

ELIZABETH II



1963 CHAPTER xi

An Act to dissolve the council of the Durham Colleges in the University of Durham and to transfer the property and liabilities of that council to the University of Durham, to enact further provisions with regard to the University of Durham, to incorporate the University of Newcastle upon Tyne, to dissolve the council of King's College Newcastle upon Tyne in the University of Durham and to transfer the property and liabilities of that council to the University of Newcastle upon Tyne, to enact provisions with regard to the University of Newcastle upon Tyne; and for other purposes. [10th July 1963]

WHEREAS—

(1) The University of Durham Act, 1908, appointed commissioners and required them to make statutes regulating the constitution of the University of Durham in general accordance with the scheme scheduled as an appendix to the Act which scheme provided, inter alia, for the University of Durham to be reconstituted in two divisions, the Durham Division and the Newcastle Division:

(2) By the University of Durham Act, 1935, a body of commissioners were appointed and were required to make new

statutes for the University of Durham, for the Durham and Newcastle Divisions thereof, and for the colleges of the Newcastle Division in general accordance with the recommendations contained in the report of a commission appointed by his late Majesty King George the Fifth by letters patent dated the sixteenth day of March nineteen hundred and thirty-four:

(3) The said commissioners duly made statutes which provide, inter alia, that the University of Durham shall continue to be a corporate body under the name of the University of Durham, the council of the Durham Colleges shall continue to be a corporate body under that name and the council of King's College Newcastle upon Tyne shall be a corporate body under that name:

(4) The University of Durham is now governed by the said statutes as amended from time to time pursuant to the powers conferred by the said statutes:

(5) In consequence of the continued growth of the Durham and Newcastle Divisions of the University of Durham, it is expedient that they should no longer be combined in one university:

(6) It is accordingly expedient to dissolve the council of the Durham Colleges in the University of Durham and to transfer the rights, property and liabilities of that council to the University of Durham and to incorporate the University of Newcastle upon Tyne and to dissolve the council of King's College Newcastle upon Tyne and to transfer the rights, property and liabilities of that council to the University of Newcastle upon Tyne:

(7) It is expedient to make provision for the pooling of the investments of the University of Durham and of the University of Newcastle upon Tyne and the various trust funds held by or on behalf of the said universities respectively and as to their respective investments:

(8) It is expedient that the other provisions in this Act should be enacted:

(9) The purposes of this Act cannot be effected 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:—

PART I

PRELIMINARY

Short title
and commence-
ment.

1.—(1) This Act may be cited as the Universities of Durham and Newcastle upon Tyne Act 1963.

(2) This Act shall come into operation on the appointed day with the exception of the provisions contained in subsection (3) of section 10 (University of Durham statutes) and subsection (3) of section 17 (University of Newcastle statutes) thereof which shall come into operation on the passing of this Act.

PART I
—cont.

2. This Act is divided into Parts as follows:—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—University of Durham.

Part III.—University of Newcastle upon Tyne.

Part IV.—Transitional provisions affecting Universities of
Durham and Newcastle upon Tyne.

Part V.—Pooling of investments, etc.

Part VI.—Miscellaneous and general.

3.—(1) In this Act unless the subject or context otherwise requires the following expressions have the following meanings:—

Interpretation.

“ the appointed day ” means the first day of August, nineteen hundred and sixty-three;

“ the Durham Council ” means the council of the Durham colleges in the University of Durham;

“ King’s College ” means King’s College Newcastle upon Tyne in the University of Durham;

“ the Newcastle Council ” means the council of King’s College;

“ the University of Newcastle ” means the University of Newcastle upon Tyne incorporated by this Act.

(2) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

UNIVERSITY OF DURHAM

4. Notwithstanding the repeal of enactments by section 35 (Repeal) of this Act the University of Durham shall continue to be incorporated by the name of the University of Durham and by that name shall continue to be a body corporate with perpetual succession and a common seal and by that name may sue and be sued and have power to purchase, take on lease, hold and dispose of land and other property.

Continued
incorporation
of University
of Durham.

5.—(1) As from the appointed day the Durham Council shall by virtue of this Act be dissolved and cease to exist and all property, real and personal, of every description (including things in action) and all rights and privileges of the Durham Council which immediately before the appointed day belonged to or were vested in or exercisable by the Durham Council shall,

Dissolution
of Durham
Council and
transfer of
property to
University of
Durham.

PART II
—cont.

subject to the provisions of this Act, be by virtue of this Act without any conveyance, transfer or other instrument transferred to, vested in and exercisable by the University of Durham for all the estate and interest therein of the Durham Council and shall be applied to the objects and purposes for which the University of Durham is incorporated.

(2) Subject to the provisions of section 6 (Power to vary existing foundations or objects) of this Act, any property which by any scheme, deed, will or other instrument or otherwise is held upon trust for any specific foundation or object of or connected with the Durham Council shall, after the said transfer, be held upon trust for and applied as far as possible to the same foundation or object of or connected with the University of Durham.

(3) Subject to the provisions of section 6 (Power to vary existing foundations or objects) of this Act any property held by the Durham Council upon or subject to any trust or trusts shall be held by the University of Durham upon or subject to the trust or trusts upon or subject to which such property was held by the Durham Council previously to the transfer.

Power to
vary existing
foundations
or objects.

6. Where any property is held after the appointed day upon trust for any foundation or object of or connected with the University of Durham by virtue of any scheme, deed, will or other instrument which came into operation, or any act or event which occurred, before the appointed day, or by virtue of any such scheme, deed, will or other instrument or act or event as aforesaid and by virtue of the provisions of section 5 (Dissolution of Durham Council and transfer of property to University of Durham) of this Act, such foundation or object may from time to time be varied or added to by deed under the seal of the University of Durham which shall have been approved by a resolution of the council of the University of Durham, but so that the funds and investments or share in an investment pool for the time being allocated to each specific foundation or object shall remain allocated for such specific foundation or object:

Provided also that any such deed of variation or addition shall not be of any validity until the same shall have been submitted to and approved by the Privy Council and a certificate of their approval thereof signed by the Clerk of the Privy Council shall be endorsed on such deed.

Transfer of
liabilities.

7. On the appointed day all debts and liabilities of the Durham Council shall, by virtue of this Act, be transferred and attached to the University of Durham and shall thereafter be discharged and satisfied by the University of Durham.

Construction
of bequests,
etc., in favour
of Durham
Council.

8. On and after the appointed day any bequest, gift or trust in favour of or connected with the Durham Council shall be read and have effect as if the University of Durham had been named or referred to therein instead of the Durham Council whether

such bequest, gift or trust is made, regulated or constituted by any will, scheme, deed or document or in any other manner and whether made or executed or taking effect before or on or after the appointed day.

PART II
—cont.

9. On and after the appointed day any reference in any contract or agreement to a post in the University of Durham which was before the appointed day tenable in the Newcastle Division of the University of Durham shall be read as referring to the like post in the University of Newcastle.

Agreements
with holders
of posts in
Newcastle
Division.

10.—(1) The constitution, administration and management of the University of Durham shall be governed by statutes.

University of
Durham
statutes.

(2) Subject to the provisions of subsection (3) of this section on and after the appointed day the statutes of the University of Durham shall be those set forth in the First Schedule to this Act and the same shall continue in force until altered, added to or repealed.

(3) The said statutes shall take effect subject to the temporary provisions set out in the Second Schedule to this Act which shall come into operation on the passing of this Act.

(4) Subject to the provisions contained in the said statutes concerning the amendment of statutes the council of the University of Durham may from time to time make statutes altering, adding to or repealing any of the statutes of the University of Durham.

PART III

UNIVERSITY OF NEWCASTLE UPON TYNE

11. On and after the appointed day there shall be and there is hereby constituted a university by the name of the University of Newcastle upon Tyne and the University of Newcastle shall be a body corporate with perpetual succession and a common seal and by that name may sue and be sued and have power to purchase, take on lease, hold and dispose of land and other property.

Incorporation
of University
of Newcastle.

12.—(1) As from the appointed day the Newcastle Council shall by virtue of this Act be dissolved and cease to exist and all property, real and personal, of every description (including things in action) of the Newcastle Council and all rights and privileges of the Newcastle Council which immediately before the appointed day belonged to or were vested in or exercisable by the Newcastle Council shall, subject to the provisions of this Act, be by virtue of this Act without any conveyance, transfer or other instrument transferred to, vested in and exercisable by the University of Newcastle for all the estate and interest therein of the Newcastle Council and shall be applied to the objects and purposes for which the University of Newcastle is incorporated.

Dissolution of
Newcastle
Council and
transfer of
property to
University of
Newcastle.

PART III
—cont.

(2) Any property which by any scheme, deed, will or other instrument or otherwise is held upon trust for any specific foundation or object of or connected with the Newcastle Council shall, after the said transfer, be held upon trust for and applied as far as possible to the same foundation or object of or connected with the University of Newcastle:

Provided that any such foundation or object may from time to time be varied or added to by deed under the seal of the University of Newcastle which shall have been approved by a resolution of the court of the University of Newcastle but so that the funds and investments or share in an investment pool for the time being allocated to each specific foundation or object shall remain allocated for such specific foundation or object:

Provided also that any such deed of variation or addition shall not be of any validity until the same shall have been submitted to and approved by the Privy Council and a certificate of their approval thereof signed by the Clerk of the Privy Council shall be endorsed on such deed.

(3) Subject to the provisions of subsection (2) of this section any property held by the Newcastle Council upon or subject to any trust or trusts shall be held by the University of Newcastle upon or subject to the trust or trusts upon or subject to which such property was held by the Newcastle Council previously to the transfer.

(4) The Minister of Agriculture, Fisheries and Food shall at the request of the University of Newcastle transfer to that university all capital moneys, and securities representing the same, held by him in trust for or on behalf of the Newcastle Council, or paid to him pursuant to the exercise by the Newcastle Council of any powers under the Universities and College Estates Act, 1925.

Transfer of liabilities of Newcastle Council.

13. On the appointed day all debts and liabilities of the Newcastle Council shall, by virtue of this Act, be transferred and attached to the University of Newcastle and shall thereafter be discharged and satisfied by the University of Newcastle.

Transfer of rights, etc., of King's College.

14. On and after the appointed day all rights and privileges which immediately before the appointed day belonged to or were exercisable by King's College shall belong to and be exercisable by the University of Newcastle.

Construction of bequests, etc., in favour of Newcastle Council or King's College.

15. On and after the appointed day any bequest, gift or trust in favour of or connected with the Newcastle Council or King's College shall be read and have effect as if the University of Newcastle had been named or referred to therein instead of the Newcastle Council or King's College whether such bequest, gift or trust is made, regulated or constituted by any will, scheme, deed or document or in any other manner and whether made or executed or taking effect before or on or after the appointed day.

16. As from the appointed day the affiliation of the technical college in the county borough of Sunderland to the University of Durham shall cease and the said technical college shall be affiliated to the University of Newcastle in accordance with the provisions in that behalf contained in the statutes of the University of Newcastle from time to time in force.

PART III
—cont.
Termination
of affiliation.

17.—(1) The constitution, administration and management of the University of Newcastle shall be governed by statutes.

University of
Newcastle
statutes.

(2) Subject to the provisions of subsection (3) of this section on and after the appointed day the statutes of the University of Newcastle shall be those set forth in the Third Schedule to this Act and the same shall continue in force until altered, added to or repealed.

(3) The said statutes shall take effect subject to the temporary provisions set out in the Fourth Schedule to this Act which shall come into operation on the passing of this Act.

(4) Subject to the provisions contained in the said statutes concerning the amendment of statutes the court of the University of Newcastle may from time to time make statutes altering, adding to or repealing any of the statutes of the University of Newcastle.

18. The University of Newcastle shall be deemed to be included among the universities mentioned in paragraph (b) of the Second Schedule to the Charities Act, 1960.

University of
Newcastle to
be exempt
charity.

19. For the removal of doubts it is hereby declared that the Universities and College Estates Act, 1925, shall not apply to the University of Newcastle.

Exclusion of
Universities
and College
Estates Act,
1925.

PART IV

TRANSITIONAL PROVISIONS AFFECTING UNIVERSITIES OF DURHAM AND NEWCASTLE UPON TYNE

20. All agreements, awards, contracts, deeds and other instruments and all actions and proceedings and causes of action or proceedings which immediately before the appointed day were existing or pending in favour of or against the Durham Council, the Newcastle Council or King's College shall continue and may be carried into effect, enforced and prosecuted by or in favour of or against the University of Durham or the University of Newcastle (as the case may be) to the same extent or in like manner as if the University of Durham or the University of Newcastle (as the case may be) instead of the Durham Council or the Newcastle Council or King's College had been party to or interested in the same respectively.

Saving for
agreements,
deeds, actions,
etc.

21. The University of Durham and the University of Newcastle shall in consultation with each other make such regulations as they consider appropriate concerning the continuation of the

Existing
students.

PART IV
—cont.

courses of study and the granting of degrees to students of the University of Durham who matriculated before the appointed day:

Provided that subject to the provisions of section 32 (As to holding of qualifying examinations and granting of degrees in medicine and dentistry) of this Act, any person who before the appointed day has registered as a matriculated student in the Newcastle Division of the University of Durham or in Sunderland Technical College as a candidate for a qualification in the University of Durham and who after the appointed day becomes a student of the University of Newcastle and satisfies all the conditions required for the like qualification in the University of Newcastle shall be entitled to proceed to the equivalent qualification in the University of Durham, but the University of Durham shall not be under any obligation to grant a qualification to any candidate who has not passed all the necessary examinations before the expiry of the minimum period of study prescribed by the regulations of the University of Durham in force immediately before the appointed day.

PART V

POOLING OF INVESTMENTS, ETC.

Definitions in
Part V.

22. In this Part of this Act, unless the subject or context otherwise requires, the following expressions have the following meanings:—

“accounting period” means the yearly period commencing on the first day of August in each year or other the period for which the accounts and financial affairs of the University are for the time being made up, arranged and calculated;

“the operative date” means in relation to the University of Durham such day as the council of the University of Durham may by resolution passed in pursuance of section 23 (Adoption of Part V) of this Act determine and in relation to the University of Newcastle such day as the court of the University of Newcastle may by resolution passed in pursuance of the said section determine;

“the certified capital value” means, in reference to any investment with respect to which the expression is used, the capital value of that investment as certified by the treasurer of the University of Durham or the auditor of the University of Newcastle (as the case may be) in pursuance of the provisions of section 26 (Certification of capital values of investments) of this Act;

“the council” means the council of the University of Durham or the council of the University of Newcastle (as the case may require);

“endowment fund” means a fund which is applicable for the benefit of the University or any work, purpose or feature thereof and the investments of which are for the time being held by and in the name of the University;

“the general pool” means the general investment pool set up in pursuance of the provisions of section 24 (Pooling of investments) of this Act;

“investment unit” means a share in the trustee investments pool or the general pool (as the case may be) of the value determined from time to time pursuant to section 28 (Increase or reduction of value of investment unit) of this Act;

“shareholding” means, in regard to the trustee investments pool or the general pool and in reference to any endowment fund with respect to which the expression is used, the aggregate of the investment units in that pool to which such fund is entitled;

“trustee investments endowment fund” means an endowment fund comprising money or other property which by reason of the provisions of an instrument (including an Act of Parliament) may be invested only in the manner and subject to the restrictions for the time being authorised and imposed by law for and concerning the investment of property in the hands of trustees;

“the trustee investments pool” means the trustee investments pool set up in pursuance of the provisions of section 24 (Pooling of investments) of this Act;

“the University” means the University of Durham or the University of Newcastle (as the case may require).

23.—(1) If the council of the University of Durham so resolve, the provisions of this Part of this Act shall apply to the University of Durham and the council thereof on and after such date as may be determined in the resolution. Adoption of Part V.

(2) If the council of the University of Newcastle so resolve, the provisions of this Part of this Act shall apply to the University of Newcastle and the council thereof on and after such date as may be determined in the resolution.

24.—(1) The council shall, on the operative date, set up and shall thereafter maintain two investment pools which shall be called respectively “the trustee investments pool” and “the general pool” and shall be administered respectively by the council in the manner provided in this Part of this Act. Pooling of investments.

(2) On, or at any time after, the operative date the council may carry into the trustee investments pool any money and

PART V
—cont.

investments belonging for the time being to any trustee investments endowment fund being investments in which the trustees are authorised by law to invest property representing such trustee investments endowment fund.

(3) On, or at any time after, the operative date the council may carry into the general pool any money and investments belonging for the time being to any endowment fund, other than a trustee investments endowment fund. The council shall not carry into the general pool any investment or money belonging to any trustee investments endowment fund.

(4) The aggregate amount of the capital values certified at the date when they are carried in of all the money and investments belonging to any endowment fund which are carried into the trustee investments pool or the general pool (as the case may be) at any one time in pursuance of the provisions of this section shall be divided by the value at that time of an investment unit. The result of such division (any fraction amounting to less than one-half being ignored and any fraction amounting to one-half or more being reckoned as one) shall be the number of investment units to which such endowment fund is entitled in virtue of the investments and money so carried in.

Administration
of the
investment
pools.

25.—(1) Any amount of money for the time being in the trustee investments pool and available for investment shall be invested in the name of the University in any manner authorised by section 1 of the Trustee Investments Act, 1961, as if the trustee investments pool were a trust fund:

Provided that—

(a) in its application to the powers of investment conferred by the said section 1, section 2 of the said Act of 1961 shall have effect as if—

(i) in subsection (1) of the said section 2 for the words “ the parts being, subject to the provisions of this Act, equal in value at the time of the division ” there were substituted the words “ the value of the narrower-range part at the time of the division bearing to the then value of the wider-range part the proportion of one to two ”;

(ii) in paragraph (b) of subsection (3) of the said section 2 for the words “ each part of the fund is increased by the same amount ” there were substituted the words “ the narrower-range part of the fund is increased by an amount which bears to the amount by which the wider-range part of the fund is increased the proportion of one to two ”;

(b) nothing in section 3 or section 4 of the said Act of 1961 shall apply to the exercise of the powers of this Act.

(2) Any amount of money for the time being in the general pool and available for investment shall be invested in the name of the University in the purchase of or on the security of such stocks, funds, shares, securities and other investments (including land of any tenure or any interest therein) of whatsoever nature and wheresoever and whether involving liability or not and whether or not authorised by law for the investment of trust funds and generally in such manner as the council shall, in their uncontrolled discretion, think fit.

(3) Any amount of money for the time being comprised in the trustee investments pool or the general pool and awaiting investment may be paid by the council into a bank to a deposit or other account in the name of the University and all interest (if any) payable in respect thereof shall be applied as if it were income from an investment comprised in that pool.

(4) At any time after the operative date the council, if they for any of the purposes of any endowment fund or in order to separate such fund in whole or in part from the pool require to realise any investment units forming the whole or any part of the shareholding of that fund in the trustee investments pool or the general pool, may effect such realisation by cancelling such investment units and withdrawing from the pool in which such investment units are held either—

- (a) an amount of money equal to the aggregate nominal value of the investment units so cancelled; or
- (b) investments the certified capital value of which (as at the date of such withdrawal) is equal to such aggregate nominal value; or
- (c) an amount equal to such aggregate nominal value and composed partly of money and partly of investments the certified capital value of which (as at the time of such withdrawal) when added to the amount of such money gives a total amount equal to such aggregate nominal value.

(5) The council may at any time sell any of the investments for the time being comprised in the trustee investments pool or the general pool if such sale is required for the purpose of realisation of any investment units in that pool or is thought by the council to be expedient.

(6) The council may at any time vary or transpose any investments in either pool for or into others of any nature authorised for such pool but subject, in the case of the variation or transposition of investments comprised in the trustee investments pool, to the provisions of the Trustee Investments Act, 1961, as modified by subsection (1) of this section.

PART V
—cont.

(7) The income arising from the investments comprised from time to time in the trustee investments pool and the general pool respectively shall be dealt with in the manner specified in section 27 (Apportionment of income from pooled investments) of this Act.

Certification
of capital
values of
investments.

26.—(1) Whenever the capital value of any investment requires for any purpose of this Act to be certified the amount of such capital value shall be certified in writing by the treasurer of the University of Durham or by the auditor of the University of Newcastle (as the case may be).

(2) For the purpose of any such certification the treasurer or the auditor (as the case may be) shall ascertain, calculate or estimate the capital value of the investment upon such basis as is in his judgment the most accurate and reliable basis available and, in the case of any security for which reliable market prices are available, the valuation shall be based on the mid-market price.

Apportionment
of income
from pooled
investments.

27.—(1) The net amount of the aggregate income for any accounting period from the investments comprised in the trustee investments pool or the general pool after deduction of—

- (a) any expenses of administration of that pool;
- (b) any amount which may be retained in that pool in pursuance of the provisions of subsection (2) of this section; and
- (c) any amount set aside in pursuance of the provisions of subsection (3) of this section;

shall be apportioned among the endowment funds entitled to share in that pool in proportion to the numbers of investment units in that pool to which such funds are respectively entitled and, in the case of any investment unit or units to which an endowment fund was entitled during only a part of that accounting period, after paying due regard to the time during which that fund was so entitled.

(2) The council may retain in the trustee investments pool or the general pool and carry to a reserve fund in the accounts of that pool at the end of any accounting period any such amount of income from the investments comprised in that pool not exceeding four per centum upon the gross aggregate amount of such income for that accounting period as the council may consider it expedient to reserve with a view to supplementing the income from the investments comprised in that pool to be apportioned in any subsequent accounting period and so helping to equalise the rates of the annual distributions of income in respect of that pool. The whole or any part of the income thus

held in reserve for the time being in the trustee investments pool or the general pool may be applied at the discretion of the council by way of addition to the amount of income otherwise falling to be apportioned in respect of any subsequent accounting period among the endowment funds entitled to share in that pool and as if it were part of that income.

PART V
—cont.

(3) Where any investment of a redeemable or terminable nature has been purchased for or transferred to the trustee investments pool or the general pool at a price which would, but for the provisions of this subsection, result in a capital loss on the redemption or termination of such investment, the council may set aside to a capital redemption account out of the income from the investments comprised in the trustee investments pool or the general pool (as the case may be) such sum or sums as in the aggregate shall not be greater than the amount of such capital loss.

(4) Any sums set aside pursuant to subsection (2) or (3) of this section may be invested by the council and the capital and income of such investments shall respectively form part of the capital and income of the trustee investments pool or the general pool (as the case may be).

(5) If and when the council in pursuance of the provisions of section 25 (Administration of the investment pools) of this Act withdraw from the trustee investments pool or the general pool or sell any investment in respect of which any sum or sums has or have been set aside to a capital redemption account under this section the amount then standing to the credit of such account in respect of such investment shall be cancelled and enure for the general benefit of the pool to which it relates.

(6) The council shall apportion between the trustee investments pool and the general pool any expenses of administration incurred jointly for both of those pools in respect of any accounting period.

28.—(1) The treasurer of the University of Durham or the auditor of the University of Newcastle (as the case may be) shall as soon as practicable after the end of each accounting period and at any other time if so required by the council make to the council a report on the investments for the time being comprised in the trustee investments pool and in the general pool and if at any time the council after investigation and after receiving such report shall come to the conclusion that by reason of appreciation or depreciation of the values of investments or by reason of the cancellation of any sum standing to the credit of a capital redemption account in pursuance of the provisions of subsection (5) of section 27 (Apportionment of income from pooled investments) of this Act the aggregate amount of the capital values of the investments and any money for the time

Increase or
reduction
of value of
investment
unit.

PART V
—cont.

being comprised in the trustee investments pool or the general pool is substantially greater or substantially less than the total value of all the investment units in that pool, the council shall make such an addition to or reduction of the nominal value of an investment unit in that pool as the council may deem appropriate in the circumstances, so as to equate such total value with such aggregate amount.

(2) The initial value of an investment unit shall be five pounds.

Effect of
Part V on
operation of
instruments.

29. This Part of this Act shall have effect notwithstanding the provisions of any instrument relating to any endowment fund.

Exclusion of
sections 1 and
14 of
Prevention
of Fraud
(Investments)
Act, 1958.

30. The provisions of sections 1 and 14 of the Prevention of Fraud (Investments) Act, 1958 (which except in certain cases respectively prohibit the carrying on of the business of dealing in securities without a licence and the distribution or possession for distribution of certain circulars), shall not apply to any dealings undertaken by or on behalf of the University in connection with the setting up or operation of the trustee investments pool or the general pool or to the distribution in that connection by or on behalf of the University of any document or to the possession of any document for the purpose of such distribution.

PART VI

MISCELLANEOUS AND GENERAL

As to Medical
Act, 1956, and
Dentists Act,
1957.

31.—(1) On and after the appointed day the University of Newcastle shall be, and the University of Durham shall cease to be, entitled to choose one representative to be a member of the General Medical Council constituted in accordance with the Medical Act, 1956, and section 3 of that Act shall be read and have effect as if the University of Newcastle had, and the University of Durham had not, been expressly named therein:

Provided that notwithstanding the foregoing provisions the University of Durham shall on and after the appointed day be deemed to be a dental authority for the purposes only of the provisions of the Dentists Act, 1957, specified in subsection (2) of this section in relation to graduates upon whom it has conferred before or may confer after the appointed day in pursuance of the provisions of the next following section of this Act a degree or licence in dentistry.

(2) The provisions of the Dentists Act, 1957, referred to in the proviso to subsection (1) of this section, are—

- Subsection (1) of section 2;
- Paragraph (a) of subsection (1) of section 16;
- Subsection (3) of section 17;
- Subsection (1) of section 24; and
- Subsection (4) of section 25.

32.—(1) The University of Newcastle is hereby empowered to hold qualifying examinations in medicine, surgery and midwifery for the purpose of granting one or more qualifications registrable under Part II of the Medical Act, 1956, and the provisions of that Part of that Act shall be read and have effect accordingly.

PART VI
—cont.

As to holding of qualifying examinations and granting of degrees in medicine and dentistry.

(2) The University of Durham shall on the appointed day cease to hold qualifying examinations in medicine, surgery and midwifery and in dentistry but a student who matriculated in the Faculty of Medicine in the University of Durham shall for a period of five years after the appointed day be entitled, subject to his compliance with the rules and regulations of the University of Newcastle from time to time in force, to take any qualifying examinations in those subjects in the University of Newcastle.

(3) The University of Durham shall on the appointed day cease to grant degrees in medicine, surgery or midwifery and degrees and licences in dentistry other than to students who matriculated in the Faculty of Medicine in the University of Durham before the appointed day and have within five years after the appointed day passed the necessary qualifying examinations in the University of Durham or the University of Newcastle or partly in the one and partly in the other.

33.—(1) The property which, by the declaration of trust dated the thirteenth day of June, nineteen hundred and twenty-eight, and made by the University of Durham, is immediately before the appointed day held by the University of Durham upon trust for the emolument of a lectureship called "the Riddell Memorial Lecture" shall be by virtue of this Act without any conveyance, transfer or other instrument transferred to and vested in the University of Newcastle as from the appointed day and shall after the said transfer be held upon trust for and applied so far as possible to the same object of or connected with the University of Newcastle.

Riddell
Memorial
Lectures
Trust Fund.

(2) The constitution of the standing committee referred to in the schedule to the said declaration of trust shall be in accordance with the provisions in that behalf contained in the statutes of the University of Newcastle from time to time in force in substitution for the constitution prescribed in the said schedule.

34. As from the appointed day the deed of covenant made by Turner and Newall Limited with the University of Durham on the twenty-second day of June, nineteen hundred and sixty-one, shall be read and have effect as if the University of Newcastle had been named therein in the place of the University of Durham and any moneys paid by the said company to the University of

Turner and
Newall
Limited's
covenant.

PART VI
—cont.

Durham and not expended upon the objects named in the said deed and any moneys falling to be paid by the said company thereunder after the appointed day shall be paid to the University of Newcastle.

Repeal.

35.—(1) As from the appointed day the unrepealed provisions of the University of Durham Act, 1908, and the University of Durham Act, 1935, are hereby repealed.

(2) All subsisting statutes made under the powers conferred by the said Acts or by the statutes made under the said Acts are hereby repealed and for the purposes of section 38 of the Interpretation Act, 1889, the revocation of the said statutes shall be deemed to be the repeal of an Act.

Costs of Act.

36. The costs, charges and expenses of, and incidental to, the preparing, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the University of Durham out of the general funds of the University of Durham.

SCHEDULES

FIRST SCHEDULE

Section 10.

STATUTES OF THE UNIVERSITY OF DURHAM

PRELIMINARY

1. In these statutes unless the context otherwise requires—

“ the Act ” means the Universities of Durham and Newcastle upon Tyne Act 1963;

“ the appointed day ” means the 1st August, 1963;

“ the University ” means the University of Durham;

“ convocation ” “ the council ” and “ the senate ” mean respectively convocation, the council and the senate of the University;

“ statutory bodies ” means the council, the senate, the boards of faculties and the boards of studies of the University;

“ maintained colleges and societies ” means colleges and societies maintained by the council pursuant to these statutes and shall so long as they continue to be maintained by the University include University College, Hatfield College, Grey College, St. Mary’s College, St. Aidan’s College and St. Cuthbert’s Society;

“ recognised colleges ” means colleges of the University recognised by the council pursuant to these statutes and shall so long as they continue to be recognised by the University include St. Chad’s College, St. John’s College and the college of the Venerable Bede;

“ colleges ” means maintained colleges and societies and recognised colleges;

“ licensed halls of residence ” means halls of residence (not being maintained colleges and societies or recognised colleges) recognised by the council as licensed halls of residence pursuant to these statutes and shall so long as they continue to be recognised by the University include St. Hild’s College and Neville’s Cross College;

“ affiliated colleges ” means Fourah Bay College—The University College of Sierra Leone and Codrington College, Barbados, so long as they continue to be affiliated to the University and any other colleges which may hereafter be affiliated to the University under statutes made in that behalf;

“ canon professor ” means a professor of the University who is also a canon of the cathedral church of Durham;

“ existing ” means existing immediately before the appointed day;

“ year ” means a calendar year;

“ month ” means a calendar month.

Words importing the masculine gender include the feminine gender.

Words in the singular include the plural and words in the plural include the singular.

1ST SCH.
—cont.

2. As from the appointed day the University shall for every purpose be administered and governed wholly and exclusively in accordance with the provisions of the Act and these statutes notwithstanding any existing Acts of Parliament, charters, statutes or Orders in Council relating to the University.

3. Existing rules and regulations of the University and of its constituent bodies made under the existing statutes of the University shall remain in force, until they are altered or repealed as nearly as may be practicable and so far as they are consistent with these statutes, except that references in those rules and regulations to any body, officer or person shall be construed as references to the body, officer or person exercising similar powers or discharging similar duties under these statutes.

THE UNIVERSITY

4. The University shall be governed by a visitor, chancellor, vice-chancellor, convocation, council, senate, boards of faculties and boards of studies.

THE VISITOR

5. The Lord Bishop of Durham for the time being shall be the visitor of the University.

THE CHANCELLOR

6.—(1) There shall be a chancellor of the University, who shall, subject as in these statutes provided, hold office during his life or until his resignation. The existing chancellor shall continue to be chancellor.

(2) The chancellor shall be the head of the University, and shall by virtue of his office be a member of the council and of convocation, and shall preside at all meetings of those bodies at which he is present.

(3) During a vacancy in the office of chancellor, or during his inability through illness or any other cause to perform his duties, the duties of that office, other than presiding at meetings of the council, shall be performed by the vice-chancellor.

(4) Upon a vacancy in the office of chancellor, convocation shall appoint a chancellor on the nomination of the council and the senate sitting in joint session.

THE VICE-CHANCELLOR

7.—(1) There shall be a vice-chancellor of the University, who shall also be the Warden of the Durham Colleges. He shall be the chief academic and administrative officer of the University and shall have a general responsibility to the council and the senate for maintaining and promoting its efficiency and good order. He shall be appointed by the council after consultation with the senate.

(2) There shall be a pro-vice-chancellor of the University, who shall also be the Sub-warden of the Durham Colleges. He shall be appointed by the council on the nomination of the senate and shall hold office for three years.

(3) The vice-chancellor and the pro-vice-chancellor shall by virtue of their offices be members of the council, the senate and convocation and of each board of faculty.

(4) The vice-chancellor, or in his absence the pro-vice-chancellor, shall preside at all meetings of the senate, and in the absence of the chancellor, at all meetings of convocation.

1ST SCH.
—cont.

(5) During a vacancy in the office of vice-chancellor or during his inability, through illness or any other cause, to perform his duties, the duties of that office shall be performed by the pro-vice-chancellor.

(6) The council, on the recommendation of the senate, may appoint a second pro-vice-chancellor who shall carry out such duties as the senate may from time to time determine.

THE REGISTRAR AND SECRETARY

8.—(1) There shall be a registrar and secretary of the University who, under the supervision of the vice-chancellor, shall be responsible for the conduct of University business. He shall be secretary of the council and of the senate and shall perform such other duties as the council may prescribe after consultation with the senate.

(2) The registrar and secretary shall be appointed by the council after considering the recommendation of a joint committee of the council and the senate.

THE TREASURER

9. There shall be a treasurer of the University who shall be responsible to the council for the conduct of the financial business of the University, and for such other business as the council may prescribe. The treasurer shall be appointed by the council.

THE COUNCIL

10.—(1) There shall be a council of the University, consisting of—

The chancellor;

The vice-chancellor;

The pro-vice-chancellor;

The second pro-vice-chancellor (if appointed);

The dean of Durham, or during a vacancy in the office, the sub-dean;

Four members, not being teachers or salaried officers in the University or any of its colleges, to be appointed by the chancellor;

Three members, being heads of colleges, or licensed halls of residence, to be appointed by the senate;

Seven members, not being heads of colleges, or licensed halls of residence, to be appointed by the senate;

Two members, being senior lecturers or lecturers, to be nominated and elected by the senior lecturers and lecturers in the University;

Three members, not being teachers or salaried officers in the University or any of its colleges, to be appointed by the county council of Durham;

One member, not being a teacher or salaried officer in the University or any of its colleges, to be appointed by the council of the city of Durham and Framwelgate;

One member, to be appointed by the court of the University of Newcastle upon Tyne;

1st SCH.
—cont.

together with, if the council so determine, not more than eight members to be appointed by co-option.

(2) If the number of matriculated students residing in any of the licensed halls of residence is less than twenty-five, the senate shall not appoint the head of such one or more of the licensed halls to be a member of the council.

(3) The members to be appointed by the chancellor shall hold office for five years.

(4) The members to be appointed by the senate shall hold office for three years.

(5) The members to be elected by the senior lecturers and lecturers in the University shall hold office for three years.

(6) The members to be appointed by the county council of Durham or by the council of the city of Durham and Framwelgate or by the court of the University of Newcastle upon Tyne shall hold office till the appointment of their successors which appointment may be made at any time.

(7) Members to be appointed by co-option shall hold office for three years, and the council shall from time to time determine whether any vacancy, casual or otherwise, among those members shall be filled.

(8) If a member of the council appointed by the senate becomes a member in any other capacity he shall forthwith vacate office as a member appointed by the senate.

THE CHAIRMAN OF THE COUNCIL

11.—(1) The council shall appoint, from among its members or otherwise, a chairman, not being a teacher or salaried officer in the University or any of its colleges. He shall preside at meetings of the council in the absence of the chancellor.

(2) If the chairman is appointed from among the members of the council, the council may require him to vacate office if he ceases to be a member of the council. If the chairman is appointed from outside the council, he shall cease to be a member of the council if he ceases to be chairman. Subject thereto the chairman shall hold office for three years.

(3) The council shall appoint from among its members a vice-chairman, not being a teacher or salaried officer in the University or any of its colleges. He shall preside at meetings of the council in the absence of the chancellor and the chairman and shall hold office for three years but shall vacate his office if he ceases to be a member of the council before the expiry of the said term.

THE POWERS OF THE COUNCIL

12.—(1) The council shall exercise all the powers and authority of the University except to the extent to which the exercise of the same may by these statutes be otherwise prescribed.

(2) The council shall make regulations for the custody and use of the common seal of the University.

(3) The council shall be the governing and executive body of the University and shall have the custody, control and disposition of all its property and finances. Subject to the powers of the senate, the council shall be responsible for the organisation of teaching and

research, including the appointment of chairmen of boards of studies, for the maintenance of discipline and for the regulation of the relations between the council and the students.

1ST SCH.
—cont.

(4) The council shall review the work of the University and shall take such steps as it thinks proper for the purpose of advancing the interests of the University, maintaining its efficiency, encouraging the prosecution of learning and research therein and for providing facilities for the recreation and well-being of the students.

13. The powers of the council shall, subject as in these statutes provided, include the following:—

- (1) To appoint all members of the University staff and the staff of the maintained colleges and societies;
- (2) To fix the salaries and conditions of tenure of posts to which they appoint;
- (3) To represent the University in all negotiations for obtaining grants from public bodies in aid of the work of the University;
- (4) To prescribe, after considering the recommendations of the senate, the dates when the Michaelmas, Epiphany and Easter terms shall begin and end;
- (5) To establish, suspend or abolish any posts other than posts created by these statutes.

COLLEGES AND SOCIETIES

14. The council—

- (1) shall continue to maintain University College, Hatfield College, Grey College, St. Mary's College, St. Aidan's College and St. Cuthbert's Society and may establish and maintain other maintained colleges in the county of Durham;
- (2) shall, subject to the provisions of these statutes, continue to recognise as colleges of the University, St. Chad's College, St. John's College and the college of the Venerable Bede and may recognise other colleges in the county of Durham as recognised colleges in the University. The council shall have no property in or financial responsibility for the recognised colleges or any of them which are or is not also one of the maintained colleges and societies;
- (3) shall, subject to the provisions of these statutes, continue to recognise as licensed halls of residence St. Hild's College and Neville's Cross College, and may recognise other colleges in the county of Durham as licensed halls of residence;
- (4) shall, after considering the recommendations of the senate, regulate the admission to the University of part-time and occasional students who are not registered with one of the colleges.

15. The following provisions shall apply to the recognised colleges which are not also maintained colleges and societies and to licensed halls of residence:—

- (1) The appointment of the head shall require the approval of the council;
- (2) Recognised colleges and licensed halls of residence shall be open to inspection by or on behalf of the council:

1ST SCH.
—cont.

- (3) The recognition of any of the recognised colleges or licensed halls of residence may be withdrawn by the council if the foregoing provisions are infringed:
- (4) Any proposed change in the constitution or instrument of government of recognised colleges or licensed halls of residence shall be notified to the council:
- (5) The council may from time to time or at any time withdraw its recognition from any one or more of the recognised colleges or licensed halls of residence if in its opinion changes have been made in its or their constitution or conduct which unfavourably affect its or their status in the University.

FINANCIAL PROVISIONS

16.—(1) The University shall have power to borrow money whether upon the security of property or otherwise for the purposes of carrying out its duties as defined in its statutes, for the time being in force: provided that nothing in this statute shall authorise the raising of money by mortgage without the consent of the Minister of Agriculture, Fisheries and Food where a mortgage could not apart from this statute be effected except under the powers of the Universities and College Estates Act, 1925.

(2) Where money is raised pursuant to the powers of the Universities and College Estates Act, 1925, it may be applied for or towards any of the purposes referred to in the foregoing subsection as well as any of the purposes described in subsection (2) of section 30 of the said Act.

17.—(1) The University shall have power to purchase, retain, sell or transfer property, real or personal, and securities (which term includes stocks, funds and shares) of any description whether or not authorised by law for the investment of trust funds, and may also apply moneys to any purpose to which capital moneys arising under the Universities and College Estates Act, 1925, may be applied.

(2) Save as may be otherwise expressly provided in relation thereto the powers conferred by this statute shall extend to the investment (including the variation of the investment) of all endowments or other funds, including capital moneys arising under the Universities and College Estates Act, 1925: provided that any investment made under such powers of capital moneys paid to the Minister of Agriculture, Fisheries and Food under the Universities and College Estates Act, 1925, or funds representing such capital moneys, shall require the same consent of the said Minister as is required for an investment made pursuant to that Act.

(3) Nothing in this statute shall authorise any sale or exchange of land to which the consent of the said Minister is required by subsection (2) of section 2 of the Universities and College Estates Act, 1925.

(4) Unless the terms of the trust provide otherwise, any part of the income of a trust fund not expended in any year may at the discretion of the University be applied as income in any subsequent year or be invested and added to the capital of the fund.

(5) The income of trust funds vested in the University for special purposes shall be applied only for those purposes.

THE SENATE

1ST SCH.
—cont.

18.—(1) There shall be a senate of the University consisting of—

(a) Ex-officio members, namely:—

The vice-chancellor;

The pro-vice-chancellor;

The second pro-vice-chancellor (if appointed);

The dean of the faculty of divinity;

The dean of the faculty of arts;

The dean of the faculty of science;

The dean of the faculty of music;

The dean of the faculty of education;

The heads of the maintained colleges and societies and of the recognised colleges;

The heads of such of the licensed halls of residence as have not less than twenty-five matriculated students in residence;

The chairmen of the boards of studies;

The librarian;

The director of extra-mural studies.

(b) Appointed members and co-opted members, namely:—

A number of members equal to one-third of the ex-officio membership of the senate to be appointed by the boards of the faculties of arts, science and education. The number of members to be appointed by each board shall be determined from time to time by the senate. Not less than half of the representatives of the boards of the faculties of arts and science shall be lecturers or senior lecturers.

Together with, if the senate so determine, not more than three members to be appointed by co-option.

(2) The appointed and co-opted members shall hold office for two years.

(3) The vice-chancellor, or, in his absence, the pro-vice-chancellor, shall preside at meetings of the senate. If at any meeting of the senate the vice-chancellor and the pro-vice-chancellor are absent the members of the senate present shall appoint a chairman from among themselves.

POWERS OF THE SENATE

19. The senate shall be the supreme governing body of the University in all academic matters and shall, subject to the powers reserved to the council by these statutes, take such measures and

1ST SCH.
—cont.

act in such manner as shall appear to them best calculated to promote the interests of the University as a place of education, learning and research.

20. The powers of the senate shall, subject as in these statutes provided and without prejudice to the generality of the foregoing, include the following:—

- (1) Subject to the control of the council in matters of finance, to regulate teaching;
- (2) To recommend to the council the establishment of new posts on the academic staff of the University or, if they think fit, to recommend that any vacant post be not filled;
- (3) To consider the report of any committee constituted under these statutes (except statute 33) for the purpose of appointing a professor, a reader, the librarian or the heads of maintained colleges and societies and to communicate that report with an expression of their views thereon to the council;
- (4) To recommend to the council the appointment of senior lecturers, lecturers and other members of the academic staff whose appointment is not provided for elsewhere in these statutes;
- (5) To satisfy themselves that the duties and conditions of service of all members of the academic staff are satisfactory;
- (6) To regulate and control the conditions qualifying for matriculation and for admission to the various titles, degrees and other distinctions offered by the University, and, subject to the approval of the council, the fees to be paid in connection therewith;
- (7) To regulate the admission of persons to courses of study;
- (8) To institute, subject to the approval of the council, fellowships, scholarships and other aids to study and research;
- (9) To regulate all University examinations and to appoint examiners whether external or internal;
- (10) To supervise the extra-mural work of the University;
- (11) To direct that a joint meeting of boards of faculties be held for any purpose specified by the senate;
- (12) To make recommendations to the council on any matter of interest to the University;
- (13) To exercise such powers and discharge such duties with regard to the affiliated colleges as may be prescribed by the terms and conditions on which they are respectively affiliated;
- (14) To nominate for appointment by the council the pro-vice-chancellor and if it is so desired a second pro-vice-chancellor;
- (15) To regulate the discipline of the University, and to determine in what manner disciplinary powers shall be exercised;
- (16) To regulate the use of academic dress in the University;
- (17) To take such steps as they think proper for supervising organisations of students, representative of the University;

- (18) To undertake and arrange for the inspection and examination of schools and colleges and, subject to the approval of the council, to charge fees for such inspection and examination;
- (19) Except where otherwise expressly provided, to appoint representatives of the University on other bodies.

1ST SCH.
—cont.

ACADEMIC DISTINCTIONS

21. The senate may—

- (1) grant degrees and other academic distinctions to persons who shall have pursued in the University a course of study approved by the senate, and shall have passed the examinations of the University under the conditions laid down in the regulations of the University;
- (2) grant diplomas, licences or certificates to persons who have pursued a course of study approved by the senate under conditions laid down by it;
- (3) grant honorary degrees, the title of professor emeritus or other university distinctions;
- (4) accept such examinations and periods of study at such Universities and places of learning as the senate may approve as equivalent to such examinations and periods of study in the University as the senate may determine;
- (5) accept courses of study in any other institution which in the opinion of the senate possesses the means of affording the proper instruction for such courses as equivalent to such courses of study in the University as the senate may determine.

22. Except as otherwise provided from time to time in the regulations of the University, the period of study necessary to qualify any student for graduation shall be not less than three academic years, all of which shall be subsequent to the date at which the student has matriculated in the University.

23. The senate may revoke any degree or other distinction conferred by the University, and all privileges connected therewith, if the holder thereof has been convicted of a crime for which he has been sentenced to imprisonment and the senate consider that such crime is one which renders him unfit to be a member or graduate of the University.

TESTS

24.—(1) No religious test shall be required of or imposed upon any teacher appointed by the University and no such test shall be required of or imposed upon any student in the University, provided always that where any condition involving such test has been attached by the founder to a benefaction, the regulations made for the administration of the benefaction shall, as far as possible, give effect to the wishes of the founder.

(2) All the degrees of the University shall be open to women on the same terms as to men.

1ST SCH.
—cont.

FACULTIES

25. The word "faculty" means any branch or aggregate of branches of study in which degrees are conferred by the University. The scope of any faculty may be defined by the senate.

There shall, subject to any statute made after the appointed day, be the following faculties in the University:—

Divinity;
Arts;
Science;
Music;
Education.

26.—(1) There shall be a board of each faculty.

(2) Each board of faculty shall be constituted as follows:—

(a) Ex-officio members, namely:—

(i) The vice-chancellor, the pro-vice-chancellor and the professors and readers in subjects primarily assigned to the faculty or in such other subjects as the senate may from time to time determine having regard to the relevance of that subject to the work of the faculty;

(ii) The holders of such other teaching posts in subjects assigned to the faculty as the senate may from time to time determine having regard to the responsibilities attaching to holders of these posts.

(b) Appointed members, namely:—

(i) In the boards of the faculties of divinity, music and education, so many persons, being teachers or research workers in the University as the senate after considering the recommendation of the board of faculty shall determine. These persons shall be appointed by the senate on the recommendation of the board;

(ii) The appointed members of each of the boards of the faculties of arts and science shall be appointed by the boards of studies in the faculty. Each board of studies shall appoint to the board of faculty to which it is assigned one-half of the persons who are ex-officio members of the board of studies who are not otherwise members of the board of faculty, or if there is an odd number of such ex-officio members of the board of studies, half of the next higher number.

(c) Additional members, namely:—

So many additional persons as the senate shall determine. These persons shall be appointed by the senate after considering the recommendations of each board of faculty.

(3) There shall be a dean of each faculty who shall be chairman of the board of the faculty. The dean of each faculty shall be appointed by the board from among their members and shall hold office for two years.

1ST SCH.
—cont.

(4) The members of a board of faculty (other than the ex-officio members) shall hold office for two years.

POWERS OF BOARDS OF FACULTIES

27. Each board of faculty shall have the following powers and duties:—

- (1) To advise the senate in all matters relating to curricula, examinations and the organisation of teaching and research in the subjects of the faculty;
- (2) To consider and report to the senate on any subject of study or combination of such subjects;
- (3) To report to the senate on regulations dealing with courses of study for degrees and other distinctions, and on any questions relating to the work of the faculty;
- (4) To submit to the senate names of persons suitable for appointment as examiners;
- (5) To deal with any matter which may be referred to them by the senate;
- (6) To consult with any other faculty on matters related to any of the aforesaid purposes.

BOARDS OF STUDIES

28.—(1) There shall be boards of studies in such subjects or combination of subjects as the council on the recommendation of the senate shall from time to time determine.

(2) Each board of studies shall be assigned to one or more boards of faculty as the senate shall from time to time determine.

(3) Each board of studies shall consist of—

(a) Ex-officio members—

All the full-time teachers in the subject concerned;

(b) Appointed members—

Such other persons as the appropriate board or boards of faculty may from time to time determine.

(4) After consulting the senate, the council shall appoint chairmen of the boards of studies.

(5) The powers of a board of studies shall be as follows:—

(a) To consider any matter relating to the teaching or administration of its own subject and to make recommendations to such one or more of the statutory bodies as may be appropriate;

(b) To carry out such duties as may be assigned to it, separately or jointly with another board, or other boards of studies, by the appropriate board of faculty.

1ST SCH.
—cont.

CONVOCATION

29.—(1) There shall be a convocation of the University consisting of the chancellor, the vice-chancellor, the pro-vice-chancellor, the second pro-vice-chancellor (if appointed) and all persons hereafter registered as members of convocation.

(2) A register of members of convocation shall be kept by the registrar and, subject to the payment of such fees as may be prescribed by the council, the following shall be entitled to be registered as members of convocation:—

- (a) all graduates of the University of the age of twenty-one years or over;
- (b) all heads of colleges and licensed halls of residence;
- (c) all professors, readers, senior lecturers and lecturers together with such other members of the academic staff as shall be appointed by the council on the recommendation of the senate;
- (d) such other officers of the University and of the colleges and licensed halls of residence as shall be appointed by the council on the recommendation of the senate.

(3) Convocation shall hold at least one ordinary meeting in each year. The vice-chancellor may at any time at his discretion, and shall upon the requisition in writing of not less than fifty members of convocation stating the purpose for which the meeting is to be called, summon an extraordinary meeting of convocation.

(4) The quorum of convocation for the dispatch of business shall be twenty members, and if, after the expiration of half an hour from the time for which a meeting is summoned, a quorum has not been formed the meeting shall be dissolved.

(5) Notice of meetings of convocation shall be given by public notice in Durham and by such other means, including communication to the press, as the vice-chancellor and warden may direct.

(6) Convocation may discuss, and, if they think fit, make representations on any matter whatsoever relating to the University.

(7) Convocation shall appoint the chancellor on the nomination of the council and the senate sitting in joint session.

(8) All questions in convocation shall be determined by the votes of the majority of the members present and voting.

CONGREGATIONS

30. Congregations of the University for the conferring of degrees or other academic purposes shall be held in a manner to be prescribed by the senate and shall be presided over by the chancellor or, in his absence, by the vice-chancellor.

MEETINGS OF THE ACADEMIC STAFF

1ST SCH.
—cont.

31.—(1) There shall be an annual meeting of all members of the academic staff in each academic year to which the vice-chancellor shall present a report on the year's work.

(2) The vice-chancellor may at his discretion call additional meetings. Further meetings shall be called if they are requested in writing by at least thirty members of the academic staff.

(3) Any matter of interest to the University may be discussed at all meetings of the academic staff held under this statute, and their representations shall be forwarded to such one or more of the statutory bodies as the meeting considers appropriate.

THE APPOINTMENT, RETIREMENT AND REMOVAL OF OFFICERS AND STAFF
OF THE UNIVERSITY

32.—(1) Professors and readers of the University and the librarian shall be appointed by the council. In the event of a vacancy or impending vacancy, a committee shall be constituted to make recommendations as to the appointment. The committee shall consist of the vice-chancellor, the pro-vice-chancellor, three members appointed by the senate and three members appointed by the council. The committee shall appoint one or more external assessors.

(2) The report of any committee constituted under this statute shall be submitted to the senate and communicated by the senate to the council with an expression of the views of the senate.

(3) The vice-chancellor or in his absence the pro-vice-chancellor shall be the chairman of any committee appointed under this statute.

(4) This statute shall not apply to canon professors.

33.—(1) There shall be two canon professors and, subject to the consent of the appropriate authorities, the number of canon professors may be increased.

(2) The canon professors shall be appointed by the Lord Bishop of Durham on the recommendation of the board of electors as hereinafter constituted. Nothing in this provision shall restrict the power of the Lord Bishop of Durham to refuse to accept for appointment any candidate recommended by the board of electors.

(3) In the event of a vacancy or impending vacancy the board of electors shall be constituted to make recommendations as to the appointment.

(4) The board of electors shall consist of the vice-chancellor, two members appointed by the dean and chapter of Durham, one member appointed by the council and two members appointed by the senate. If they so decide the board of electors may co-opt one external assessor.

(5) The council shall, if practicable and if they are satisfied that proper provision has been made for the grant of superannuation benefits to canon professors, direct that these professors shall retire at such age being not more than seventy years as they may determine.

1ST SCH.
—cont.

34. Heads of maintained colleges and societies shall be appointed by the council after considering the recommendations of a joint committee consisting of an equal number of members of the council and of the senate. The council representatives on the governing body of whichever of the maintained colleges and societies a head is to be appointed shall be members of any such joint committee.

35.—(1) Senior lecturers and lecturers and the director of extra-mural studies and other members of the academic staff shall be appointed by the council on the recommendation of the senate.

(2) To make recommendations for the appointment of a lecturer, a committee of the senate shall be formed which shall consist of the vice-chancellor, the pro-vice-chancellor, the chairman of the board of studies concerned and three other persons appointed by the senate, or, in cases of urgency, by the vice-chancellor.

36. Bursars and senior tutors of maintained colleges and societies shall be appointed by the council after considering the recommendations of a joint committee of the senate and the governing body of the maintained colleges and societies to which the appointment is to be made.

37. The vice-chancellor, the professors and readers and all other officers and teachers in the University may retire, on giving due notice, at any time after reaching the age of 60 years, and shall be required to retire not later than the 30th day of September next following the date on which they respectively attain the age of 65 years, provided that the term of office may be extended from time to time for one year or more than one year but for not more than five years in all by the council.

38.—(1) The vice-chancellor, the professors and readers and all other officers and teachers in the University holding their appointment until the age of retirement may be removed by the council for good cause on the recommendation of a joint committee comprising an equal number of members appointed by the council and by the senate respectively from their own members appointed specially for the purpose of considering the removal of a particular person.

(2) The joint committee shall inquire into the circumstances, shall hear representations from, or on behalf of, the person concerned, and may submit to the council a recommendation that the person concerned should be removed or not.

(3) “ Good cause ” means—

- (a) conviction of any offence which the council shall deem to be of an immoral, scandalous or disgraceful nature;
- (b) actual physical or mental incapacity which the council shall deem to be such as to render the member of staff unfit for the execution of the duties of his office;

- (c) conduct of an immoral, scandalous or disgraceful nature which the council shall deem to be such as to render the member of staff unfit to continue to hold his office;
- (d) conduct which the council shall consider to be such as to constitute failure or inability to perform the duties of his office or to comply with the conditions of the tenure of his office.

1ST SCH.
—cont.

(4) No person shall be removed under this statute unless not less than three-quarters of the members of the council present vote in favour of a recommendation of the joint committee that he be removed.

(5) Any person removed under this statute shall have the right of appeal to the visitor.

(6) The foregoing statutes relating to removal and retirement shall not apply to canon professors.

THE LIBRARIES OF THE UNIVERSITY

39.—(1) The charity known as “ Bishop Cosin’s library ” founded by charter dated the 20th September, 1669, and the charity known as the “ Maltby library ” consisting of the books, maps, engravings, prints and other pictures given or bequeathed by the Right Reverend Edward Maltby, Lord Bishop of Durham and of an endowment settled by an indenture dated the 16th January, 1855, together with their respective endowments shall be managed and administered by the University and the scheme of the Charity Commissioners dated the 2nd December, 1913, affecting Bishop Cosin’s library so far as the same is still subsisting shall be deemed to be amended accordingly.

(2) Bishop Cosin’s library and Maltby library and the library maintained by the University shall in future constitute one library but so that the income from the endowments of Bishop Cosin’s library and of Maltby library shall respectively be applied for the purposes of those libraries.

(3) The provisions contained in clauses 17 and 19 of the said scheme, subject to necessary modifications (which clauses as so modified are set out in the appendix to these statutes), shall remain in force. Save as aforesaid the said scheme is of no effect.

INSTITUTE OF EDUCATION

40.—(1) There shall be within the University an institute of education, the purposes of which shall include—

- (a) The promotion and co-ordination of the initial education and training of teachers in the University department of education and in the training colleges and other institutions which are, or may become, members of the institute; and the training therein of other persons intending to engage in educational work;
- (b) The provision of courses of further study for practising teachers and other persons concerned with education;

1ST SCH.
—cont.

- (c) The promotion of research into and the further study of education;
- (d) The provision of a centre of interest and study for practising teachers and others concerned with education;
- (e) The assessment of the initial and further education and training of teachers, and others engaged in educational work, and the award of certificates to those who successfully complete courses;
- (f) The recommendation of students who have successfully completed the appropriate courses to the Minister of Education for the award of the status of qualified teacher.

(2) The institute shall be governed by a delegacy and an academic board. The membership and powers of the governing bodies of the institute shall be determined by the council, except as provided in these statutes.

(3) There shall be a director of the institute, who shall be the chief academic and administrative officer of the institute and shall be appointed by the council, on the recommendation of the delegacy, and after report from the senate.

(4) The following shall be the original constituent members of the institute:—

- (a) the University department of education;
- (b) the following institutions, subject to their complying with the conditions of this statute:—

The College of the Venerable Bede;
Darlington Training College;
Neville's Cross College;
St. Hild's College;
Sunderland Training College.

(5) The council may, in agreement with the Minister of Education, admit other institutions as constituent members of the institute. Any institution so admitted shall be represented in the delegacy by the principal or head of the institution, and one member of the governing body of the institution. The governing body of any institution so admitted shall agree, as conditions of membership—

- (a) To appoint to its governing body one person nominated by the delegacy;
- (b) That the delegacy of the institute shall have power to appoint persons to visit the member institution. Any report by such visitors shall be submitted to the delegacy and the governing body of the constituent member.

(6) The council may also admit as associate members of the institute such other institutions as engage in the training of teachers or other educational workers, but with the examination of whose students for their initial qualifications as teachers the institute is not concerned. The conditions of such membership shall be determined by the council on the recommendation of the delegacy.

(7) The constituent membership of any institution may be terminated by twelve months' notice given by the delegacy or by the governing body of the institution, subject in the former case to appeal to the council of the University.

1st Sch.
—cont.

AFFILIATED COLLEGES

41.—(1) Subject as in these statutes provided, Fourah Bay College—The University College of Sierra Leone and Codrington College, Barbados, shall continue to be affiliated to the University on the conditions prescribed by the general regulations of the University. These conditions may be varied from time to time by the council with the agreement of the institutions concerned.

(2) The council, on the recommendation of the senate, may resolve that the provisions from time to time in force relating to the affiliation of any college or institution to the University be abrogated, varied or extended from such date as the council may determine, which date shall not be less than two years from the date of the resolution unless the college or institution agree.

(3) Any such abrogation, variation or extension shall be without prejudice to the rights of any students who are members of the University at the date of that abrogation, variation or extension.

(4) Any affiliated college or institution which is adversely affected by a resolution of the council under this statute may at any time within one year after the passing of the resolution represent to Her Majesty in Council that it has been adversely affected by such resolution and Her Majesty in Council may thereupon make such order in the matter as may be thought proper.

(5) No other college or institution shall be affiliated to the University except under a statute made in that behalf.

JOINT ACTIVITIES

42. The University shall, subject to the provisions of these statutes, have the power to co-operate by means of joint boards or otherwise with the University of Newcastle upon Tyne, or any other university, for the extension of university teaching and influence in academic matters, and for such other purposes as the council may from time to time determine.

PATENTS AND INVENTIONS

43. No person shall in connection with any invention, patent, process or manufacture have authority to make representations on behalf of the University or to enter into any contract in the like behalf or to be concerned in the like behalf in any transactions whatsoever relating thereto without the express consent of the council. No consent given under this statute shall be valid unless a copy of the relevant resolution of the council has been communicated in writing by the registrar and secretary to the person to whom the consent is given.

1ST SCH.
—cont.

PROCEDURE

44.—(1) The following provisions shall save and except when other provision is expressly made in these statutes apply to the statutory bodies and each of them:—

- (a) Any appointed member and the chairman (other than an ex-officio chairman) may resign his office. Any appointed member and the chairman (other than an ex-officio chairman) shall be eligible for reappointment. An appointed member need not be a member of the body which appoints him:
- (b) Any appointed member who is required by these statutes to possess any qualification shall vacate office if he ceases to possess that qualification:
- (c) There shall be a quorum at any meeting of any of the statutory bodies when ten members or not less than one-third of the members whichever may be the less are present. Every matter shall be determined by the majority of the members present and voting on the question. In case of equality of votes, the chairman or other presiding officer shall have a second or casting vote:
- (d) The statutory bodies may determine the time and place of their meetings and the procedure to be followed thereat:
- (e) A member of any of the statutory bodies who is appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the member in whose place he is appointed:
- (f) The statutory bodies may appoint such and so many committees consisting either wholly or partly of members of the body as they may respectively think fit; and the provisions of this statute shall apply to any committee of any of the statutory bodies:
- (g) The term of office of the members of any of the statutory bodies constituted by these statutes first appointed shall be reckoned from the appointed day and of any subsequent member other than a member appointed to fill a casual vacancy from the date when his predecessor vacated office:
- (h) The statutory bodies may make regulations for the purpose of the exercise of any of their powers or the performance of any of their duties; provided that no such regulation shall be repugnant to law or to the statutes of the University:
- (i) The proceedings of the statutory bodies shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualifications of the members.

(2) Any person appointed to an office under these statutes shall except as otherwise provided in these statutes be eligible for reappointment.

AMENDMENT OF STATUTES

1ST SCH.
—cont.

45.—(1) The council may, after consultation with the senate, make statutes altering, adding to or repealing any of these statutes (except this statute).

(2) No statute or part of a statute made under this statute shall have effect until it has been approved by Her Majesty in Council.

(3) Notwithstanding anything contained in the Statutory Instruments Act, 1946, the provisions of that Act shall not apply to an Order in Council or other document approving a statute or part of a statute made under this statute.

SAVING FOR TEMPORARY PROVISIONS

46. These statutes take effect as from the appointed day subject to the temporary provisions set out in the Second Schedule to the Act.

APPENDIX

BISHOP COSIN'S LIBRARY

17. The library.—The library of books shall be a public library which shall be open to all residents in the counties of Durham and Northumberland and to other persons provided that the University may from time to time make suitable rules for the regulation of the access to and user of the library and the conduct of all persons resorting thereto.

19. User of library hall or building.—Subject to the exercise of the rights of access to and user of the library hall conferred by these provisions—

- (a) the right of using the said hall daily before 1 o'clock p.m. for purposes in connection with the University shall be vested in the University, save that the Lord Bishop of Durham shall be entitled to use the said hall for not more than 12 days in each year for ordination examinations, and on one day in the year for a meeting in connection with the society called "The Corporation of the Sons of the Clergy";
- (b) the right of using the said hall daily after 1 o'clock p.m. shall be vested in the Lord Bishop of Durham, save that the University shall be entitled to reserve the use of the said hall for the holding therein of the University convocation on such afternoons as may be agreed upon between the University and the Lord Bishop of Durham;
- (c) by mutual arrangement the said hall may from time to time be used by the Lord Bishop of Durham before 1 o'clock p.m. and by the University after 1 o'clock as occasion may require.

SECOND SCHEDULE

TEMPORARY PROVISIONS RELATING TO THE UNIVERSITY OF DURHAM

PRELIMINARY

1. In this schedule unless the context otherwise requires —
- (1) the expressions defined in statute 1 in the First Schedule to this Act shall have the same meanings as are therein assigned to them;
 - (2) "the statutes" means the statutes contained in the First Schedule to this Act and a reference to a statute by number is a reference to that one of the statutes;
 - (3) "the existing statutes" means the statutes made under the University of Durham Act, 1935, as amended from time to time and in operation immediately before the appointed day;
 - (4) "the Durham Division" means the Durham Division of the University of Durham;
 - (5) "the current Durham Academic Board" and "the current Durham Council" mean respectively the Durham Academic Board and the Durham Council constituted under the existing statutes and in office for the time being between the passing of the Act and the appointed day;
 - (6) "first" means first on and after the appointed day.

HOLDERS OF OFFICES IN AND STAFF OF THE UNIVERSITY

2. The existing Warden of the Durham Colleges shall be the first vice-chancellor.
3. The existing Sub-warden of the Durham Colleges shall be the first pro-vice-chancellor.
4. The first registrar and secretary shall be the existing registrar and secretary of the Durham Colleges.
5. The first treasurer shall be the existing treasurer of the Durham Colleges.
6. All existing professors and readers of the University in the Durham Division shall continue after the appointed day to be professors and readers of the University.
7. All other existing teachers and officers of the Durham Division shall after the appointed day become teachers and officers of the University.
8. The persons referred to in paragraphs 2, 3, 4, 5, 6 and 7 of this schedule shall continue after the appointed day to hold office as nearly as practicable upon the same terms and conditions as governed their appointments immediately before the appointed day, except that

in so far as those terms and conditions were before the appointed day subject to the existing statutes they shall after the appointed day be subject to the statutes.

2ND SCH.
—cont.

CONSTITUTION OF STATUTORY BODIES

9. The first council, the first senate, the first boards of faculties and the first boards of studies shall be constituted on the appointed day.

10. Notwithstanding the provisions of statute 10 the first of the three members of the council being heads of colleges or licensed halls of residence, the seven members thereof not being heads of colleges or licensed halls of residence and the two members thereof being senior lecturers or lecturers therein referred to shall be appointed as provided in paragraph 14 of this schedule.

11. Notwithstanding the provisions of statute 18 the first of the appointed members of the senate shall be appointed as provided in paragraph 14 of this schedule, provided that they shall comprise—

Eight persons who will be members of the first board of faculty of arts;

Five persons who will be members of the first board of faculty of science;

One person who will be a member of the first board of faculty of education.

12. Notwithstanding the provisions of statute 26 the appointed members of each of the first boards of faculties shall be appointed as provided in paragraph 14 of this schedule.

13. Notwithstanding the provisions of statute 28 the subjects or combination of subjects for which there shall on the appointed day and thereafter until otherwise determined by the council be boards of studies shall be prescribed and the appointed members of the first boards of studies shall be appointed as provided in paragraph 14 of this schedule.

14. The appointments referred to in paragraphs 10 to 13 inclusive of this schedule shall be made and the boards of studies (referred to in paragraph 13) shall be prescribed before the appointed day by the current Durham Academic Board.

15. The first chairman of the boards of studies and the first deans of the faculties shall be appointed before the appointed day by the current Durham Council.

16. Before the appointed day the county council of Durham and the council of the city of Durham and Framwelgate shall appoint to the council the members required to be appointed by them thereto pursuant to statute 10.

17. Before the appointed day the chancellor-designate shall appoint the first of the four members of the council required to be appointed by the chancellor thereto pursuant to statute 10.

2ND SCH.
—cont.

18. The first council shall have power to act notwithstanding that the member to be appointed by the court of the University of Newcastle has not been appointed and whether or not the persons referred to in paragraph 17 of this schedule have been appointed.

19. Until a chairman has been appointed by the first council the vice-chancellor or in his absence the pro-vice-chancellor shall act as chairman.

RETIREMENT OF MEMBERS OF THE FIRST STATUTORY BODIES

20.—(1) On the 1st August, 1964, and on the same day in the following year, of the members appointed to the council by the current Durham Academic Board (including persons appointed to fill casual vacancies among the first members so appointed), one head of one of the colleges or licensed halls of residence and three members not being such a head shall retire. Unless otherwise decided the members shall retire in alphabetical order.

(2) The members of the first boards of faculties shall hold office until the 31st July, 1964.

INSTITUTE OF EDUCATION

21.—(1) As from the appointed day and until amended by the council the constitution of the institute of education shall be as set out in the scheme therefor approved by the delegacy of the institute of education in the University on the 3rd June, 1962, and the membership and powers of the governing bodies described in the said scheme shall be deemed to have been approved by the council as required by statute 40 (2).

(2) The first delegacy of the institute shall be constituted in accordance with the said scheme, provided that the first delegacy shall have power to act notwithstanding that the members to be appointed thereto by the academic board and the persons being practising teachers to be appointed by co-optation have not been appointed.

GENERAL

22. If any difficulty arises between the appointed day and the date when the bodies established by the statutes are fully constituted the chancellor after consulting with the first vice-chancellor and the person who held the office of chairman of the existing Durham Council may give such directions as he may think proper for surmounting the difficulty.

Section 17.

THIRD SCHEDULE**STATUTES OF THE UNIVERSITY OF NEWCASTLE UPON TYNE****PRELIMINARY**

1. In these statutes unless the context otherwise requires—

“the Act” means the Universities of Durham and Newcastle upon Tyne Act 1963;

- “ the appointed day ” means 1st August, 1963;
- “ the University ” means the University of Newcastle upon Tyne;
- “ convocation ” “ the court ” “ the council ” and “ the senate ” mean respectively convocation, the court, the council and the senate of the University;
- “ statutory bodies ” means the court, the council, the senate, the boards of faculties and the academic board of the University;
- “ associated hospitals ” means hospitals in which clinical instruction approved by the senate is given;
- “ the Newcastle City Council ” means the council of the city and county of Newcastle upon Tyne;
- “ existing ” means existing immediately before the appointed day;
- “ year ” means a calendar year;
- “ month ” means a calendar month;
- words importing the masculine gender include the feminine gender;
- words in the singular include the plural and words in the plural include the singular.

2. As from the appointed day the University shall for every purpose be administered and governed wholly and exclusively in accordance with the provisions of the Act and these statutes.

3. Existing rules and regulations of the University of Durham and of its constituent bodies made under the existing statutes of the University of Durham shall have effect as rules and regulations of the University until they are altered or repealed as nearly as may be practicable and so far as they are consistent with these statutes, except that references in those rules and regulations to any body, officer or person shall be construed as references to the body, officer or person exercising similar powers or discharging similar duties under these statutes.

THE UNIVERSITY

4. The University shall be governed by a visitor, chancellor, vice-chancellor, convocation, court, council, senate, boards of faculties and the academic board.

THE VISITOR

5. The Lord Chancellor for the time being shall be the visitor of the University.

THE CHANCELLOR

6.—(1) There shall be a chancellor of the University, who shall, subject as in these statutes provided, hold office during his life or until his resignation. The first chancellor shall be The Most Noble Hugh Algernon Duke of Northumberland, K.G.

3RD SCH.
—cont.

(2) The chancellor shall be the head of the University and shall by virtue of his office be a member of the court, and shall preside at all meetings of the court at which he is present.

(3) During a vacancy in the office of chancellor, or during his inability through illness or any other cause to perform his duties, the duties of that office shall be performed by the vice-chancellor.

(4) The successors to the first chancellor shall be appointed by convocation on the nomination of the court and the senate sitting in joint session.

THE VICE-CHANCELLOR

7. There shall be a vice-chancellor of the University. He shall be the chief academic and administrative officer of the University and shall have a general responsibility to the court, the council, and the senate for maintaining and promoting its efficiency and good order.

8. The successors to the first vice-chancellor shall be appointed by the court on the nomination of the council and the senate acting jointly.

9. The vice-chancellor shall by virtue of his office be a member of the court, the council, the senate, the academic board and convocation and of each board of faculty.

10.—(1) The vice-chancellor or in his absence the pro-vice-chancellor, appointed in accordance with the provisions of statute 11 (1), or in his absence the senior according to the date of appointment of the pro-vice-chancellors appointed in accordance with the provisions of statute 11 (2) who are present or in the absence of all of these a member of the senate elected at the meeting shall preside at all meetings of the senate.

(2) During a vacancy in the office of vice-chancellor or during his inability through illness or any other cause to perform his duties the duties of that office shall be performed by the pro-vice-chancellor appointed in accordance with the provisions of statute 11 (1), or if there is no person holding that office for the time being or during his inability through illness or from any other cause to perform his duties by the senior according to the date of appointment of the pro-vice-chancellors appointed in accordance with statute 11 (2).

THE PRO-VICE-CHANCELLORS

11.—(1) The council shall, after consultation with the senate, appoint a pro-vice-chancellor who shall act as deputy to the vice-chancellor. He shall hold office for such period, not exceeding five years, as the council shall on the occasion of each appointment determine. He shall, by virtue of his office, be a member of the court, the council, the senate, the academic board and convocation and of each board of faculty.

(2) The council shall, if the senate so recommend, appoint one or more additional pro-vice-chancellors on the nomination of the senate. They shall hold office for periods fixed by the council on the proposal of the senate, and shall, subject to the provisions of these statutes, perform such duties as the senate may from time to time determine.

They shall, by virtue of their office, be members of the court, the council, the senate and convocation, and of such boards of faculties as the senate may from time to time determine.

3RD SCH.
—cont.

THE REGISTRAR

12. There shall be a registrar of the University who, under the supervision of the vice-chancellor, shall perform such duties as the council may prescribe after consultation with the senate.

13. The registrar shall be appointed by the council. Before making an appointment the council shall constitute a committee which shall include members of the senate to make recommendations as to the appointment and shall consider the report of that committee.

THE TREASURER

14. The council may appoint a treasurer of the University, who shall in an honorary capacity, perform such duties and hold office for such period as may be determined by the council.

AUDITOR

15.—(1) The council shall from time to time appoint an auditor who shall not be a member of any of the statutory bodies, and shall fix his remuneration:

Provided that no person shall be eligible for appointment as an auditor unless he is a member or in the case of a firm all the partners are members of one or more of the following bodies:—

Institute of Chartered Accountants in England and Wales;

Institute of Chartered Accountants of Scotland;

Association of Certified and Corporate Accountants;

Institute of Chartered Accountants in Ireland;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948, by the Board of Trade.

(2) The auditor's term of office shall be one year. The auditor shall be eligible for reappointment.

THE COURT

16.—(1) There shall be a court of the University consisting of—

The chancellor;

The vice-chancellor;

The pro-vice-chancellors;

The chairman of the council;

The vice-chairman of the council;

The treasurer (if such an officer is appointed);

The chairman of convocation;

The dean of medicine;

The deans of the faculties;

The dean of the dental school;

3RD SCH.
—cont.

Eighteen members appointed by the academic board, of whom twelve shall be elected from their own number by the professorial members of the board and six shall be elected from their own number by the non-professorial members of the board;

One member appointed by the delegacy of the Institute of Education;

So long as the Sunderland Technical College is affiliated to the University, one member appointed by the governing body of that college;

One member appointed by the board of governors of the United Newcastle upon Tyne Hospitals;

One member appointed by the council of the University of Durham;

Two members appointed by the Newcastle City Council;

One member appointed by the Northumberland County Council;

One member appointed by the Cumberland County Council;

One member appointed by the Gateshead County Borough Council;

together with such other co-optative members, not being more than twenty or fewer than sixteen, as the court shall from time to time determine. None of the appointed members (other than the members appointed by the academic board) and none of the co-optative members shall be full-time teachers or salaried officers of the University.

The members appointed by the Newcastle City Council, the Northumberland County Council, the Cumberland County Council, and the Gateshead County Borough Council shall hold office till their successors are appointed, which appointment may be made at any time.

The members appointed by co-optation shall hold office for three years.

Subject as aforesaid the appointed members shall hold office for three years.

(2) In the absence of the chancellor, the chairman of the council shall preside at all meetings of the court. In the absence of the chancellor and the chairman of the council the vice-chairman of the council shall preside.

POWERS OF THE COURT

17.—(1) The powers of the court shall be as follows:—

- (a) To exercise all the powers and authority of the University except to the extent to which the exercise of the same may be otherwise prescribed by the statutes;
- (b) To make regulations for the custody and use of the common seal of the University;
- (c) To make statutes subject to the provisions of statute 75;

(d) After consultation with the senate to exercise such powers and discharge such duties with regard to any affiliated college as may be prescribed by the terms or conditions on which that college is affiliated;

(e) To appoint six members of the council.

(2) The court and the senate sitting in joint session shall nominate the chancellor for appointment by convocation.

(3) The court shall meet at least twice during each academic year and shall receive reports from the vice-chancellor.

3RD SCH.
—cont.

THE COUNCIL

18. There shall be a council of the University consisting of—

The vice-chancellor;

The pro-vice-chancellors;

The treasurer (if such an officer is appointed);

The dean of medicine;

Nine members appointed by the senate, of whom six shall be elected from their own number by the professorial members of the senate and three shall be elected from their own number by the non-professorial members of the senate;

Not more than six members appointed by the court, either from their own number or otherwise;

together with such number of co-optative members chosen either from the members of the court or otherwise, not being more than six, as the council shall from time to time determine.

None of the appointed members (other than the members appointed by the senate) and none of the co-optative members, shall be full-time teachers or salaried officers in the University.

The members appointed by the senate shall not be required to resign if, during their term of office, they cease to be members of the senate.

The appointed and co-optative members shall hold office for three years.

THE CHAIRMAN OF THE COUNCIL

19.—(1) The council shall appoint from among its own members or otherwise a chairman, not being a teacher or salaried officer in the University. If the chairman is appointed from among the members of the council the council may require him to vacate office if he ceases to be a member of the council. If the chairman is appointed from outside the council he shall cease to be a member of the council if he ceases to be the chairman. Subject thereto the chairman shall hold office for three years.

(2) The council shall appoint from among its own members or otherwise a vice-chairman, not being a teacher or salaried officer in the University. If the vice-chairman is appointed from among the members of the council the council may require him to vacate office if

3RD SCH.
—cont.

he ceases to be a member of the council. If the vice-chairman is appointed from outside the council he shall cease to be a member of the council if he ceases to be vice-chairman. The first vice-chairman shall hold office for two years. Subsequent vice-chairmen shall hold office for three years.

POWERS OF THE COUNCIL

20. The council shall have the custody, control and disposition of all the property and finance of the University.

21. The council shall review the work of the University and, subject to the powers of the senate, shall take such steps as it thinks proper for the purpose of advancing the interests of the University, maintaining its efficiency, encouraging teaching, the pursuit of learning and the prosecution of research therein, and for providing facilities for the recreation and well-being of students.

22. The powers of the council shall, subject as in these statutes provided, include the following:—

- (1) To determine any question of finance arising out of the administration of the University or the execution of its policy or in the execution of any trust requiring execution by the University:

Provided that, before determining any question of finance which directly affects the educational policy of the University, the council shall take into consideration any recommendation or report by the senate;

- (2) To represent the University in all negotiations for obtaining grants from public bodies in aid of the work of the University;
- (3) To authorise, after consultation with the senate, the establishment of academic staff in the University;
- (4) After consultation with the senate, to establish suspend or abolish any post except posts created by these statutes;
- (5) To determine, after considering the recommendations of the senate, all University fees;
- (6) To act jointly with the senate to nominate the vice-chancellor for appointment by the court in accordance with the provisions of statute 8;
- (7) To appoint, in accordance with the provisions of statute 11, one or more pro-vice-chancellors;
- (8) To appoint, after consultation with the senate, a dean of medicine in accordance with the provisions of statute 47;
- (9) To determine, after consultation with the senate, the conditions of appointment of the academic staff of the University;
- (10) To appoint, in accordance with the provisions of statute 62, the professors, readers and the librarian of the University;
- (11) To appoint, on the recommendation of the senate, all other members of the academic and research staff of the University;

- (12) To appoint, in accordance with the provisions of statute 13, the registrar, and to determine the conditions of his appointment;
- (13) To appoint other members of the staff of the University and to determine the conditions of their appointment.

3RD SCH.
—cont.

FINANCIAL PROVISIONS

23. The University shall have power to borrow money upon the security of property or otherwise for the purpose of carrying out its duties as defined in the Act and its statutes for the time being in force.

24.—(1) The University shall have power to purchase, retain, sell or transfer property real or personal and securities (which term includes stocks, funds and shares) of any description whether or not authorised by law for the investment of trust funds.

(2) Save as may be otherwise expressly provided in relation thereto the powers conferred by the foregoing paragraph shall extend to the investment (including the variation of the investment) of all endowments or other funds.

(3) Unless the terms of the trust provide otherwise any part of the income of a trust fund not expended in any year may, at the discretion of the council, be applied as income in any subsequent year or be invested and added to the capital of the fund.

(4) The income of the trust funds vested in the University for special purposes shall be applied only for those purposes.

THE SENATE

25.—(1) There shall be a senate of the University consisting of—

(a) Ex-officio members:

- The vice-chancellor;
- The pro-vice-chancellors;
- The dean of medicine;
- The deans of the faculties;
- The dean of the dental school;

(b) Appointed members:

Twelve members appointed, two by the board of the faculty of medicine, two by the board of the faculty of arts, two by the board of the faculty of science, two by the board of the faculty of applied science, one by the board of the faculty of economic and social studies, one by the board of the faculty of law, one by the board of the faculty of agriculture and one by the board of the faculty of education;

Eight members appointed from their own number by the professors of the University;

Six members appointed from their own number by the readers and full-time lecturers of the University;

3RD SCH.
—cont.

So long as Sunderland Technical College is affiliated to the University, one member, being a member of the staff of Sunderland Technical College, appointed by the governing body of that college;

One warden of a hall of residence to be appointed in such a manner as the senate may determine;

together with, if the senate so determines, not more than two members appointed by co-optation.

(2) All members except ex-officio members shall hold office for two years. No member, other than ex-officio members and the member appointed by the governing body of Sunderland Technical College, shall be reappointed in any category so that he holds office in that category for more than four consecutive years.

POWERS OF THE SENATE

26. The senate shall be the supreme governing and executive body of the University in all academic matters and shall, subject to the powers reserved to the court and the council by these statutes, take such measures and act in such manner as shall appear to it best calculated to promote the interests of the University as a place of education, learning and research.

27. The powers of the senate shall include the following:—

- (1) To regulate and control, after considering the views of the boards of the faculties, all teaching, courses of study and examinations within the University, and the conditions qualifying for admission to the various titles, degrees and other distinctions offered by the University;
- (2) To act jointly with the council to nominate the vice-chancellor for appointment by the court in accordance with the provisions of statute 8;
- (3) Except where other provision is made in these statutes, to recommend to the council the appointment of all academic and research staff of the University;
- (4) To satisfy itself that the duties and conditions of service of all members of the academic staff are satisfactory and to make representations to the council;
- (5) To advise the court with regard to the University's relations with any affiliated college;
- (6) To make recommendations to the council concerning all University fees;
- (7) To determine the dates when terms shall begin and end;
- (8) To regulate the discipline of the University, and to determine in what manner disciplinary powers shall be exercised;
- (9) To regulate the use of academic dress in the University;
- (10) To take such steps as it thinks proper for supervising organisations of students;

- (11) To make recommendations to the council on any matter of interest to the University ;
- (12) To discuss and declare an opinion on any academic matter ;
- (13) Except as otherwise provided, to appoint representatives of the University on other bodies.

3RD SCH.
—cont.

MATRICULATION

28. The senate shall prescribe the requirements of the University for matriculation.

ACADEMIC DISTINCTIONS

29. The senate may—

- (1) grant degrees and other academic distinctions to persons who shall have pursued in the University a course of study approved by the senate and shall have passed the examinations of the University under the conditions laid down in the regulations of the University ;
- (2) grant diplomas, licences or certificates to persons who have pursued a course of study approved by the senate under conditions laid down by it ;
- (3) grant honorary degrees, the title of professor emeritus or other University distinctions ;
- (4) accept such examinations and periods of study at such Universities and places of learning as the senate may approve as equivalent to such examinations and periods of study in the University as the senate may determine ;
- (5) accept courses of study in any other institution which in the opinion of the senate possesses the means of affording the proper instruction for such courses as equivalent to such courses of study in the University as the senate may determine ;
- (6) determine what formalities shall attach to the conferment of degrees and other distinctions.

30. Except as otherwise provided from time to time in the regulations of the University, the period of study necessary to qualify any student for an initial degree shall be not less than three academic years all of which shall be subsequent to the date at which the student has matriculated in the University.

31. The senate may revoke any degree or other distinction conferred by the University and all privileges connected therewith if it appears to the senate that the degree or other distinction has been obtained by or as a result of fraud on the part of the holder :

Provided that no motion for the revocation of a degree or other distinction shall be declared carried unless—

- (1) not fewer than two-thirds of the members of the senate present and voting vote in favour of it ; and

3RD SCH.
—cont.

- (2) the number voting in favour of its revocation is not less than one half of the total number of members for the time being of the senate.

TESTS

32.—(1) No religious test shall be required of or imposed upon any teacher appointed by the University and no such test shall be required of or imposed upon any student in the University:

Provided always that where any condition involving such test has been attached by the founder to a benefaction, the regulations made for the administration of the benefaction shall, as far as possible, give effect to the wishes of the founder.

- (2) All the degrees of the University shall be open to women on the same terms as to men.

THE ACADEMIC BOARD

33. There shall be an academic board of the University consisting of—

The vice-chancellor;

The pro-vice-chancellors;

The professors and readers and the librarian of the University;

All full-time lecturers who have held their appointments for not less than three years;

The wardens of halls of residence;

The holders of such other academic and administrative posts as may be designated by the senate;

Such other teachers and research workers in the University as may be nominated by the senate.

34. The vice-chancellor shall be the chairman of the academic board.

35. There shall be at least two ordinary meetings of the academic board during each academic year.

36. The academic board shall—

(1) receive an annual report from the vice-chancellor;

(2) appoint eighteen members of the court in accordance with the provisions of statute 16.

37. The academic board may—

(1) discuss and declare an opinion on any matter whatsoever relating to the University including any matters referred to it by the council or the senate;

(2) enter into communication directly with the council or the senate on any matter affecting the University.

38. The vice-chancellor may at any time at his discretion, and shall upon the requisition in writing of not fewer than twenty-five members of the academic board stating the purpose for which the meeting is to be called, summon an extraordinary meeting of the academic board.

MEDICAL SCHOOL

3RD SCH.
—cont.

39. The University shall maintain a medical school which shall include a dental school.

FACULTIES

40. The word "faculty" means any branch or aggregate of branches of study in which degrees are conferred by the University. The scope of any faculty may be defined by the senate.

41. There shall, subject to any statute made after the appointed day, be the following faculties in the University:—

Medicine;
Arts;
Science;
Applied science;
Economic and social studies;
Law;
Agriculture;
Education.

42. There shall be a board of each faculty.

BOARDS OF FACULTIES AND DEANS OF FACULTIES (OTHER THAN THE
FACULTY OF MEDICINE)

43. Each board of faculty, except the board of the faculty of medicine, shall be constituted as follows:—

(1) Ex-officio members, namely:—

(a) the vice-chancellor, the pro-vice-chancellor appointed in accordance with the provisions of statute 11 (1) and such of the pro-vice-chancellors appointed in accordance with the provisions of statute 11 (2) as the senate may from time to time determine and the professors and readers in subjects primarily assigned to the faculty or in such other subjects as the senate may from time to time determine having regard to the importance of that subject to students in the faculty;

(b) the holders of such other teaching posts in subjects assigned to the faculty as the senate may from time to time determine having regard to the responsibilities attaching to holders of those posts;

(2) Appointed members, namely:—

So many persons, being members of the academic board (not exceeding one half of the number of the ex-officio members) as the senate, after considering the recommendations of the board of the faculty, shall determine;

3RD SCH.
—cont.

These persons shall be appointed by the senate and shall be elected, in the manner prescribed by the senate, by those members of the academic board who are teachers and research workers in the faculty concerned, but are not ex-officio members of the board of that faculty;

(3) Additional members, namely:—

So many additional persons (not exceeding three) as the senate shall determine. These persons shall be appointed by the senate after considering the recommendation of the board;

(4) So long as Sunderland Technical College is affiliated to the University in the faculty of applied science the senate after considering the recommendation of the governing body of the college shall appoint two members of the teaching staff of the college to be members of the board of that faculty.

44.—(1) There shall be a dean of each faculty.

(2) The dean of each faculty shall be the chairman of the board of the faculty.

(3) The dean of every faculty (other than the dean of the faculty of medicine) shall be appointed by the board of the faculty and shall hold office for such period as the senate after consultation with the board of the appropriate faculty shall determine.

FACULTY OF MEDICINE AND DEAN OF MEDICINE

45. The board of the faculty of medicine shall be constituted as follows:—

(1) Ex-officio members, namely:—

The vice-chancellor;

The pro-vice-chancellor appointed in accordance with the provisions of statute 11 (1);

Such of the pro-vice-chancellors appointed in accordance with the provisions of statute 11 (2) as the senate may from time to time determine;

The dean of medicine;

The dean of the dental school;

The clinical sub-dean;

The academic sub-dean;

The postgraduate sub-dean;

The professors and readers in subjects primarily assigned to the faculty;

The professors who are heads of the departments of chemistry, physics, botany and zoology;

(2) Designated members, namely:—

The holders of such teaching posts as may from time to time be designated by the senate, having regard to the special responsibilities attaching to these posts;

(3) Elected members, namely:—

So many persons as the senate on the recommendation of the board of the faculty shall from time to time determine. Among these members shall be persons elected by—

(a) the lecturers holding full-time posts in the subjects of the faculty;

(b) the holders of part-time teaching posts in the clinical subjects of the faculty in the United Newcastle upon Tyne Hospitals;

(c) the clinical staff of the associated hospitals other than the United Newcastle upon Tyne Hospitals;

(4) Additional members, namely:—

So many additional persons as the senate shall determine on the recommendation of the board of the faculty.

46. There shall be a dean of medicine who shall be dean of the faculty of medicine.

47. The dean of medicine, who shall be a registered medical practitioner, shall be appointed by the council, after consultation with the senate, for such period not exceeding five years as the council on the occasion of each appointment shall determine. He shall be, ex-officio, a member of the court, the council and the senate, and chairman of the board of the faculty of medicine and shall be responsible under the authority of the council, the senate and the vice-chancellor, for guiding the organisation and development of medical education and research in the University and for maintaining close relations between the University and the associated hospitals.

48. All matters relating to the organisation of education and research in the subjects of the faculty of medicine shall be referred by the senate to the board of the faculty of medicine for report.

49. The council shall appoint, after consultation with the senate, for such period not exceeding five years as the council on the occasion of each appointment shall determine, a dean of the dental school and director of dental studies, who shall be one of the professors in the dental school and shall also be a registered dental practitioner.

DURATION OF OFFICE OF MEMBERS AND POWERS OF BOARDS OF FACULTIES

50. The members of the boards of faculties (other than ex-officio members) shall hold office for two years.

3RD SCH.
—cont.

51. Each board of faculty shall have the following powers and duties:—

- (1) To advise the senate on all matters relating to the organisation of education and research in the subjects of the faculty, including curricula and examinations;
- (2) To consider and report to the senate on any subject of study or combination of such subjects;
- (3) To submit to the senate names of persons suitable for appointment as examiners;
- (4) To deal with any matter which may be referred to it by the senate.

52. The board of the faculty of medicine shall, in addition, recommend to the senate for appointment by the council, either on a full-time or part-time basis, clinical teachers from among the medical and dental practitioners employed in the associated hospitals.

CONVOCATION

53. There shall be a convocation of the University consisting of the vice-chancellor, the pro-vice-chancellors, and all persons registered on or after the appointed day as members of convocation.

54. A register of members of convocation shall be kept by the registrar and, subject to the payment of such fees as may be prescribed by the council, the following shall be entitled to be registered as members of convocation:—

- (1) All graduates of the University;
- (2) Those graduates of the University of Durham who were during their courses registered students of the Newcastle Division of the University of Durham before the appointed day;
- (3) Those graduates of the University of Durham who were during their courses matriculated students at Sunderland Technical College;
- (4) The nine persons appointed to the council by the senate;
- (5) Such other persons or classes of persons as the court may from time to time decide upon the recommendation of the senate.

55. Convocation, from its own members, shall elect a chairman and may elect a deputy chairman who shall respectively hold office for five years. Any retiring chairman or deputy chairman shall be eligible for re-election. Neither the chairman nor the deputy chairman shall be a teacher or salaried officer of the University.

56.—(1) Convocation shall hold at least one ordinary meeting in each year.

(2) An emergency meeting of convocation may be summoned at any time by the vice-chancellor.

3RD SCH.
—cont.

(3) Notice of meetings shall be given by public notices in Newcastle and by such other means including communication to the press, as the vice-chancellor may direct.

57. The quorum of convocation for the dispatch of business shall be thirty members, and if, after the expiration of half an hour from the time for which a meeting is summoned, a quorum has not been formed the meeting shall be dissolved.

58. The chairman of convocation or in the event of the office of chairman being vacant, the deputy chairman may at any time at his discretion, and shall upon the requisition in writing of not fewer than fifty members of convocation stating the purpose for which the meeting is to be called, summon an extraordinary meeting of convocation. The notice summoning the meeting shall specify the business to be considered. No extraordinary meeting called upon the requisition of members for any purpose shall be held before the expiration of three months from the date of the last foregoing meeting summoned for the same, or substantially the same, purpose. If any question arises whether the purpose of the two meetings is or is not the same or substantially the same the decision of the chairman or deputy chairman (as the case may be) of convocation shall be final.

59. Convocation shall appoint the chancellor on the nomination of the court and the senate sitting in joint session.

60. Convocation may discuss and, if it thinks fit, make representations on any matter whatsoever relating to the University.

61. All questions in convocation shall be determined by the votes of the majority of the numbers present and voting.

APPOINTMENT OF PROFESSORS, READERS AND THE LIBRARIAN

62. Professors, readers and the librarian shall be appointed by the council after considering a report of a committee constituted to make recommendations as to the appointment and the comments of the senate on that report. The committee shall consist of the vice-chancellor, the pro-vice-chancellor appointed in accordance with the provisions of statute 11 (1), two members appointed by the council, and five members appointed by the senate. The committee shall invite the assistance of at least two external assessors. The report of the committee shall be submitted to the senate and communicated by the senate to the council with an expression of the views of the senate.

RETIREMENT OF MEMBERS OF THE ACADEMIC AND ADMINISTRATIVE STAFF OF THE UNIVERSITY

63.—(1) The vice-chancellor, the dean of medicine, the professors and readers, and all other teachers and officers of the University

3RD SCH.
—cont.

(other than the chancellor and the treasurer) shall vacate office on such date, not being earlier than the 1st day of August or later than the 30th day of September, next following the date on which they respectively attain the age of 65 years, as may be determined by the council, provided that the term of office of these persons may be extended by the council, on the recommendation of the senate, from time to time for one year or more than one year but not for more than five years in all.

(2) Provided that the part-time professors, readers, lecturers and clinical teachers in the faculty of medicine whose primary appointments are on the active medical staff of one or more of the associated hospitals shall vacate office if they cease to be on that staff, unless in view of exceptional circumstances the council, on the recommendation of the senate, otherwise determines.

(3) Provided also that nothing in this statute shall prevent the council from appointing to part-time posts, for periods of not more than one year at a time, persons who, at the date of the first such appointment, were over 65 years of age.

REMOVAL OF CHANCELLOR

64. If, on the recommendation of the council, the court by a majority of two-thirds of its members present and voting represent to the visitor that the chancellor of the University should be removed, the visitor may remove the chancellor.

REMOVAL OF MEMBERS OF THE ACADEMIC STAFF

65.—(1) The vice-chancellor and any member of the academic staff holding his appointment until the age of retirement may, subject to the provisions of this statute, be removed by the council for good cause. If either the council or the senate proposes that action be taken under this statute a joint committee shall be established consisting of seven members of the academic staff appointed by the senate and four persons not being teachers or salaried officers of the University appointed by the council.

(2) The joint committee shall inquire into the circumstances and shall hear representations from or on behalf of the person concerned. The joint committee shall give not less than fourteen days' notice in writing to the person concerned of the meeting appointed for the hearing of representations setting out therein particulars of the allegations against him.

(3) No recommendation shall be made by the joint committee unless at least six members vote on the question of whether the recommendation be submitted. The joint committee shall give the reasons for any recommendation and specify the numbers voting for and against. Any recommendation or report made to the senate shall be communicated to the member of staff concerned before it is submitted to the senate.

66. Any recommendation or report made by the joint committee shall be submitted to the senate and shall be communicated by the senate to the council with an expression of the views of the senate:

3RD SCH.
—cont.

Provided that no recommendation for the removal of any person from office in accordance with these statutes shall be submitted to the council unless—

- (1) not fewer than two-thirds of the members of the senate present and voting vote in favour of the recommendation;
- (2) the number voting in favour of the recommendation is not less than one-half of the total number of members for the time being of the senate.

67. “ Good cause ” in statute 65 means—

- (1) conviction of any offence which the joint committee shall deem to be such as to render the member of staff unfit for the execution of the duties of his office;
- (2) actual physical or mental incapacity which the joint committee shall deem to be such as to render the member of staff unfit for the execution of the duties of his office;
- (3) conduct which the joint committee shall deem to be such as to render the member of staff unfit to continue to hold his office;
- (4) conduct which the joint committee shall consider to be such as to constitute failure or inability to perform the duties of his office or to comply with the conditions of the tenure of his office.

THE STUDENTS' REPRESENTATIVE COUNCIL AND THE UNION
OF STUDENTS

68. There shall be a students' representative council and a union of students.

INSTITUTE OF EDUCATION

69.—(1) There shall be within the University an institute of education, the purposes of which shall include—

- (a) The co-ordination of the training of teachers by the University and by the training colleges and other institutions which are, or may become, members of the institute;
- (b) The training therein of persons intending to engage in educational work;
- (c) The provision of facilities for the further study of education; and
- (d) The recommendation of students who have successfully completed the appropriate course to the Minister of Education for the award of the status of qualified teacher.

3RD SCH.
—cont.

(2) The institute shall be governed by a delegacy and an academic committee. The membership and powers of the governing bodies of the institute and their relationship to the board of the faculty of education shall, except as provided in these statutes, be determined by the council of the University after consultation with the senate.

(3) The University department of education shall be a constituent member of the institute and shall be represented in the delegacy of the institute by the head of the department.

The council may, in agreement with the Minister of Education, admit other institutions as constituent members of the institute. Any institution so admitted shall be represented in the delegacy by the principal or head of the institution and one member of the governing body of the institution. The governing body of any institution so admitted shall agree, as conditions of membership—

- (a) to appoint to its governing body one person nominated by the delegacy;
- (b) that the delegacy of the institute shall have power to appoint persons to visit the member institution. Any report by such visitors shall be submitted to the delegacy and to the governing body of the constituent member.

(4) There shall be a director of the institute who shall be the chief academic and administrative officer of the institute and who shall be appointed by the council on the joint recommendation of the delegacy and the senate.

(5) Subject to the approval of the senate, the institute may award certificates to students in the institute or its constituent institutions.

JOINT ACTIVITIES WITH THE UNIVERSITY OF DURHAM AND WITH OTHER UNIVERSITIES

70. The University shall, subject to the provisions of these statutes, have the power to co-operate by means of joint boards or otherwise with the University of Durham or any other university for the extension of university teaching and influence in academic matters, and for such purposes as may from time to time be determined.

SUNDERLAND TECHNICAL COLLEGE

71.—(1) As from the appointed day the terms of affiliation of Sunderland Technical College to the University shall be the same as the terms upon which it was prior to that day affiliated to the University of Durham.

(2) The court may, on the recommendation of the council and the senate, resolve that the conditions on which Sunderland Technical College is affiliated be abrogated, varied or extended from such date as the court may determine, which date shall unless the college otherwise agrees be not less than two years from the date of the resolution:

Provided that the college may, within one year after the passing of the resolution, represent to Her Majesty in Council that it has been adversely affected by such resolution, and Her Majesty in Council may thereupon make such order in the matter as may be thought proper.

3RD SCH.
—cont.

(3) Any such abrogation, variation or extension shall be without prejudice to the rights of any students who are members of the University at the date of that abrogation, variation or extension.

RIDDELL MEMORIAL LECTURE

72. The standing committee for carrying out the duties assigned to it by clause 5 of the declaration of trust dated the 15th June, 1928, for the emolument of a lectureship called the Riddell Memorial Lecture shall consist of the following persons:—

The Lord Bishop of Newcastle for the time being;

The vice-chancellor;

Five members appointed by the senate (representing as far as possible the subjects covered by the lectures);

One person appointed by the senate of the University of Durham; together with such other persons not exceeding four in number as the senate may from time to time determine.

PATENTS AND INVENTIONS

73. No person shall, in connection with any invention, patent, process or manufacture, have authority to make representations on behalf of the University, or to enter into any contract in the like behalf or to be concerned in the like behalf in any transactions whatsoever relating thereto without the express consent of the council. No consent given under this statute shall be valid unless a copy of the relevant resolution of the council has been communicated in writing by the registrar to the person to whom the consent is given.

PROCEDURE

74.—(1) The following provisions shall, save and except where other provision is expressly made in these statutes, apply to the statutory bodies and each of them:—

- (a) Any appointed member and the chairman (other than an ex-officio chairman) may resign his office. Any appointed member and the chairman (other than an ex-officio chairman) shall be eligible for reappointment. An appointed member need not be a member of the body which appoints him:
- (b) Any appointed member who is required by these statutes to possess any qualification shall vacate office if he ceases to possess that qualification:
- (c) There shall be a quorum at any meeting of the statutory bodies when ten members or not less than one-third of the members whichever may be the less are present. Every matter shall be determined by the majority of the members present and voting on the question. In case of equality of votes, the chairman or other presiding officer shall have a second or casting vote:

3RD SCH
—cont.

- (d) The statutory bodies may determine the time and place of their meetings and the procedure to be followed thereat:
- (e) A member of the statutory bodies or any of them who is appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the member in whose place he is appointed:
- (f) The term of office of the members of any of the statutory bodies first appointed shall be reckoned from the appointed day and of any subsequent members, other than a member appointed to fill a casual vacancy, from the date when his predecessor vacated office:
- (g) The statutory bodies may appoint such and so many committees consisting either wholly or partly of members of the body as they may respectively think fit; and the provisions of this statute shall apply to any committee of any of the statutory bodies:
- (h) The statutory bodies may make regulations for the purpose of the exercise of any of their powers or the performance of any of their duties:

Provided that no such regulations shall be repugnant to law or to the statutes of the University:
- (i) The proceedings of the statutory bodies shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualifications of the members.

(2) Any person appointed to an office under these statutes shall, except as otherwise provided in these statutes, be eligible for reappointment.

AMENDMENT OF STATUTES

75.—(1) The court may, on the recommendation of the council, make statutes altering, amending, adding to or repealing any of these statutes (except this statute), but no such statute shall be operative until allowed by Her Majesty in Council. No such statute shall be submitted to Her Majesty in Council unless it has been communicated to convocation and the academic board and any representations made by those bodies or either of them have been taken into account by the senate and the council. Before making any recommendation to the court under this statute the council shall consult the senate and shall convey the views of the senate to the court.

(2) Notwithstanding anything contained in the Statutory Instruments Act, 1946, the provisions of that Act shall not apply to an Order in Council or other document allowing a statute made under this statute.

SAVING FOR TEMPORARY PROVISIONS

76. These statutes take effect as from the appointed day subject to the temporary provisions set out in the Fourth Schedule to the Act.

FOURTH SCHEDULE

Section 17.

TEMPORARY PROVISIONS RELATING TO THE UNIVERSITY OF
NEWCASTLE UPON TYNE

PRELIMINARY

1. In this schedule unless the context otherwise requires—

- (1) the expressions defined in statute 1 in the Third Schedule to this Act shall have the same meanings as are therein assigned to them;
- (2) “the statutes” means the statutes contained in the Third Schedule to this Act and a reference to a statute by number is a reference to that one of the statutes;
- (3) “the existing statutes” means the statutes made under the University of Durham Act, 1935, as amended from time to time and in operation immediately before the appointed day;
- (4) “the Newcastle Division” means the Newcastle Division of the University of Durham;
- (5) “the existing Newcastle Council” and “the existing board of faculty” mean respectively the Newcastle Council and the board of faculty in the University of Durham constituted under the existing statutes and in being immediately before the appointed day;
- (6) “the current Newcastle Academic Board” and “the current Newcastle Council” mean respectively the Newcastle Academic Board and the Newcastle Council constituted under the existing statutes and in office for the time being between the passing of the Act and the appointed day;
- (7) “first” means first on and after the appointed day.

HOLDERS OF OFFICES AND STAFF OF THE UNIVERSITY

2. The existing rector of King's College shall be the first vice-chancellor of the University.

3. The person nominated by the current Newcastle Council to be sub-rector for the year beginning the 1st August, 1963, in accordance with the existing statutes of the University of Durham shall after the appointed day become a pro-vice-chancellor of the University as if he had been appointed in accordance with the provisions of statute 11 (1) and he shall hold office for one year.

4. The existing registrar and secretary of King's College shall become the first registrar of the University of Newcastle.

5. All existing professors and readers of the University of Durham in the Newcastle Division and any persons appointed by the University of Durham to be professors and readers in the Newcastle Division shall after the appointed day become professors and readers of the University.

4TH SCH.
—cont.

6. The Director of the existing institute of education of the University of Durham and the staff attached to the institute on 31st July, 1963, shall on the appointed day become the director of the institute of education of the University and the staff attached to that institute.

7. On the appointed day—

- (1) all other existing teachers and officers of the Newcastle Division shall become teachers and officers of the University;
- (2) all other persons employed in any capacity by the council of King's College on 31st July, 1963, shall become employed by the University;
- (3) the members of the staff of the office established by the University of Durham in the city of Newcastle in accordance with section 32 of the existing statutes shall become employed by the University.

8. The persons referred to in paragraphs 4, 5, 6 and 7 of this schedule shall continue to hold office as nearly as practicable upon the same terms and conditions as governed their appointments immediately before the appointed day, except that in so far as those terms and conditions were before the appointed day subject to the statutes of the University of Durham they shall after the appointed day be subject to the statutes.

9. On and after the appointed day—

- (1) the existing dean of medicine in the University of Durham shall be dean of medicine in the University and shall hold office until the period of his present appointment terminates;
- (2) the existing dean of agriculture in the University of Durham shall be dean of agriculture in the University and shall hold office until his retirement or resignation;
- (3) the existing dean of the dental school of King's College shall become the dean of the dental school and director of dental studies in the University and shall hold office until the period of his present appointment terminates.

CONSTITUTION OF STATUTORY BODIES

10.—(1) The first court, the first senate and the first boards of faculties shall be constituted on the appointed day.

(2) The first council shall be constituted as soon as the appointments referred to in paragraph 21 of this schedule have been made.

11. Before the appointed day the members of the current board of the faculty of education in the University of Durham shall appoint three persons to be additional members of the first board of the faculty of education in the University.

12. Notwithstanding the provisions of the statutes the first boards of faculties in the University shall be constituted as follows:—

- (1) The first boards of the faculties of medicine, applied science, law and agriculture shall (subject to the power of the senate to add members in accordance with the statutes) consist of the ex-officio

members prescribed by statutes 43 and 45 (as the case may be) and the persons who held office as additional and appointed, or, in the case of the faculty of medicine, designated, nominated and additional, members (and in the case of the board of the faculty of applied science the two members appointed by the governing body of Sunderland Technical College) on the corresponding boards under the existing statutes;

- (2) The first boards of the faculties of arts and of science shall consist of the ex-officio members prescribed by statute 43 and the persons who held office as additional and appointed members in the existing boards of the faculties of arts and of science under the existing statutes who were members of the Newcastle Division;
- (3) (a) The first board of the faculty of economic and social studies shall consist of the ex-officio members prescribed by statute 43 and the persons who held office as additional and appointed members on the existing board of the faculty of economic studies in the University of Durham;
- (b) The first board of the faculty of education shall consist of the ex-officio members prescribed by statute 43 and the persons who held office as appointed and additional members of the existing board of the faculty of education who were members of the Newcastle Division or members of the existing institute of education in the University of Durham together with the three additional members appointed in accordance with paragraph 11 hereof;
- (4) The members of the first boards of faculties shall hold office until the 31st July, 1964.

13. Notwithstanding the provisions of statute 44 (3) the persons who will comprise the first of each of the boards of faculties (other than the faculties of medicine and agriculture) in accordance with the provisions of paragraph 12 of this schedule shall before the appointed day appoint from among their own number deans of the faculties who shall hold office for one year from the appointed day.

14. Before the appointed day the governing body of Sunderland Technical College shall make its first appointment of the person or persons who shall be members of the first court and the first senate.

15. Notwithstanding the provisions of statute 16—

- (1) the first court shall include eighteen members who shall be appointed before the appointed day by the current Newcastle Academic Board in the place of the members required to be appointed thereto by the academic board, but so that of the said eighteen members twelve shall be professorial and six shall be non-professorial members;
- (2) the first of the co-optative members of the court shall be eighteen in number and shall be appointed by the current Newcastle Council before the appointed day.

4TH SCH.
—cont.

16. The members of the court required to be appointed by the board of governors of the United Newcastle upon Tyne Hospitals, the Newcastle City Council, the Northumberland County Council, the Cumberland County Council and the Gateshead County Borough Council shall be appointed by those bodies before the appointed day.

17. Until the delegacy of the institute of education of the University appoint a member of the court there shall be a temporary member who shall be nominated before the appointed day by the existing delegacy of the institute of education of the University of Durham.

18. The court shall have power to act notwithstanding that the member required to be appointed thereto by the University of Durham has not been appointed.

19. Until the council appoints a chairman and vice-chairman the persons who hold office as chairman and vice-chairman of the existing Newcastle Council shall hold office as chairman and vice-chairman of the council.

20. Before the appointed day—

- (1) a meeting of all professors in the Newcastle Division shall be held at which they shall elect from their own number eight persons who shall serve as members of the first senate;
- (2) a meeting of all readers and full-time lecturers in the Newcastle Division shall be held at which they shall elect from their own number six persons who shall serve as members of the first senate;
- (3) the first of the members of the senate required to be appointed thereto by each of the boards of faculties therein named shall be appointed by the persons who will comprise the first of these boards of faculties in accordance with the provisions of paragraph 12 of this schedule;
- (4) the persons referred to in sub-paragraphs (1), (2) and (3) of this paragraph shall be deemed to have been appointed in accordance with the provisions of statute 25.

21. As soon as possible after the appointed day a meeting of the senate shall be held at which it shall appoint the first nine members of the council required to be appointed thereto by the senate in accordance with statute 18.

22. Notwithstanding the provisions of statute 18—

- (1) the first council shall include six members who shall be appointed before the appointed day by the current Newcastle Council in the place of the members required to be appointed thereto by the court;
- (2) the first of the co-optative members of the council who shall be six in number shall be appointed before the appointed day by the current Newcastle Council.

(2) The first delegacy of the institute shall be constituted in accordance with the said scheme, provided that the first delegacy shall have

4TH SCH.
—cont.

23. If and so far as it is necessary for any duties to be performed by the council before the council has been constituted such duties shall be performed by the vice-chancellor, the pro-vice-chancellor and the persons who held the offices of chairman and vice-chairman of the existing Newcastle Council.

RETIREMENT OF MEMBERS OF THE FIRST STATUTORY BODIES

24. Notwithstanding the provisions contained in the statutes—

- (1) (a) on the 1st August, 1964, and on the same date in each of the two succeeding years six of the eighteen co-optative members appointed to the court by the persons comprising the current Newcastle Council shall retire. In default of agreement the members shall in each case retire in alphabetical order. Any vacancy arising from among these members, whether casual or other, may (and if the number of co-optative members is fewer than sixteen shall) be filled by the court by co-optation;
- (b) on the 1st August, 1964, and on the same date in each of the two succeeding years four of the professorial members and two of the non-professorial members appointed to the court by the current Newcastle Academic Board shall retire. In default of agreement, members shall in each case retire in alphabetical order;
- (2) (a) on the 1st August, 1964, and on the same date in each of the two succeeding years, two of the professorial members appointed to the council by the senate and one of the non-professorial members shall retire. In default of agreement the members shall in each case retire in alphabetical order;
- (b) on the 1st August, 1964, and on the same date in each of the two succeeding years, four of the first members appointed to the council by the persons comprising the current Newcastle Council (two of them being co-optative members) shall retire. In default of agreement the members shall in each case retire in alphabetical order;
- (3) (a) on the 1st August, 1964, and on the same date in the following year four of the professorial and two of the non-professorial members appointed to the senate shall retire. In default of agreement members shall in each case retire in alphabetical order;
- (b) the successors of these persons or of any persons appointed to fill casual vacancies among the first members of the senate shall hold office for two years.

INSTITUTE OF EDUCATION

25.—(1) The membership and powers of the governing bodies of the institute of education set out in the scheme for the institute of education in the University approved by the delegacy of the institute in the University of Durham on the 3rd June, 1962, shall be deemed to have been determined by the council as required by statute 69 (2).

4TH SCH.
—cont.

power to act notwithstanding that the members to be appointed thereto by the academic committee and the five persons being practising teachers to be appointed by co-optation have not been appointed.

(3) Notwithstanding the provisions of section 6 of the said scheme the delegacy shall appoint the first boards of studies without report from the academic committee.

ACADEMIC DISTINCTIONS

26. Except as otherwise provided from time to time in the regulations of the University—

- (1) any period of study before the appointed day at King's College (or as a matriculated student at Sunderland Technical College) for a degree or other qualification of the University of Durham or King's College shall be accepted by the University as a period of study for the equivalent qualification of the University;
- (2) any examination of the University of Durham or King's College passed before the appointed day by a student at King's College (or as a matriculated student at Sunderland Technical College) shall be accepted by the University as an examination passed for the equivalent qualification of the University.

GENERAL

27. If any difficulty arises between the appointed day and the date when the bodies established by the statutes are fully constituted the chancellor after consulting with the vice-chancellor may give such directions as he may think proper for surmounting the difficulty.

Table of Statutes referred to in this Act

Short title	Session and chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
University of Durham Act, 1908	8 Edw. 7 c. 20.
Universities and College Estates Act, 1925	15 Geo. 5 c. 24.
University of Durham Act, 1935	25 & 26 Geo. 5 c. 29.
Statutory Instruments Act, 1946	9 & 10 Geo. 6 c. 36.
Companies Act, 1948	11 & 12 Geo. 6 c. 38.
Medical Act, 1956	4 & 5 Eliz. 2 c. 76.
Dentists Act, 1957	5 & 6 Eliz. 2 c. 28.
Prevention of Fraud (Investments) Act, 1958	6 & 7 Eliz. 2 c. 44.
Charities Act, 1960	8 & 9 Eliz. 2 c. 58.
Trustee Investments Act, 1961	9 & 10 Eliz. 2 c. 62.

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Universities of Durham and Newcastle upon Tyne Act 1963

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