



# Queen Mary and Westfield College Act 1989

## CHAPTER xiii

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

###### Section

1. Short title.
2. Interpretation.

#### PART II

##### TRANSFER OF FUNCTIONS AND PROPERTY, ETC., TO THE COLLEGE AND DISSOLUTION OF THE EXISTING COLLEGES

3. Appointed day.
4. Transfer of property to College.
5. Transfer of obligations, etc., to College.
6. Savings for agreements, deeds, actions, etc.
7. Construction of bequests in favour of existing colleges.
8. Continuation of employment.
9. Transfer of powers to appoint or nominate.
10. College to be exempt charity.
11. Dissolution of existing colleges.
12. Exclusion of certain property.

PART III

INVESTMENT POOLS

Section

13. Definitions in Part III.
14. Adoption of Part III.
15. Pooling of investments.
16. Administration of investment pools.
17. Certification of capital values of investments.
18. Apportionment of income from pooled investments.
19. Nominal value of investment unit.
20. Supplementary provisions.

PART IV

GENERAL

21. Costs of Act.

SCHEDULE—Funds to be transferred to the Westfield Trust.

**ELIZABETH II****1989 CHAPTER xiii**

An Act to transfer to Queen Mary and Westfield College, University of London all rights, properties, assets and obligations of Queen Mary College and Westfield College and to dissolve those colleges; to enact provisions with regard to Queen Mary and Westfield College, University of London; and for other purposes. [27th July 1989]

**WHEREAS—**

(1) The People's Palace Technical Schools were founded in 1887 and became the East London Technical College in 1896:

(2) As East London College the College was admitted as a School of the University of London in 1907 and in 1913 established a governing body distinct from that of the People's Palace:

(3) The persons constituting the governing body of East London College were incorporated by the name of Queen Mary College by a charter granted by His late Majesty King George the Fifth on 30th November 1934, subsequently amended:

(4) Westfield College was founded in 1882 to provide residence and instruction in a Christian context for women students preparing for the examinations of the University of London, and was admitted as a School of the University of London in 1902:

(5) The governors of Westfield College were incorporated by a charter granted by His late Majesty King George the Fifth on 19th July 1933, subsequently amended in 1964 to allow the admission of male students:

(6) A supplemental charter was granted to Westfield College on 15th September 1976, which charter redesignated the governing body as a Council, and which enjoined that the work of the College be carried on in accordance with Christian principles in a spirit of tolerance, freedom of opinion, mutual concern and community service and that facilities be provided for regular Christian worship in accordance with the doctrines of the Church of England:

(7) In 1983 and 1984 a substantial part of the Faculty of Science of Westfield College was transferred to Queen Mary College:

(8) In 1988 the Westfield Trust was established, charged with the conservation and protection of the original objects of the charter, including the education of women and the religious basis of the foundation. Various of the assets of Westfield College were transferred to this trust:

(9) It is desirable that both the said colleges should be merged and that their rights, properties, assets and obligations should be transferred to a college to be known as Queen Mary and Westfield College, University of London:

(10) It is expedient to make provision for the pooling of the funds of that college and various trust funds to be transferred to it and as to their investment:

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

(12) And whereas 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.           1. This Act may be cited as the Queen Mary and Westfield College Act 1989.
- Interpretation.       2. In this Act, unless the subject or context otherwise requires—
- “the appointed day” has the meaning given to it by section 3 (Appointed day) of this Act;
  - “the College” means Queen Mary and Westfield College, University of London;
  - “the Council” means the Council of the College;
  - “the existing colleges” means Queen Mary College and Westfield College or either of them as the case may be;
  - “the Westfield Trust” means the trust of that name established on 1st November 1988.

## PART II

TRANSFER OF FUNCTIONS AND PROPERTY, ETC., TO THE COLLEGE  
AND DISSOLUTION OF THE EXISTING COLLEGES

3. If Her Majesty is pleased to grant a Royal Charter incorporating Queen Mary and Westfield College the appointed day for the purposes of this Act shall be 1st August 1989 or the date of the coming into effect of the said charter whichever is later. Appointed day.
- 4.—(1) Subject as hereinafter provided, all property, real and personal, of every description (including things in action) and all rights and privileges of the existing colleges which immediately before the appointed day belonged to or were vested in or exercisable by the existing colleges shall on the appointed day, without any conveyance, transfer, assignment or other instrument, be transferred to and vested in, or be exercisable by, the College for all the estate and interest therein of the existing colleges. Transfer of property to College.
- (2) Notwithstanding the provisions of subsection (1) above, the Westfield College trust funds specified in the Schedule to this Act (being trust funds held for various special purposes) shall on the appointed day be transferred to the Westfield Trust.
- (3) Any property or funds and any income from property or funds which immediately before the appointed day were held on behalf of the existing colleges for any special purpose shall on and after the appointed day be held by the College, or, as the case may be, the Westfield Trust, for such special purpose.
5. Subject as hereinafter provided, all debts and obligations of the existing colleges shall on the appointed day be transferred and attached to the College and shall thereafter be discharged and satisfied by the College. Transfer of obligations, etc., to College.
6. Subject as hereinafter provided, all agreements, appointments, 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 existing colleges shall on and from the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against, the College to the same extent and in like manner as if the College instead of the existing colleges had been party to, or interested in, the same respectively. Savings for agreements, deeds, actions, etc.
7. Any scheme, will, deed or other instrument, whether made or executed before, on or after the appointed day, which contains any bequest, gift or trust or other benefit in favour of the existing colleges shall, on and after the appointed day, be read and have effect as if the College were named therein instead of the existing colleges. Construction of bequests in favour of existing colleges.
- 8.—(1) On the appointed day every member of the staff of the existing colleges shall by virtue of this Act become a member of the staff of the College and shall continue to enjoy terms and conditions of employment or engagement not less favourable than those enjoyed immediately prior to the appointed day. Continuation of employment.
- (2) Employment of members of the staff to which subsection (1) above applies shall be deemed for all purposes to be a single continuing employment.
9. Any power or right of the existing colleges or of any of their officers or employees to appoint or nominate a member of any educational authority, or of the governing body of any educational, charitable or other institution, shall on the appointed day be transferred to, and may be exercised by, the College. Transfer of powers to appoint or nominate.

PART II  
—cont.

or by the officer or employee of the College, who in the opinion of the Council most nearly performs the functions formerly performed by the former officer or employee in question.

College to be exempt charity.

10. The College and any institution which is for the time being administered by or on behalf of the College, being an institution established for the general purposes of, or for any special purpose of, or in connection with, the College, shall be an exempt charity within the meaning, and for the purposes, of the Charities Act 1960.

1960 c. 58.

Dissolution of existing colleges.

11. On the appointed day the existing colleges shall by virtue of this Act be dissolved and cease to exist.

Exclusion of certain property.

12. Subsections (1) and (2) of section 4 (Transfer of property to College), section 5 (Transfer of obligations, etc., to College) and section 6 (Savings for agreements, deeds, actions, etc.) of this Act shall not apply to the Westfield Trust and the property from time to time representing the same.

## PART III

## INVESTMENT POOLS

Definitions in Part III.

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

“accounting period” means the yearly period commencing on 1st August in each year or other period for which the accounts and financial affairs of the College are for the time being made up, arranged and calculated;

1961 c. 62.

“the Act of 1961” means the Trustee Investments Act 1961;

“auditor” means the auditor of the College;

“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 auditor in pursuance of the provisions of section 17 (Certification of capital values of investments) of this Act;

“the Commissioners” and “the court” have the same meanings as in the Charities Act 1960;

“endowment fund” means a fund which is applicable for the benefit of the College 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 College or a nominee of the College;

“general pool” means the general investment pool set up in pursuance of section 15 (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 nominal value determined by or under section 19 (Nominal value of investment unit) of this Act;

“operative date” means such date as the Council may by resolution passed in pursuance of section 14 (Adoption of Part III) of this Act determine;

“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 the investments of which are by reason of the provisions of an instrument (including an Act of Parliament other than this Act) relating to that fund to be confined to investments for the time being authorised by law for the investment of trust property;

“trustee investments pool” means the trustee investments pool set up in pursuance of section 15 (Pooling of investments) of this Act.

PART III  
—cont.

14. If the Council so resolve the provisions of this Part of this Act shall apply to the College and the Council on and after such date (being a date not earlier than the appointed day) as may be determined in the resolution.

Adoption of  
Part III.

15.—(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 by the Council in the manner provided in 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 such investments and money as belong for the time being to any trustee investments endowment fund.

(3) On, or at any time after, the operative date, the Council may carry into the general pool any such investments and money as belong for the time being to any endowment fund:

Provided that the Council shall not carry into the general pool any investment or money belonging to a trustee investments endowment fund.

(4) The aggregate amount of the certified capital values, certified at the date when they are carried in, of all the investments and money 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 nominal 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 that endowment fund is entitled by virtue of the investments and money so carried in.

16.—(1) The trustee investments pool shall constitute a trust fund for the purposes of the Act of 1961 and shall be invested in the name of the College in the manner authorised by section 1 of that Act:

Administration of  
investment pools.

Provided that—

(a) in its application to the powers of investment conferred by the said section 1, section 2 of the Act of 1961 shall have effect, subject to the provisions of subsection (8) below, as if—

(i) in subsection (1) of that section, 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 wider-range part at the time of the division bearing to the then value of the narrower-range part the proportion of two to one”;

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

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

PART III  
—cont.

(2) Any money for the time being in the general pool and available for investment shall be invested in the name of the College in the purchase of or on the security of such stocks, funds, shares, securities or 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 absolute discretion, think fit.

(3) Any money for the time being comprised in the trustee investments pool or the general pool and awaiting investment may be placed on deposit by the Council in the name of the College with any bank or licensed deposit taker 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 that fund in whole or in part from the pool, decide 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 those investment units and withdrawing from the pool in which those 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 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 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 a sale is required for the purpose of realising 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 other investments of any nature authorised for that pool, but subject, in the case of the variation or transposition of investments comprised in the trustee investments pool, to the provisions of the Act of 1961, as modified by subsection (1) above.

(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 18 (Apportionment of income from pooled investments) of this Act.

(8) If the Treasury by order under subsection (1) of section 13 of the Act of 1961 prescribe a proportion greater than two to one, subsection (1) above shall be amended by the substitution, in paragraph (i) and in paragraph (ii) of proviso (a) thereto, of the proportion so prescribed for the proportion of two to one.

(9) The references to the College in this section shall be construed as including a reference to a nominee of the College.

Certification of  
capital values of  
investments.

17. Whenever the capital value of any investment requires for any purpose of this Act to be certified, the amount of that capital value shall be certified in writing by the auditor. For the purpose of such certification the auditor 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.

PART III  
—cont.

18.—(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—

Apportionment  
of income from  
pooled  
investments.

- (a) any expenses of administration of the pool;
- (b) any amount which may be retained in the pool in pursuance of the provisions of subsection (2) below; and
- (c) any amount set aside in pursuance of the provisions of subsection (4) below;

shall be apportioned among the endowment funds entitled to share in the pool in proportion to the numbers of investment units in the pool to which those 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) For the purpose of equalising so far as practicable the rates of the annual distributions of income in respect of the pool, the Council may retain in the pool and carry to a reserve fund in the accounts of the pool at the end of any accounting period any such amount of income from the investments comprised in the pool, not exceeding such percentage as the Council may by resolution from time to time determine of the gross aggregate amount of that 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 the pool to be apportioned in any subsequent accounting period.

(3) The whole or any part of the income held in reserve for the time being in the pool in accordance with subsection (2) above 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 the pool and as if it were part of that income.

(4) The Council may retain in the pool and carry to a capital redemption account in the accounts of the pool at the end of any accounting period any such amount of income from the investments comprised in the pool not exceeding such percentage as the Council may by resolution from time to time determine of the gross aggregate amount of that income for that accounting period as the Council may consider it expedient to set aside to meet capital losses.

(5) Any sums set aside pursuant to subsection (2) or (4) above shall be invested by the Council in the same manner as that in which money for the time being in the pool and available for investment is required to be invested in pursuance of the provisions of section 16 (Administration of investment pools) of this Act and the capital and income of such investments shall respectively form part of the capital and income of the pool.

(6) If an investment is redeemed or terminated or, in pursuance of section 16 (Administration of investment pools) of this Act, withdrawn from the pool or sold, the Council may deduct a sum, being not greater than the capital loss, if any, resulting from such redemption, termination, withdrawal or sale, from the capital redemption account of the pool, and may apply it at their discretion in meeting the capital loss.

PART III  
—cont.  
Nominal value  
of investment  
unit.

**19.**—(1) The initial nominal value of an investment unit shall be one pound.

(2) The auditor 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.

(3) If at any time the Council, after receiving a report, made under subsection (2) above, shall come to the conclusion that by reason of appreciation or depreciation of the capital values of investments or by reason of the deduction of any sum standing to the credit of a capital redemption account in pursuance of the provisions of subsection (5) of section 18 (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 being comprised in the trustee investments pool or the general pool is substantially greater or substantially less than the total nominal 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 that total nominal value with such aggregate amount.

Supplementary  
provisions.  
1960 c. 58.

**20.**—(1) The trustee investments pool and the general pool shall be treated for all purposes as if they were funds established under section 22 of the Charities Act 1960.

(2) The court and the Commissioners shall have the same powers after the passing of this Act to make and bring into operation schemes relating to an endowment fund, the trustee investments pool and the general pool as they would have if the provisions of this Part of this Act were contained in an order made under the said section 22 instead of in an Act of Parliament; and this Part of this Act shall accordingly have effect subject to the provisions of any such scheme.

(3) Except as provided in subsection (2) above, this Part of this Act shall have effect notwithstanding the provisions of any instrument relating to any endowment fund.

#### PART IV

#### GENERAL

Costs of Act.

**21.** The costs, charges and expenses preliminary, or incidental, to the preparation of, and the application for, and the obtaining and passing of, this Act shall be paid by the College out of the funds of the College.

SCHEDULE

Section 4.

FUNDS TO BE TRANSFERRED TO THE WESTFIELD TRUST

1935 Fund  
Caroline Skeel Fund  
Eleanor Lodge Fund  
Clee Gift Fund  
Dudin Brown Fund  
De Selincourt Fund  
E.I.O. (Chapel) Trust  
Maynard Swanwick Bursary  
Maynard Memorial Fund  
Lady Chapman Memorial Fund  
Amy Sanders Stephens Scholarship  
Fowler Bequest  
Gift Fund  
Phillpotts Prize  
Superannuation Fund  
Pension Benevolent Fund  
Ingham Bequest  
Drew Bequest  
Maynard Bursary

---

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR PAUL FREEMAN  
Controller and Chief Executive of Her Majesty's Stationery Office and  
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£2.35 net

ISBN 0 10 511389 1