



Universities and College Estates Act 1925

1925 CHAPTER 24

Supplemental Provisions

40 Power to transfer to university or college lands vested in individual members thereof

When any lands are vested in any person being a member of a university or college in trust or for the benefit of the university or college, or the head or any other member thereof, it shall be lawful for such person with the consent of the Minister to convey and transfer such lands in such manner as that the same may be vested in the university or college in its corporate capacity, upon the trusts nevertheless affecting the same lands respectively.

41 Land to which Act applies and mode of exercise of powers

- (1) The powers and provisions of this Act relating to land belonging to a university or college shall extend and be applicable not only to land vested in the university or college, or in any body constituted for holding land belonging to the university or college, and held as the property or for the general purposes of the university or college, but also to land so vested which may be held upon any trusts, or for any special endowment or other purposes, connected with the university or college.
- (2) The powers conferred by this Act on a university or college may as respects each particular university or college be exercised by such body and in such manner as may be provided by the statutes regulating that university or college.

42 Saving of existing powers

Nothing in this Act contained shall restrain a university or college, or other body constituted for holding land belonging to a university or college, from exercising any powers of sale, exchange, purchase, or borrowing, or from granting any leases or making any grants, whether by way of renewal or otherwise, which the university or college might have exercised or granted under the provisions of any Act of Parliament, whether public general or local or private, or under any other authority, or in any other manner whatsoever, in case this Act had not been passed: Provided that, upon any

exchange being effected under the provisions of the Inclosure Acts, 1845 to 1882, it shall be lawful for the Minister to authorise any money by way of equality of exchange to be received by the university or college, and any money so received shall be capital money and be paid, to the Minister, and, until such payment as aforesaid, no order of exchange shall be finally confirmed by the Minister, and a recital of such payment in the order of exchange shall be conclusive evidence thereof.

43 Definitions

In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

- (i) " Building purposes " include the erecting and the improving of, and the adding to, and the repairing of buildings; and a " building lease " is a lease for any building purposes or purposes connected therewith;
- (ii) " Disposition " and " conveyance " include a mortgage, charge by way of legal mortgage, lease, assent, vesting declaration, vesting instrument, disclaimer, release and every other assurance except a will, and " dispose of " or "convey" has a corresponding meaning;
- (iii) " Hereditaments " mean real property which on an intestacy might before the commencement of the Law of Property Act, 1922, have devolved on an heir;
- (iv) " Land " includes land of any tenure, and mines and minerals whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or otherwise) and all other corporeal hereditaments; also a manor, an advowson, and a rent and all other incorporeal hereditaments, and an easement, right, privilege, or benefit in, over, or derived from land, but not an undivided share in land;
- (v) " Lease " includes an agreement for a lease;
- (vi) " Manor " includes lordship, and reputed manor or lordship; and " manorial incidents " has the same meaning as in the Law of Property Act, 1922;
- (vii) " Mines and minerals " mean mines and minerals whether already opened or in work or not, and include all minerals and substances in, on, or under the land, obtainable by underground or by surface working; and "mining purposes" include the sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, and disposing of mines and minerals, in or under the settled land, or any other land, and the erection of buildings, and the execution of engineering and other works suitable for those purposes; and a " mining lease " is a lease for any mining purposes or purposes connected therewith, and includes a grant or licence for any mining purposes;
- (viii) " Minister " means the Minister of Agriculture and Fisheries;
- (ix) " Rent " includes yearly or other rent, and toll, duty, royalty, or other reservation, by the acre, or the ton, or otherwise; and, in relation to rent, "payment" includes delivery; and " fine " includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift;
- (x) A " term of years absolute " means a term of years, taking effect either in possession or in reversion, with or without impeachment for waste, whether at a rent or not, and whether subject or not to another legal estate, and whether certain or liable to determination by notice, re-entry, operation of law, or by a provision for cesser on redemption, or in any other event (other than the dropping of a life, or the determination of a determinable life interest), but does not include any term of years determinable with life or lives or with the cesser

of a determinable life interest, nor, if created after the commencement of this Act, a term of years which is not expressed to take effect in possession within twenty-one years- after the creation thereof where required by statute to take effect within that period; and in this definition the expression " term of years " includes a term for less than a year, or for a year or years and a fraction of a year or from year to year.

44 Repeals

- (1) The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that nothing in this repeal shall affect the validity of anything done before the commencement of this Act, or shall affect any consent, order, authority, or direction given under any enactment so repealed; but any such consent, order, authority, or direction shall have effect as if made under the corresponding provisions of this Act.

- (2) References in any document to any enactment repealed by this Act shall be construed as references to this Act or the corresponding provisions of this Act.

45 Short title and commencement

- (1) This Act may be cited as the Universities and College Estates Act, 1925.
- (2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-six.