



# Imperial College Act 1997

## 1997 CHAPTER ii

An Act to unite the Charing Cross and Westminster Medical School and the Royal Postgraduate Medical School with the Imperial College of Science, Technology and Medicine; to transfer all rights, properties, assets and liabilities from those medical schools to the said College; to make provision with respect to the merger of the National Heart and Lung Institute with the said College; and for connected purposes. [15th July 1997]

### WHEREAS—

- (1) The Imperial College of Science and Technology was established by Royal Charter in 1907, combining the Royal College of Science, the Royal School of Mines and the City and Guilds College, for the purpose of giving the highest specialised instruction, and providing the fullest equipment for the most advanced training and research in various branches of science, especially in its application to industry:
- (2) The Imperial College of Science and Technology became a school of the University of London (“the University”) in 1908:
- (3) On 22nd June 1988, the Royal Charter of the Imperial College of Science and Technology was amended by Order in Council to change the name of the body to the Imperial College of Science, Technology and Medicine (“Imperial College”) with the purpose, inter alia, of carrying on the work of St. Mary’s Hospital Medical School:
- (4) By the Imperial College Act 1988, which came into effect on 1st August 1988, St. Mary’s Hospital Medical School became united with Imperial College:
- (5) Under schemes made pursuant to section 15 of the National Health Service Act 1946, both the Charing Cross Hospital Medical School and the Westminster Medical School (“the Medical Schools”) were, on 23rd June 1948, constituted bodies corporate and in accordance with those schemes were administered as schools of the University with the main objects of providing for the education of students in medicine and allied subjects, promoting research work for the advancement of medical sciences and engaging in ancillary activities:
- (6) In pursuance of the policy of the University that the academic strength and financial viability of the Medical Schools of the University should be enhanced by the merger of some of those schools, the Medical Schools were dissolved, and a new body corporate constituted, on 1st August 1984 by the Charing Cross and Westminster Medical School

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Act 1984, which also provided for the new body corporate to be known as the Charing Cross and Westminster Medical School and for the schemes made pursuant to section 15 of the National Health Service Act 1946 to be revoked:

- (7) The Royal Postgraduate Medical School was originally incorporated by Royal Charter dated 10th July 1931 and by Royal Charter dated 25th February 1974 it was reconstituted as a University medical school, having the objects of the teaching and practice of and research into the science and art of medicine and such allied subjects as may be decided upon from time to time by the Council of the Royal Postgraduate Medical School:
- (8) The National Heart and Lung Institute (“the Institute”) was originally incorporated in 1973 under the name “the Cardiothoracic Institute” as a company limited by guarantee with the main objects of promoting the study of disease and particularly diseases of the heart, circulation and chest and generally improving the standard of knowledge of the means of prevention, diagnosis and methods of treatment and cure of such diseases:
- (9) The Report of the Inquiry into London’s Health Service, Medical Education and Research under the chairmanship of Sir Bernard Tomlinson, published in October 1992, recommended the linking of London Medical Schools to multi-faculty colleges and it is consistent with the policy of the University that the academic strength and financial viability of the medical schools of the University should be enhanced by the merger of some of those schools with certain multi-faculty institutions of the University:
- (10) On 1st August 1995 the Institute transferred its assets and rights to Imperial College:
- (11) Imperial College, the Charing Cross and Westminster Medical School and the Royal Postgraduate Medical School have agreed that it is expedient that they should be united as one college in accordance with the provisions of this Act and that the Charter of Imperial College should be amended so as to make suitable provision in consequence thereof:
- (12) It is expedient that provision should be made in consequence of the transfer referred to in recital (10) above and for the company incorporating the Institute to be dissolved:
- (13) It is expedient that the other provisions contained in this Act should be enacted:
- (14) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Citation**

This Act may be cited as the Imperial College Act 1997.

## **2 Interpretation**

In this Act, except where the context otherwise requires, the following expressions have the following meanings:—

“the appointed day”, in reference to an existing body, means such day as may be agreed by Imperial College and that body under section 3 (Appointed day) of this Act and, in reference to the Institute, means the date on which this Act is passed;

“the charter” means the charter reconstituting the Royal Postgraduate Medical School, granted by Her Majesty on 25th February 1974;

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“existing body” means the Charing Cross and Westminster Medical School or the Royal Postgraduate Medical School;

“the Governing Body” means the Governing Body of Imperial College;

“Imperial College” means the Imperial College of Science, Technology and Medicine;

“the Institute” means the National Heart and Lung Institute.

### **3 Appointed day**

- (1) Imperial College and an existing body may agree a day to be the appointed day for the purposes of this Act in its application to that body.
- (2) Not less than 14 days before any such day as may be agreed under subsection (1) above, Imperial College shall—
  - (a) give notice to the Council of the University of London of the day so agreed; and
  - (b) publish in the London Gazette a notice stating the day so agreed.

### **4 Dissolution of existing bodies and Institute**

- (1) On the appointed day—
  - (a) the Charing Cross and Westminster Medical School shall be dissolved and the Charing Cross and Westminster Medical School Act 1984 shall be repealed;
  - (b) the Royal Postgraduate Medical School shall be dissolved and the charter shall be revoked; and
  - (c) the company incorporating the Institute shall be dissolved.
- (2) Imperial College shall notify the registrar of the effect of subsection (1)(c) above and of section 10 (Restriction on use of certain names) of this Act within 14 days beginning with the date on which this Act is passed; and the registrar shall record the dissolution of the company referred to in that subsection.
- (3) In subsection (2) above, “the registrar” has the meaning given in section 744 of the Companies Act 1985.

### **5 Transfer of property, etc**

All property, real and personal, of every description (including things in action) and all rights and privileges of an existing body or of the Institute which immediately before the appointed day belonged to or were vested in or exercisable by that body shall on the appointed day, without any conveyance, transfer, assignment or other instrument, be transferred to and vested in, or be exercisable by, Imperial College for all the estate and interest therein of that body.

### **6 Transfer of obligations, etc**

All debts and obligations of an existing body or of the Institute existing immediately before the appointed day shall, on the appointed day, be transferred and attached to Imperial College and shall thereafter be discharged and satisfied by Imperial College.

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## **7 Saving for agreements, deeds, actions, etc**

All agreements, appointments, awards, contracts, deeds and other instruments, and all actions and proceedings and causes of action which immediately before the appointed day were existing or pending in favour of, or against, an existing body or the Institute shall on and after the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against, Imperial College to the same extent and in like manner as if Imperial College instead of the existing body or the Institute, as the case may be, had been a party to, or interested in, the same respectively.

## **8 Construction of bequests, etc. and powers of trustees**

- (1) Subject to subsection (2) below, any scheme, will, deed or other instrument, whether made or executed before, on or after the appointed day which contains any bequest, gift, trust or other benefit in favour of or connected with an existing body or the Institute shall, on and after the appointed day, be read and have effect as if Imperial College were named therein instead of that body.
- (2) Imperial College shall administer any bequest, gift, trust or other benefit referred to in subsection (1) above as nearly as may be for the purposes intended in the original scheme, will, deed or other instrument conferring such a benefit.
- (3) Without prejudice to subsection (1) above, any trustees who, immediately before the appointed day, had power, for all or any purposes relating to hospital services (including research) or to any other part of the health service associated with hospitals, to assist, support or otherwise benefit an existing body or the Institute, shall, on and from that day, have power to assist, support or otherwise benefit Imperial College as if it were a hospital for which those trustees were appointed.
- (4) In this section “the health service” and “hospital” have the same meaning as in the National Health Service Act 1977.

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

Any power or right of an existing body or of any officer or employee of an existing body 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, Imperial College or the officer or employee of Imperial College who in the opinion of the Governing Body most nearly performs the functions formerly performed by the former officer or employee in question.

## **10 Restriction on use of certain names**

- (1) No person other than Imperial College shall, within a period of 25 years beginning with the date on which this Act is passed, use any of the names mentioned in subsection (2) below without the consent of Imperial College.
- (2) The names referred to in subsection (1) above are—
  - (a) National Heart and Lung Institute;
  - (b) Charing Cross and Westminster Medical School; and
  - (c) Royal Postgraduate Medical School.