

**2007 No. 661**

**LORD CHANCELLOR**

**TRANSFER OF FUNCTIONS**

**The Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2007**

<i>Made</i> - - - -	<i>4th March 2007</i>
<i>Laid before Parliament</i>	<i>5th March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 19 and 143 of the Constitutional Reform Act 2005(a):

**Citation and commencement**

1. This Order may be cited as the Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2007 and shall come into force on 1st April 2007.

**Interpretation**

2. A reference in this Order to any document or instrument is a reference to that document or instrument as amended.

**Transfer and abolition of functions**

3. The Schedule has effect with respect to the transfer and abolition of functions of the Lord Chancellor and makes supplementary and consequential provision.

Date 4th March 2007

*Falconer of Thoroton, C*

## Transfer and abolition of functions of the Lord Chancellor

### College of St George, Windsor Castle

1.—(1) The function of the Lord Chancellor as visitor of the College of St George, Windsor Castle, is transferred to the Crown.

(2) Any function of the Lord Chancellor to adjudicate or determine a matter referred to him, whether in the first instance or by way of an appeal, which is exercisable by virtue of—

(a) the statutes of the College of St George; or

(b) any other instrument which has effect in respect of the constitution of that College,

together with any power of the Lord Chancellor which is exercisable in respect of such a function, is transferred to the Crown.

### Corporation of the Sons of the Clergy

2. The function of the Lord Chancellor as visitor of the Governors of the Charity for Relief of the poor Widows and Children of Clergymen, commonly known as the Corporation of the Sons of the Clergy, is abolished.

3.—(1) The Charter of the Governors of the Charity for Relief of the poor Widows and Children of Clergymen, granted by His Majesty on 1st July 1678, is amended in accordance with this paragraph.

(2) In the paragraph which makes provision for the Lord Archbishop of Canterbury and others to be the visitors of that corporation, omit—

(a) “the Lord High Chancellor of England,”; and

(b) “or Lord Keeper of the Great Seale of England,”.

### Royal Institution

4. The function of the Lord Chancellor as visitor of the Proprietors of the Royal Institution of Great Britain, commonly called the Royal Institution, is transferred to the Crown.

5.—(1) The Charter of the Proprietors of the Royal Institution of Great Britain, granted by His Majesty on 13th January 1800, is amended in accordance with this paragraph.

(2) In paragraph 4 of the Schedule to the amendment to the Charter, made by Her Majesty in Council on 11th April 1984 (which makes different provision for a visitor of the Royal Institution), for “The Lord High Chancellor of Great Britain for the time being” substitute “The Crown”.

6.—(1) The Scheme referred to in that amendment, made by the Charity Commissioners for England and Wales on 10th April 1984, is amended in accordance with this paragraph.

(2) In paragraph 7 (visitor), for “The Lord High Chancellor of Great Britain for the time being” substitute “The Crown”.

### Harrow School

7. The function of the Lord Chancellor of electing a member of the governing body of Harrow School is transferred to the Lord Chief Justice.

8.—(1) The Statute of Harrow School, approved by Her Majesty in Council on 16th May 1871, is amended in accordance with this paragraph.

(2) In subsection (1)(d) of clause 1 (members of the governing body), for “Lord Chancellor” substitute “Lord Chief Justice”.

### **Rugby School**

9. The function of the Lord Chancellor of appointing a member of the governing body of Rugby School is abolished.

10.—(1) Clause 1 (members of the governing body) of Statute 2 of Rugby School, approved by Her Majesty in Council on 19th August 1871, is amended in accordance with this paragraph.

(2) Omit “One member to be appointed by the Lord Chancellor for the time being”.

(3) In the final paragraph, for “Nine” substitute “Ten”.

### **Charterhouse School**

11. The function of the Lord Chancellor of electing a member of the governing body of Charterhouse School is abolished.

12.—(1) The statute of Charterhouse School for determining and establishing the constitution of the new governing body, approved by Her Majesty in Council on 28th July 1871, is amended in accordance with this paragraph.

(2) In clause 1 (members of the governing body)—

(a) omit “One member to be elected by the Lord Chancellor for the time being.”; and

(b) in the final paragraph, for “Four” substitute “Five”.

### **Gonville and Caius College, Cambridge**

13. The function of the Lord Chancellor as the office through which the visitor of Gonville and Caius College in the University of Cambridge shall act is abolished.

14.—(1) The statutes of Gonville and Caius College in the University of Cambridge, approved by His Majesty in Council on 30th April 1926, are amended in accordance with this paragraph.

(2) In Statute 2 (the visitor), omit “acting through the Lord Chancellor of Great Britain for the time being”.

### **Oriel College, Oxford**

15.—(1) Subject to subparagraph (2), the functions of the Lord Chancellor under the statutes of the college of the Provost and Scholars of the House of the Blessed Mary the Virgin, commonly called Oriel College, in the University of Oxford are transferred to the visitor of that college.

(2) The functions of the Lord Chancellor under—

(a) clauses 2 and 3 of Statute 16 (the visitor); and

(b) clauses 1 and 2 of Statute 18 (provisions relative to the university),

of the statutes of that college, approved by His Majesty in Council on 30th April 1926, are abolished.

16. The statutes of the college of the Provost and Scholars of the House of the Blessed Mary the Virgin in the University of Oxford, approved by His Majesty in Council on 30th April 1926, are amended as follows.

17. Omit clause 2 of Statute 1 (the college).

18.—(1) Statute 2 (the provost) is amended in accordance with this paragraph.

(2) For “Lord Chancellor”, wherever those words occur, substitute “Visitor” in—

(a) clause 2;

- (b) clause 4; and
- (c) clause 5.

**19.** In clause 8(5) of Statute 3 (the fellows), for “Lord Chancellor” substitute “Visitor”.

**20.** In clause 1 of Statute 11 (divine service), for “Lord Chancellor” substitute “Visitor”.

**21.** In Statute 14 (bylaws), for “Lord Chancellor” substitute “Visitor”.

**22.—**(1) Statute 16 (the visitor) is amended in accordance with this paragraph.

(2) Omit clauses 2, 3 and 9.

(3) In clause 4, omit “or the Lord Chancellor”.

(4) For “Lord Chancellor”, wherever those words occur, substitute “Visitor” in—

- (a) clause 5;
- (b) clause 6; and
- (c) clause 7.

**23.** Omit clauses 1 and 2 of Statute 18 (provisions relative to the university).

### **University College, Oxford**

**24.—**(1) Subject to subparagraph (2), the functions of the Lord Chancellor under the statutes of the College of the Great Hall of the University, commonly called University College, in the University of Oxford are transferred to the High Steward of the University of Oxford.

(2) The function of the Lord Chancellor under clause 4 of Statute 11 of the statutes of that college, approved by His Majesty in Council on 30th April 1926, in respect of appeals from a scholar who may have been deprived of his scholarship, is abolished.

**25.** The statutes of the College of the Great Hall of the University in the University of Oxford, approved by His Majesty in Council on 30th April 1926, are amended as follows.

**26.** In clause 3 (interpretation) of Statute 1 (repeal, interpretation, etc), for the first paragraph substitute—

“The words ‘High Steward’ shall mean the High Steward of the University of Oxford.”.

**27.—**(1) Statute 2 (the master and vice-master) is amended in accordance with this paragraph.

(2) For “Lord Chancellor”, wherever those words occur, substitute “High Steward” in—

- (a) clause 2 (election to mastership);
- (b) clause 3 (admission to mastership);
- (c) clause 8 (temporary pension); and
- (d) clause 10 (residence of the master).

(3) In clause 3, omit the words from “If the Great Seal” to “of this clause.”.

**28.—**(1) Statute 3 (the fellows) is amended in accordance with this paragraph.

(2) For “Lord Chancellor”, wherever those words occur, substitute “High Steward” in—

- (a) clause 3 (distribution of fellowships);
- (b) clause 7 (chaplain fellowship); and
- (c) clause 19 (deprivation of fellows).

**29.—**(1) Statute 8 (disposal of revenue) is amended in accordance with this paragraph.

(2) For “Lord Chancellor”, wherever those words occur, substitute “High Steward” in—

- (a) clause 3 (scheme for suspension of payments, etc);
- (b) clause 4 (schemes for employment of superabundant revenue);

- (c) clause 6 (communication of scheme to council);
- (d) clause 7 (confirmation of scheme); and
- (e) clause 8 (surplus revenue).

**30.**—(1) Statute 11 (the visitor) is amended in accordance with this paragraph.

(2) For “Lord Chancellor”, wherever those words occur, substitute “High Steward” in—

- (a) clause 2 (right to annul improper by-laws);
- (b) clause 3 (right to inquire as to observance of the statutes);
- (c) clause 4 (right of appeal);
- (d) clause 5 (power to declare meaning of the statutes); and
- (e) clause 6 (decision to be binding).

(3) In clause 4 (right of appeal), omit “or for any Scholar who may have been deprived of his Scholarship,”.

**31.**—(1) Statute 13 (provisions relative to the university) is amended in accordance with this paragraph.

(2) For “Lord Chancellor”, wherever those words occur, substitute “High Steward” in—

- (a) clause 1 (representations as to provisions affecting the university);
- (b) clause 2 (representations as to election of stipendiary fellows); and
- (c) clause 4 (decisions).

#### **St Anthony’s College, Oxford**

**32.** The function of the Lord Chancellor as visitor of St Anthony’s College in the University of Oxford is transferred to the Crown.

**33.**—(1) The statutes of St Anthony’s College in the University of Oxford, approved by Her Majesty in Council on 1st April 1953, are amended in accordance with this paragraph.

(2) In clause 1 of Statute 12 (the visitor), for “the Lord High Chancellor for the time being” substitute “the Crown”.

#### **St Catharine’s College, Cambridge**

**34.** The function of the Lord Chancellor as the office through which the visitor of the College or Hall of St Catharine the Virgin, commonly called St Catharine’s College, in the University of Cambridge shall act is abolished.

**35.**—(1) The statutes of the College or Hall of St Catharine the Virgin in the University of Cambridge, approved on behalf of Her Majesty on 6th December 1961, are amended in accordance with this paragraph.

(2) In Statute 2 (the visitor), omit “acting through the Lord High Chancellor of Great Britain for the time being”.

#### **Trinity Hall, Cambridge**

**36.** The function of the Lord Chancellor as the office through which the visitor of the College or Hall of the Holy Trinity, commonly called Trinity Hall, in the University of Cambridge shall act is abolished.

**37.**—(1) The statutes of the College or Hall of the Holy Trinity in the University of Cambridge, approved by Her Majesty in Council on 28th November 1967, are amended in accordance with this paragraph.

(2) In section 1 (the visitor) of Statute 2 (the government of the college), omit “acting through the Lord Chancellor”.

### **Pembroke College, Cambridge**

**38.** The function of the Lord Chancellor as the office through which the visitor of the College or Hall of Valence Mary, commonly called Pembroke College, in the University of Cambridge shall act is abolished.

**39.—**(1) The statutes of the College or Hall of Valence Mary in the University of Cambridge, approved by Her Majesty on 19th December 1990, are amended in accordance with this paragraph.

(2) In section 1 (the visitor) of Statute 2 (the government of the college), omit “acting through the Lord Chancellor”.

### **Corporation of the Church House**

**40.** The function of the Lord Chancellor as an ex-officio member of the Council of the Corporation of the Church House is abolished.

**41.—**(1) The Charter of the Corporation of the Church House, granted by Her Majesty on 8th July 2002, is amended in accordance with this paragraph.

(2) In Article 11 (number of members of the council), for “ten” substitute “nine”.

(3) In Article 12 (quorum of the council), for “nine” substitute “eight”.

(4) In paragraph 1 of Article 13 (ex officio members of the council), omit “Lord High Chancellor of Great Britain,”.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order abolishes or transfers functions of the Lord Chancellor which are exercised in respect of colleges and charitable institutions, including those exercised by the Lord Chancellor as visitor to such institutions.

Where functions are transferred, this Order provides for those functions to be vested either in the Crown or in another suitable office, and makes supplementary and consequential provision as necessary.

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