

EXPLANATORY MEMORANDUM TO
THE CHARITIES (ROYAL HOLLOWAY AND BEDFORD NEW COLLEGE)
ORDER 2022

2022 No. 985

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Digital, Culture, Media and Sport and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

- 2.1 This order will give effect to a Charity Commission scheme (“the Scheme”) settled under section 73(1) of the Charities Act 2011 (“the 2011 Act”) to amend certain administrative provisions of The Royal Holloway and Bedford New College Act 1985 (“the 1985 Act”) which governs the charity known as the Royal Holloway and Bedford New College (“the College”).
- 2.2 The purpose of the Scheme is to widen the objects of the College to recognise that the trustees of the College can apply for university title if they wish to do so, and to amend the College’s powers to reflect those required of a modern College or University.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales, aside from amendments made by the Schedule which have the same extent as the 1985 Act, which extends to England only.
- 4.2 The territorial application of this instrument is England. The instrument applies to the College only, which is an exempt charity regulated by the Office for Students, the independent regulator of higher education in England.

5. European Convention on Human Rights

- 5.1 The Lord Kamall, The Minister for Civil Society, Heritage, Tourism and Growth has made the following statement regarding Human Rights:

“In my view the provisions of the Charities (Royal Holloway and Bedford New College) Order 2022 are compatible with the Convention rights”.

6. Legislative Context

- 6.1 Section 73 of the 2011 Act grants the Charity Commission power to settle a scheme to alter the provisions of Acts of Parliament that govern a charity, which is then given effect by secondary legislation.

- 6.2 The College is a higher education institution and one of a number of ‘federated’ constituent colleges of the University of London. The College does not hold university title.
- 6.3 The College is governed by the 1985 Act. The 1985 Act, together with its accompanying Statutes, comprise the current constitution of the College. As the 1985 Act is a private Act, this order is subject to annulment by a resolution of either House (the negative procedure).
- 6.4 The University of London Act 2018 made provision for its constituent colleges to become universities in their own right. The College needs to amend the 1985 Act in order to reflect that it is now able to seek university status in its own right.

7. Policy background

What is being done and why?

- 7.1 The Royal Holloway College was founded and endowed by Thomas Holloway as a college for women, and was opened by Her Late Majesty Queen Victoria in 1886. From 1900 the College was a School of the University of London.
- 7.2 The Royal Holloway College Act 1949 incorporated the Royal Holloway College and redefined its objects, powers and governance methods. The Royal Holloway College Act 1962 made further provisions for the College.
- 7.3 Bedford College was founded in 1849 as a college for women and from 1900 was a School of the University of London. By a Royal Charter granted by his late Majesty King Edward VII in 1909, the Chairman, Council and Governors of Bedford College were incorporated as the Chairman, Council and Governors of Bedford College for Women. Supplemental Royal Charters were subsequently granted.
- 7.4 The 1985 Act merged the Royal Holloway College and the Bedford College for Women into one body corporate with perpetual succession known as the Royal Holloway and Bedford New College. The 1985 Act set out the governance framework for the newly merged entity which included provisions for a Council of the College which, subject to the 1985 Act, may make statutes for the administration of the property and revenues of the College and conduct of the College’s affairs, by way of special resolution. The Council is also enabled to make regulations under the 1985 Act. The College consists of members of the Council of the College, the staff and students of the College and such other persons as may be included by or under the provisions of the 1985 Act or the statutes or regulations applicable to the College.
- 7.5 The Scheme will amend the objects of the College at section 4(1) of the 1985 Act to recognise that the College may continue to provide instruction leading to award of degrees of the University of London, but extend the objects to allow the College to also award degrees in its own name and the name of any third party. The Scheme includes a specific power for the College to change its name and refer to itself as a university, subject to the approval of the Privy Council.
- 7.6 The Scheme creates two new powers for His Majesty by Order in Council to firstly make amendments to the 1985 Act as may be necessary to give effect to any change of name, and to secondly remove the need for the making, amendment or revocation of statutes of the College to be approved by the Privy Council.
- 7.7 The Scheme will also widen and modernise the powers of the College to further its objects. These powers are in line with charity sector norms to enable trustees to

achieve their charity's purposes by wide and varied methods, including the power to acquire, own, maintain, manage and dispose of land and other property, and invest any monies available for investment.

- 7.8 The Scheme includes a reaffirmation of the powers of the Council of the College under the 1985 Act (as amended by this Scheme) and clarifies that Council has the power to elect from amongst its members more than one Vice Chair of the College.
- 7.9 The Scheme also includes changes to the provisions pertaining to the College's obligations to the University of London, so that obligations continue to apply to the College while it remains a member institution, but not once the College ceases to be a member institution.
- 7.10 The College requires these changes to enable it to compete on a level playing field with Member Institutions of the University of London, which have been able to apply to obtain university status in their own right following the University of London Act 2018.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

9. Consolidation

- 9.1 Not applicable.

10. Consultation outcome

- 10.1 In accordance with section 28 of the 2011 Act the College has consulted the College's principal regulator, the Office for Students, regarding the Charity Commission's intention to proceed with the Scheme. The Office for Students is supportive of the Scheme.
- 10.2 The College also consulted with the Charity Commission, DCMS, the Privy Council and the Department for Education on the proposed changes, who are all content with the contents of the proposed Scheme.
- 10.3 The College commenced a public consultation on the proposed changes to the 1985 Act on 1 November 2021. The contents of the Scheme were communicated via the College's intranet and staff and student update communications and on the College's public facing website. The consultation closed on 30 November 2021 – with two responses received.
- 10.4 The College has consulted internally with its trustees, who approved the proposed Scheme and resolved not to make any substantive changes to the Scheme based on the consultation responses received. Although post consultation some subsequent drafting changes have been made by DCMS, these do not change the original intent or effect of the draft Scheme as it stood during consultation.
- 10.5 In accordance with section 88(4) of the 2011 Act, the Charity Commission has determined that compliance with the public notice requirement for the Scheme is unnecessary, on the basis that the College has conducted a recent and meaningful consultation of its own, which did not generate any responses that would suggest further public notice of proposals is required or justified.

11. Guidance

- 11.1 Guidance is not required as this is an Order to give effect to the provisions of a Scheme settled by the Charity Commission, which will amend a charity's existing administrative provisions contained in its governing Act.

12. Impact

- 12.1 The impact on business, charities or voluntary bodies is limited to the Royal Holloway and Bedford New College only.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because the only affected organisation is the Royal Holloway and Bedford New College.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 Monitoring and review are not required as this order simply gives effect to a Scheme settled by the Charity Commission which will amend a charity's existing administrative provisions contained within its governing Act.

15. Contact

- 15.1 Ben Harrison at the Department for Digital, Culture, Media and Sport, email: ben.harrison@dcms.gov.uk, phone: 07702817057, can be contacted with any queries regarding the instrument.
- 15.2 Sara Allen, Deputy Director for Civil Society Strategy and Analysis at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Lord Kamall, The Minister for Civil Society, Heritage, Tourism and Growth at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.