



# Universities and College Estates Act 1925

## 1925 CHAPTER 24 15 and 16 Geo 5

### *Miscellaneous Powers*

#### **14 Power to grant water rights to statutory bodies.**

- (1) For the development, improvement, or general benefit of land belonging to the university or college, a university or college may make a grant in fee simple or absolutely or a lease for any term of years absolute, for a nominal price or rent, or for less than the best price or rent that can reasonably be obtained, or gratuitously, to any statutory authority, of any water or streams or springs of water in, upon, or under land belonging to the university or college, and of any rights of taking, using, enjoying and conveying water, and of laying, constructing, maintaining, and repairing mains, pipes, reservoirs, dams, weirs and other works of any kind proper for the supply and distribution of water, and of any land belonging to the university or college which is required as a site for any of the aforesaid works, and of any easement, right or privilege over or in relation to land belonging to the university or college in connexion with any of the aforesaid works.
- (2) This section does not authorise the creation of any greater rights than could have been created by a person absolutely entitled for his own benefit to the land affected.
- (3) In this section “statutory authority” means an authority or company for the time being empowered by any Act of Parliament, public, general, or local or private, or by any order or certificate having the force of an Act of Parliament, to provide with a supply of water any town, parish or place in which the land belonging to the university or college is situated.
- (4) All money (not being rent) received on the exercise of any power conferred by this section shall be capital money, [<sup>F1</sup>and be paid to the Minister].

#### **Textual Amendments**

- F1** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\), s.3\(1\), Sch. 1 Pt. II para. 5](#)

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## 15 Power to grant land for public and charitable purposes.

(1) For the development, improvement, or general benefit of land belonging to the university or college, a university or college may [<sup>F2</sup>with the consent of the Minister] make a grant in fee simple or absolutely, or a lease for any term of years absolute, for a nominal price or rent, or for less than the best price or rent that can reasonably be obtained, or gratuitously, of any land belonging to the university or college, with or without any easement, right or privilege over or in relation to land belonging to the university or college, for all or any one or more of the following purposes, namely:—

- (i) For the site or the extension of any existing site of a place of religious worship, residence for a minister of religion, school house, town hall, market house, public library, public baths, museum, hospital, infirmary, or other public building, literary or scientific institution, drill hall, working-men's club, parish room, reading room or village institute, with or without in any case any yard, garden, or other ground to be held with any such building; or
- (ii) For the construction, enlargement, or improvement of any railway, canal, road (public or private), dock, sea-wall, embankment, drain, watercourse, or reservoir; or
- (iii) For any other public or charitable purpose in connexion with land belonging to the university or college, or tending to the benefit of the persons residing, or for whom dwellings may be erected, on such land:

Not more than [<sup>F3</sup>0.40 hectare] shall in any particular case be conveyed for any purpose mentioned in paragraphs (i) and (iii) of this subsection, nor more than [<sup>F3</sup>two hectares] for any purpose mentioned in paragraph (ii) of this subsection, unless the full consideration be paid or reserved in respect of the excess.

(2) All money (not being rent) received on the exercise of any power conferred by this section shall be capital money, [<sup>F4</sup>and be paid to the Minister].

### Textual Amendments

- F2** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\), s. 2, Sch. 1 Pt. 1 para. 2](#)
- F3** Words substituted by [S.I. 1978/443, Sch. para. 2](#)
- F4** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\) s. 3\(1\), Sch. 1 Pt. II para. 6](#)

## 16 Dedication for streets, open spaces, &c.

(1) On or after or in connexion with a sale or grant for building purposes, or a building lease or the development as a building estate of land belonging to the university or college, or at any other reasonable time, the university or college, for the general benefit of the residents on land belonging to the university or college—

- (i) may cause or require any parts of such land to be appropriated and laid out for streets, roads, paths, squares, gardens, or other open spaces, for the use, gratuitously or on payment of the public or of individuals, with sewers, drains, watercourses, fencing, paving, or other works necessary or proper in connexion therewith; and
- (ii) may provide that the parts so appropriated shall be conveyed to or vested in trustees or any company or public body, on trusts or subject to provisions for securing the continued appropriation thereof to the purposes aforesaid, and

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the continued repair or maintenance of streets and other places and works aforesaid, with or without provision for appointment of new trustees when required; and

(iii) may execute any general or other deed necessary or proper for giving effect to the provisions of this section (which deed may be inrolled in the Central Office of the Supreme Court of Judicature), and thereby declare the mode, terms, and conditions of the appropriation, and the manner in which and the persons by whom the benefit thereof is to be enjoyed, and the nature and extent of the privileges and conveniences granted.

(2) In regard to the dedication of land for public purposes a university or college shall be in the same position as if it were an absolute owner.

(3) A university or college shall have power—

- (a) to enter into any agreement for the recompense to be made for any land belonging to the university or college which is required for the widening of a highway under [<sup>F5</sup>the Highways Act 1980], or otherwise; and
- (b) to consent to the diversion of any highway over land belonging to the university or college under [<sup>F5</sup>the Highways Act 1980] or otherwise; and
- (c) .....<sup>F6</sup>

and any agreement or consent so made or given shall be as valid and effectual, for all purposes, as if made or given by an individual who is the absolute owner of the land.

(4) All money (not being rent) received on the exercise of any power conferred by this section shall be capital money, [<sup>F7</sup>and be paid to the Minister].

**Textual Amendments**

- F5** Words substituted by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(2), [Sch. 24 para. 3](#)
- F6** [s. 16\(3\)\(c\)](#) repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#)
- F7** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\)](#) s. 3(1), Sch. 1 Pt. II para. 7

**17 Power to compromise claims and release restrictions, &c.**

(1) A university or college may, [<sup>F8</sup>with the consent of the Minister,] either with or without giving or taking any consideration in money or otherwise, compromise, compound, abandon, submit to arbitration, or otherwise settle any claim, dispute, or question whatsoever relating to land belonging to the university or college, including in particular claims, disputes or questions as to boundaries, the ownership of mines and minerals, rights and powers of working mines and minerals, local laws and customs relative to the working of mines and minerals and other matters, manorial incidents, easements and restrictive covenants, and for any of those purposes may enter into, give, execute, and do such agreements, assurances, releases, and other things as the university or college may, [<sup>F8</sup>with such consent as aforesaid,] think proper.

(2) A university or college may, [<sup>F8</sup>with the consent of the Minister,] at any time, either with or without consideration in money or otherwise, release, waive, or modify, or agree to release, waive, or modify, any covenant, agreement or restriction imposed on any other land for the benefit of land belonging to the university or college, or release, or agree to release, any other land from any easement, right or privilege, including

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a right of pre-emption, affecting the same for the benefit of land belonging to the university or college.

- (3) A university or college may contract that a transaction effected before or after the commencement of this Act, which (subject or not to any variation authorised by this subsection) is affected by section seventy-eight of the <sup>M1</sup>Railway Clauses Consolidation Act 1845, or by section twenty-two of the <sup>M2</sup>Waterworks Clauses Act 1847 (relating to support by minerals) shall take effect as if some other distance than forty yards or the prescribed distance had been mentioned in such sections or had been otherwise prescribed:

Provided that in any case where section seventy-eight aforesaid has effect as amended and re-enacted by Part II of the <sup>M3</sup>Mines (Working Facilities and Support) Act 1923, a university or college may make any agreement authorised by section 85a of the <sup>M4</sup>Railway Clauses Consolidation Act 1845, as enacted in the said Part II.

#### Textual Amendments

- F8** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\) s. 2, Sch. 1 Pt. I, para. 3](#)

#### Marginal Citations

- M1** 1845 c. 20.  
**M2** 1847 c. 17.  
**M3** 1923 c. 20.  
**M4** 1845 c. 20.

## 18 Power to vary leases and grants.

A university or college may, at any time, by deed, either with or without consideration in money or otherwise, vary, release, waive or modify, either absolutely or otherwise, the terms of any lease whenever made of land belonging to the university or college, or any covenants or conditions contained in any grant in fee simple whenever made of land with or subject to a reservation thereof of a rent payable to the university or college, and in either case in respect of the whole or any part of the land comprised in any such lease or grant, but so that every such lease or grant shall, after such variation, release, waiver or modification as aforesaid, be such a lease or grant as might then have been lawfully made under this Act if the lease had been surrendered, or the land comprised in the grant had never been so comprised, or had been regranted.

## 19 Power to apportion rents.

- (1) A university or college may, at any time, by deed, either with or without consideration in money or otherwise, agree for the apportionment of any rent reserved or created by any such lease or grant as mentioned in the last preceding section, or any rent payable to the university or college, so that the apportioned parts of such rent shall thenceforth be payable exclusively out of or in respect of such respective portions of the land subject thereto as may be thought proper, and also agree that any covenants, agreements, powers, or remedies for securing such rent and any other covenants or agreements by the lessee or grantee and any conditions shall also be apportioned and made applicable exclusively to the respective portions of the land out of or in respect of which the apportioned parts of such rent shall thenceforth be payable.

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- (2) Where the land, or any part thereof, is held or derived under a lease, or under a grant reserving rent, or subject to covenants, agreements or conditions (whether such lease or grant comprises other land or not), the university or college may, at any time, by deed, with or without giving or taking any consideration in money or otherwise, procure the variation, release, waiver, or modification, either absolutely or otherwise, of the terms, covenants, agreements or conditions contained in such lease or grant, in respect of the whole or any part of the land, including the apportionment of any rent, covenants, agreements, conditions, and provisions reserved, or created by, or contained in, such lease or grant.
- (3) This section applies to leases or grants made either before or after the commencement of this Act.

## 20 Provisions as to consideration.

- (1) All money (not being rent) payable by the university or college in respect of any transaction to which any of the three last preceding sections relates may be paid out of capital money, and all money (not being rent) received on the exercise by the university or college of the powers conferred by any of those sections, [<sup>F9</sup> shall be paid to the Minister and] shall, unless the Minister (upon an application made within six months after the receipt thereof or within such further time as the Minister may in special circumstances allow) otherwise directs, be capital money.
- (2) For the purpose of the three last preceding sections “consideration in money or otherwise” means—
  - (a) a capital sum of money or a rent;
  - (b) land being freehold or leasehold for any term of years whereof not less than sixty years shall be unexpired;
  - (c) any easement, right or privilege over or in relation to land belonging to the university or college, or any other land;
  - (d) the benefit of any restrictive covenant or condition; and
  - (e) the release of land belonging to the university or college, or any other land, from any easement, right or privilege, including a right of pre-emption or from the burden of any restrictive covenant or condition affecting the same.

### Textual Amendments

**F9** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\)](#), s. 3(1), [Sch. 1 Pt. II para. 8](#)

## 21 General power to effect any transaction under an order of the Minister.

- (1) Any transaction affecting or concerning land belonging to a university or college, or any other land, not otherwise authorised by this Act, which in the opinion of the Minister would be for the benefit of land belonging to the university or college, may, under an order of the Minister, be effected by a university or college: Provided that the transaction is one which could have been validly effected by an absolute owner.
- (2) In this section “transaction” includes any sale, extinguishment of manorial incidents, exchange, assurance, grant, lease, surrender, reconveyance, release, reservation, or other disposition, and any purchase or other acquisition, and any covenant, contract,

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or option, and any application of capital money (except as hereinafter mentioned), and any compromise or other dealing, or arrangement; but does not include an application of capital money in payment for any improvement not authorised by this Act; and “effected” has the meaning appropriate to a particular transaction; and the references to land extend and apply to restrictions and burdens affecting land.

- (3) If a question arises or a doubt is entertained as to the intended exercise by a university or college of any power conferred by this Act, the university or college or any other person interested, may apply to the Minister for his decision, opinion, advice or directions thereon, or for the sanction of the Minister to any conditional contract for such exercise, and the Minister may make such order as he thinks fit.

## 22 Separate dealing with surface and minerals, with or without wayleaves, &c.

A sale, exchange, lease or other authorised disposition by a university or college, may be made either of land, with or without an exception or reservation of all or any of the mines and minerals therein, or of any mines and minerals, and in any such case with or without a grant or reservation of powers of working, wayleaves or rights of way, rights of water and drainage, and other powers, easements, rights, and privileges for or incident to or connected with mining purposes, in relation to land belonging to the university or college, or any other land.

## 23 Power to grant options.

- (1) A university or college may at any time, [<sup>F10</sup>with the consent of the Minister,] either with or without consideration, grant by writing an option to purchase or take a lease of land belonging to the university or college, or any easement, right, or privilege over or in relation to the same at a price or rent fixed at the time of the granting of the option.
- (2) Every such option shall be made exercisable within an agreed number of years not exceeding ten.
- (3) The price or rent shall be the best which, having regard to all the circumstances, can reasonably be obtained and either—
- may be a specified sum of money or rent, or at a specified rate according to the superficial area of the land with respect to which the option is exercised, or the frontage thereof or otherwise; or
  - in the case of an option to purchase contained in a lease or agreement for a lease, may be a stated number of years’ purchase of the highest rent reserved by the lease or agreement; or
  - if the option is exercisable as regards part of the land comprised in the lease or agreement, may be a proportionate part of such highest rent;
- and any aggregate price or rent may be made to be apportionable in any manner, or according to any system, or by reference to arbitration.
- (4) An option to take a mining lease may be coupled with the grant of a licence to search for and prove any mines or minerals under land belonging to the university or college, pending the exercise of the option.
- (5) The consideration, (if any) for the grant of the option shall be capital money [<sup>F11</sup>and be paid to the Minister].

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### Textual Amendments

- F10** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\), s. 2, Sch. 1 Pt. I para. 4](#)
- F11** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\), s. 3\(1\), Sch. 1 Pt. II para. 9](#)

## 24 Power to enter into contracts.

- (1) A university or college—
- (i) may contract to make any sale, exchange, mortgage, charge or other disposition authorised by this Act; and
  - (ii) may vary or rescind, with or without consideration, the contract in the like cases and manner in which, if the university or college were absolute owner of the land, it might lawfully vary or rescind the same, but so that the contract as varied be in conformity with this Act; and
  - (iii) may contract to make any lease; and in making the lease may vary the terms, with or without consideration, but so that the lease be in conformity with this Act; and
  - (iv) may accept a surrender of a contract for a lease or a grant in fee simple at a rent, in like manner and on the like terms in and on which it might accept a surrender of a lease or a regrant; and thereupon may make a new or other contract for or relative to a lease or leases, or a grant or grants in fee simple at a rent, in like manner and on the like terms in and on which it might make a new or other lease or grant, or new or other leases or grants, where a lease or a grant in fee simple at a rent had been executed; and
  - (v) may enter into a contract for or relating to the execution of any improvement authorised by this Act, and may vary or rescind the same; and
  - (vi) may, in any other case, enter into a contract to do any act for carrying into effect any of the purposes of this Act, and may vary or rescind the same.
- (2) Every contract, including a contract arising by reason of the exercise of an option, shall be binding on and shall enure for the benefit of the land belonging to the university or college.
- (3) The Minister may, on the application of the university or college or of any person interested in any contract, give directions respecting the enforcing, carrying into effect, varying, or rescinding thereof.
- (4) A preliminary contract under this Act for or relating to a lease, and a contract conferring an option, shall not form part of a title or evidence of the title of any person to the lease, or to the benefit thereof, or to the land the subject of the option.
- (5) All money (not being rent) received on the exercise by the university or college of the powers conferred by subsection (1) of this section [F12 shall be paid to the Minister, and] shall, unless the Minister (upon an application made within six months after the receipt thereof or within such further time as the court may in special circumstances allow) otherwise directs, be capital money.

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### Textual Amendments

**F12** Words omitted in relation to universities and their colleges by [Universities and College Estates Act 1964 \(c. 51\)](#), s. 3(1), **Sch. 1 Pt. II para. 10**

## 25 Exercise of powers; limitation of provisions, &c.

- (1) Where a power of sale, exchange, leasing, mortgaging, charging, or other power is exercised by a university or college, the university or college may execute, make and do all deeds, instruments, and things necessary or proper in that behalf.
- (2) Where any provision in this Act refers to sale, purchase, exchange, leasing, or other disposition or dealing, or to any power, consent, payment, receipt, deed, assurance, contract, expenses, act, or transaction, the same shall be construed to extend only (unless it is otherwise expressed) to sales, purchases, exchanges, leasings, dispositions, dealings, powers, consents, payments, receipts, deeds, assurances, contracts, expenses, acts, and transactions under this Act.



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