be fixed by the Vice-Chancellor, and publicly notified by him; but if such vacancy shall occur during vacation, the occurrence shall be deemed for the purpose of such notice to have taken place on the first day of the ensuing term; and the person so elected shall be subject to the same rules and conditions as to the tenure of office, and in all other respects, as the person to whose place he succeeds would have been subject to if no such vacancy had taken place.

12 Votes of electors.

In all elections of members of the Council every elector may vote for any number of persons, being heads of colleges, professors, or members of the Senate as aforesaid respectively, not exceeding the number of heads of colleges, professors, or members

of the Senate respectively to be then chosen; and in case of an equality of votes for any two or more of such heads of colleges, professors, or members of the Senate respectively, the Vice-Chancellor shall name from amongst those persons for whom the number of votes shall be equal as many as shall be requisite to complete the number of heads of colleges, professors, or members of the Senate to be then chosen.

13 Absence from meetings for a certain time to create a vacancy.

If any member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the meetings of the Council during the whole of one term, his seat shall at the close of such term become and shall be declared by the Vice-Chancellor to be vacant.

14 Member of Council becoming Vice-Chancellor not to vacate seat.

If any member of the Council shall become Vice-Chancellor, his seat shall not thereby become vacant, nor shall the seat of any member of the Council become vacant by reason that after his election he may have become or may have ceased to be a professor or a head of a college: Provided always, that if any of the eight members of the Senate chosen from the electoral roll as aforesaid shall afterwards cease to be on the electoral roll, his seat shall thereupon become and be declared to be vacant.

15 Professors eligible.

No professor shall be ineligible for the Council by reason of anything contained in the statutes of his foundation.

16 . . . . . [F4]

Textual Amendments

F4 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

17 Power to Council to make rules for regulation of its own proceedings.

Subject to the provisions of this Act, and without prejudice to the rights of the Senate in the making of statutes, regulations, and ordinances for the University of Cambridge, the Council shall have power from time to time to make rules for the regulation of its own proceedings, [F5]... and also to appoint committees for the purpose of examining all questions referred to them by the said Council.

Textual Amendments

F5 Words in s. 17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 7**

Modifications etc. (not altering text)

C1 "The Commissioners" means the Commissioners appointed for the purposes of this Act under s. 1

18 . . . . . F6

Textual Amendments

F6 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

19 Who shall be President of the Council.

The President of the Council shall be the Chancellor, or in his absence the Vice-Chancellor, or a member of the Council appointed by the Vice-Chancellor to act as his deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any deputy so appointed shall be present, then some member to be chosen by the members of the Council then assembled.

20 Quorum of Council. Questions to be decided by the majority.

No business shall be transacted in the Council unless five members at least be present; and all questions in the Council shall be decided by the majority of the votes of the members present, and the President shall have a second or casting vote when the votes are equally divided: Provided always, that in case of a difference of opinion between the Chancellor, or the Vice-Chancellor, or his deputy, and the majority of the members present at any meeting of the Council, the question as to which such difference may exist shall not be deemed to be carried by such majority unless the same shall constitute a majority of the whole Council, but in such case the question shall be adjourned to the next meeting of the Council, and such adjourned question shall be finally decided by the majority of the members of Council then present.

21 Council to nominate to offices.

The Council shall nominate two qualified persons to the Senate, of whom the Senate shall choose one, in the manner heretofore accustomed, to fill every vacant office in the University to which the heads of colleges have heretofore nominated two persons to the Senate: Provided always, that the persons nominated as aforesaid to the office of Vice-Chancellor shall be heads of colleges.

22 Certain oaths deemed illegal, and not to be administered.

Every oath directly or indirectly binding the juror—

Not to disclose any matter or thing relating to his college, although required so to do by lawful authority;

To resist or not concur in any change in the statutes of the University or college;

To do or forbear from doing anything the doing or the not doing of which would tend to any such concealment, resistance, or non-concurrence:

shall from the time of the passing of this Act be an illegal oath in the said University and the colleges thereof; and no such oath shall hereafter be administered or taken.

23 Power to Vice-Chancellor to license members of the University to open their residences for reception of students.

Any member of the University, of such standing and qualifications as may be provided by any statute hereafter to be made, may obtain a licence from the Vice-Chancellor to open his residence, if situate within one mile and a half of Great Saint Mary's Church, for the reception of students, who shall be matriculated and admitted to all the privileges of the University, without being of necessity entered as members of any college; . . . [F7]

Textual Amendments

F7 Words repealed by Statute Law Revision Act 1875 (c. 66)

24 Hostels.

Every person to whom such licence is granted shall be called a principal; and his residence so opened as aforesaid shall be called a hostel.

25—31. . . . . . [F8]

Textual Amendments

F8 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

32 Votes may be given by proxy.

The University may provide by statute that members of the Senate may vote at any election of a Chancellor or High Steward of the University by proxy, such proxy being a member of the Senate authorized by an instrument in writing signed by the member nominating such proxy; but no member shall be entitled to vote as a proxy unless the instrument appointing him has been transmitted to the Vice-Chancellor not less than forty-eight hours before the time appointed for holding such election of a Chancellor or High Steward, as the case may be; and such instrument may be in the form contained in the schedule to this Act annexed.

33—35. . . . . . [F9]

Textual Amendments

F9 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

36 Statutes as to scholarships in Trinity College appropriated to scholars of Westminster School.

. . . . . [F10] No such exhibition shall be held for more than three years and a quarter, and no such exhibitioner shall by holding such exhibition be disqualified from being elected a scholar of the said college.

Textual Amendments

F10 Words repealed by Statute Law Revision Act 1875 (c. 66)

37—41.

. . . . . [F11]

Textual Amendments

F11 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

42 Power to the Chancellor to settle doubts as to meaning of University statutes.

If any doubt shall arise with respect to the true intent and meaning of any of the new statutes of the University framed and approved as aforesaid, or of any statute which may hereafter be approved in the manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the time being, and it shall be lawful for him to declare in writing the intent and meaning of the statute on the matter submitted to him; and such declaration shall be registered by the registrary of the University, and the intent and meaning of the statute, as therein declared, shall be deemed the true intent and meaning thereof.

43 Statutes to be subject to repeal, &c.

Every statute made in pursuance of the provisions of this Act by the University, or by any college, or by the Commissioners, and likewise all provisions herein-before contained respecting the election, constitution, powers, and proceedings of the Council of the Senate, or respecting hostels, shall be subject to repeal, amendment, and alteration from time to time by the University or college, as the case may be, with the approval of Her Majesty in Council.

Modifications etc. (not altering text)

C2 "The Commissioners" means the Commissioners appointed for the purposes of this Act under s. 1

44

. . . . . [F12]

Textual Amendments

F12 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

45 Not necessary to make declaration or take an oath on matriculating nor on taking a degree;

No person shall be required, upon matriculating, . . . [F13] in the said University, to take any oath or to make any declaration or subscription whatever; . . . [F14]

Textual Amendments

F13 Words repealed by Statute Law Revision Act 1875 (c. 66)

F14 Words repealed by Universities Tests Act 1871 (c. 26), **Sch.**

46 nor on obtaining any exhibition, scholarship, or other college emolument.

It shall not be necessary for any person, on obtaining any exhibition, scholarship, or other college emolument available for the assistance of an undergraduate student in his academical education, to make or subscribe any declaration of his religious opinion or belief, or to take any oath, any law or statute to the contrary notwithstanding.

47 . . . . . [F15]

Textual Amendments

F15 Ss. 1–4, 9, 16, 18, 25–31, 33–35, 37–41, 44, 47 repealed by Statute Law Revision Act 1875 (c. 66)

48 . . . . . [F16]

Textual Amendments

F16 S. 48 repealed by Universities and College Estates Act 1858 (c. 44), **s. 5**

49 Powers of University to continue in force, except as altered by this Act.

Except in so far as they are expressly altered or taken away by the provisions of this Act, the powers and privileges of the University and its officers, and of the colleges and their officers, shall continue in full force.

50 Interpretation of terms.

In the construction of this Act, the expression "University or college emolument" shall include all headships, Downing professorships, fellowships, bye-fellowships, scholarships, exhibitions, Bible clerkships, sizarships, subsizarships, and every other such place of emolument payable out of the revenues of the University, or of any college, or to be held and enjoyed by the members of any college as such within the University; and the word "professor" shall be taken to include the three royal professors of Hebrew, Greek, and divinity, and public readers or lecturers in the University, except the Barnaby lecturers; and the governing body of any college shall mean the head and all actual fellows thereof, bye-fellows excepted, being graduates, and in Downing College shall mean the head, professors, and all actual fellows

thereof, bye-fellows excepted, being graduates; and the word "statutes" shall be taken to include all ordinances and regulations of the University, and all ordinances and regulations contained in any charter, deed of composition, or other instrument of foundation or endowment of a college, and all bye-laws, ordinances, and regulations; and the word "vacation" shall be taken to include that part of Easter term which falls after the division of term.

51 Parts of Lands Clauses Act 1845, incorporated herewith.

The [M1]Lands Clauses Consolidation Act 1845, except the parts and enactments of that Act with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the recovery of forfeitures, penalties, and costs, and with respect to lands required by the promoters of the undertaking, but which shall not be wanted for the purposes thereof, shall be incorporated with and form part of this Act, so far as relates to land within the town of Cambridge required for the erection of any buildings for the extension of the buildings of the said University, or of any college therein, and as if the corporate name of the University or college, as the case may be, had been inserted therein instead of the expression "the promoters of the undertaking."

Marginal Citations

M1 1845 c. 18.

52, 53. . . . . [F17]

Textual Amendments

F17 Ss. 52, 53 repealed by Statute Law Revision Act 1875 (c. 66)

Changes to legislation:
There are currently no known outstanding effects for the Cambridge University Act 1856, Cross Heading: Constitution of the University.