



# University of Manchester Act 2004

## 2004 CHAPTER iv

### PART 2

#### TRANSFER OF FUNCTIONS AND PROPERTY, ETC., TO UNIVERSITY AND DISSOLUTION OF EXISTING BODIES

#### **3 Appointed day**

- (1) If Her Majesty is pleased to grant a Royal Charter incorporating the University, the appointed day for the purposes of this Act shall be 1st October 2004 or the date of the coming into effect of that Charter whichever is later.
- (2) As soon as practicable after the appointed day occurs, the University shall publish a notice in the London Gazette of the occurrence of the appointed day, stating that it is the appointed day for the purposes of this Act.
- (3) The publication of a notice under subsection (2) above shall be conclusive evidence of the appointed day for the purposes of this Act, and a photocopy or other reproduction, certified by an authorised officer of the University, of a page or part of a page of the London Gazette containing the notice shall be conclusive evidence of publication of the notice.

#### **4 Dissolution of existing bodies**

- (1) On the appointed day, by virtue of this Act—
  - (a) The Victoria University of Manchester and the University of Manchester Institute of Science and Technology shall be dissolved and the Royal Charters granted for each of those bodies (being the Royal Charters referred to in paragraphs (2), (3), (5), (7) and (12) of the Preamble to this Act) shall be revoked; and
  - (b) Project Unity shall be dissolved.
- (2) The Board shall notify the registrar of the effect of paragraph (b) of subsection (1) above and of section 13 (Restriction on use of certain names) of this Act within 14 days of the appointed day; and the registrar shall record the dissolution of Project Unity.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (3) In subsection (2) above, the “registrar” has the meaning given in section 744 of the Companies Act 1985 (c. 6).

## **5 Transfer of property, functions, etc., to University**

- (1) Such of the following as immediately before the appointed day belonged to or were vested in or exercisable by the existing bodies—
- (a) all property, real and personal, of every description (including things in action), and
  - (b) all rights, interests, privileges, and functions,
- shall on the appointed day, without any conveyance, transfer, assignment or other instrument, be transferred to and vested in, or be exercisable by, the University for all the estate and interest therein of the existing bodies.
- (2) Without prejudice to the general effect of subsection (1) above, the property of the existing bodies transferred to the University by that subsection shall include such interests as the existing bodies may have in the properties specified in Schedule 1 to this Act and the trust funds specified in Schedule 2 to this Act.
- (3) All intellectual property transferred by subsection (1) above shall be valued for all purposes in connection with the transfer at one pound.
- (4) In this section “functions” includes functions conferred by or under any enactment.

## **6 Transfer of obligations, etc., to University**

- (1) Subject to subsection (2) below, all debts and obligations of the existing bodies shall on the appointed day be transferred and attached to the University and shall thereafter be discharged and satisfied by the University.
- (2) This section shall not apply to any debts and obligations in respect of any person referred to in section 8 (Continuation of employment) of this Act.

## **7 Savings for agreements, deeds, actions, etc.**

- (1) Subject to subsection (2) below, such of the following as immediately before the appointed day were existing or pending in favour of, or against, the existing bodies—
- (a) all agreements, appointments, awards, contracts, deeds and other instruments, and
  - (b) all actions and proceedings and causes of action or proceedings,
- shall on and from the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against, the University to the same extent and in like manner as if the University instead of the existing bodies had been party to, or interested in, the same respectively.
- (2) This section shall not apply to any agreements, appointments, awards, contracts, deeds and other instruments, and all actions and proceedings, and causes of action or proceedings in respect of any person referred to in section 8 (Continuation of employment) of this Act.

## **8 Continuation of employment**

- (1) On the appointed day every member of the staff of the existing bodies shall by virtue of this Act become a member of the staff of the University and the contract of employment of every such member shall transfer in accordance with, and to the extent provided by, the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794).
- (2) Employment of members of the staff to which subsection (1) above applies shall be deemed for all purposes to be a single continuing employment.

## **9 Construction of bequests, etc.**

Any scheme, will, deed or other instrument, whether made or executed before, on or after the appointed day, which contains any bequest, gift or trust or other benefit in favour of the existing bodies shall, on and after the appointed day, be read and have effect as if the University were named therein instead of the existing bodies.

## **10 Transfer of powers to appoint or nominate**

Any power or right of the existing bodies or of any of their officers or employees to appoint or nominate a member of any education authority, or of the governing body of any educational, charitable or other institution, shall on the appointed day be transferred to, and may be exercised by, the University or by the officer or employee of the University, who in the opinion of the Board most nearly performs the functions formerly performed by the former officer or employee in question.

## **11 University to be exempt charity**

The University and any institution which is for the time being administered by or on behalf of the University, being an institution established for the general purposes of, or for any special purpose of, or in connection with, the University, shall be an exempt charity within the meaning, and for the purposes, of the Charities Act 1993 (c. 10).

## **12 Trust funds**

- (1) Notwithstanding any provision of any scheme, will, deed or other instrument relating to a trust which has been transferred to and which is exercisable by, the University under this Act, being a provision which would restrict or exclude the general power of investment conferred by the Trustee Act 2000 (c. 29), then on and after the appointed day that scheme, will, deed or other instrument shall be read and have effect as if that restriction or exclusion had been omitted.
- (2) In the event of the failure or determination of a trust which has been transferred to and which is exercisable by, the University under this Act, the funds held for the purposes of that trust shall on and after that failure or determination be held by the University absolutely for its general charitable purposes.