

STATUTES
OF
GONVILLE AND CAIUS COLLEGE
IN THE
UNIVERSITY OF CAMBRIDGE

Made by the University of
Cambridge Commissioners

18th November 1925

Approved by His Majesty in Council

30th April 1926

Together with additions amendments and modifications thereto
to 1 November 2016

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PREFACE

The first 52 Statutes of the present edition are, except for amendments noted below, the Statutes made for the College by the University of Cambridge Commissioners on the 18th day of November, 1925, and approved by the King in Council on the 30th day of April, 1926.

Statute 53 (formerly 54), *Power to Accept Endowments*, was made by the Commissioners on the 5th day of May, 1927, and approved by the King in Council on the 20th day of December, 1927.

Since the cesser of the powers of the Commissioners alterations in the Statutes have been made by the Governing Body of the College and approved by the King or Queen in Council, as follows:

MADE	APPROVED	PASSAGES AFFECTED
10 Feb. 1933	26 June 1933	Statute 55. <i>Amendments of the Davy Trust</i> . Added
7 Oct. 1937	15 Mar. 1938	Statute 7. <i>Election and Pre-election of the Master</i> Statute 13. <i>Unofficial Fellows</i> . Amendment of Sections (1) and (2) Statute 20. <i>Of the Scholars, Exhibitioners and Research Students</i> . Amendment of Sections (3) and (4) Statute 33. <i>Residence in College of Officers and Fellows</i>
10 June 1938	2 Feb. 1939	Statute 20. <i>Of the Scholars, Exhibitioners and Research Students</i> . Amendment of Section (5)
28 Nov. 1947	27 Apr. 1948	Statute 6. <i>Of the Master Qualifications, Duties, and Stipend</i> . Amendment of Section (7) Statute 43. <i>Declaration and Payment of Dividend</i> . Amendment of Section (2)
21 Jan. 1949	31 May 1949	Statute 16. <i>Life Fellows</i> . Amendment of Section (2) Statute 17. <i>Supernumerary Fellows</i> . Amendment of Section (3)
23 Feb. 1951	11 July 1951	Statute 46. <i>The Investment and Application of Capital Moneys</i> . Substitution of new Statute
9 Nov. 1951	10 Mar. 1952	Statute 46. <i>The Investment and Application of Capital Moneys</i> . Section (3) added

7 Oct. 1955	25 Jan. 1956	Statute 31. <i>Appointment of Officers other than the President.</i> Amendment of Section (3) Statute 36. <i>Retirement of Officers and Superannuation System.</i> Amendment of Section (3)
24 Feb. 1956	29 June 1956	Statute 20. <i>Of the Scholars, Exhibitioners and Research Students.</i> Amendment of Sections (4), (5) and (7)
12 July 1957	7 Jan. 1958	Statute 36. <i>Retirement of officers and Superannuation System.</i> Amendment of Sections (1) and (5) Statute 42. <i>Special Payments and Allowances.</i> Amendment of Section (3)
3 Dec. 1959	8 Apr. 1960	Statute 18. <i>Precedence and Duties of Fellows.</i> Amendment of Section (1) Statute 31. <i>Appointment of Officers other than the President.</i> Amendment of Sections (3) and (4) Statute 55. <i>Amendments of the Davy Trust.</i> Amendment of Sections (4), (5) and (6)
16 March 1962	30 July 1962	Statute 20. <i>Of the Scholars, Exhibitioners and Research Students.</i> Amendment of Section (3)
24 June 1965	31 Jan. 1966	Statute 46. <i>The Application of Capital Moneys and Management of Land.</i> Substitution of new Statute
28 Feb. 1969	25 June 1969	Statute 56. <i>The Application of Surplus Income of Trust Funds.</i> Added
31 Jan. 1975	25 June 1975	Statute 6. <i>Of the Master Qualifications, Duties, and Stipend.</i> Amendment of Section (2) Statute 7. <i>Election and Pre-election of the Master.</i> Amendment of Section (7) Statute 19. <i>Removal and Punishment of Fellows.</i> Statute 36. <i>Retirement of officers and Superannuation System.</i> Amendment of Sections (1) to (6) Statute 45. <i>Trusts and other Funds.</i> Amendment of Section (4) Statute 52. <i>Temporary Provisions.</i> Deletion Statute 53. <i>Repeal of previously existing Statutes.</i> Renumbering as Statute 52 Statute 54. <i>Power to accept Endowments.</i> Renumbering as Statute 53

		Statute 55. <i>Amendments to the Davy Trust.</i> Renumbering as Statute 54
		Statute 56 <i>The Application of Surplus Income of Trust Funds.</i> Renumbering as Statute 55
12 May 1978	20 Dec. 1978	Statute 1. <i>The Constitution.</i> Section (4) deleted
		Statute 49. <i>Construction and Interpretation of the Statutes.</i> Amendment of Sections (1) and (2)
18 Oct. 1978	14 March 1979	Statute 10. <i>Classes of Fellowships.</i> Amendment of Section (1)
		Statute 16. <i>Life Fellows.</i> Amendment of Sections (2) to (5)
		Statute 17. <i>Supernumerary Fellows.</i> Amendment of Section (2)
28 April 1995	14 Feb. 1996	Statute 7. <i>Election and Pre-election of the Master.</i> Amendment of Sections (2), (5) and (8)
		Statute 8. <i>Tenure of Office of Master.</i> Addition of Section (1) and renumbering of Section (2)
		Statute 21. <i>Honorary Fellows.</i>
24 Nov. 2004	19 July 2005	Statute 5. <i>General Meetings and Alterations of Statutes.</i> Amendment of Section (8)
		Statute 46. <i>The Management of the Endowments and Revenues of the College.</i> Substitution of new Statute
		Statute 49. <i>Construction and Interpretation of the Statutes.</i> Amendment of Section (1)
24 April 2015	15 March 2016	Statute 10. <i>Classes of Fellowships.</i> Amendment of Class C Section (1).
24 April 2015	12 October 2016	Statute 15. <i>Professorial Fellows.</i>

Modifications to the Statutes of the College were made (i) by the University Commissioners in exercise of the powers conferred on them by Section 204 of the Education Reform Act 1988 and (ii) by the Lord Chancellor in exercise of the powers conferred on him by Sections 19 and 143 of the Constitutional Affairs Act 2005, as follows:

MADE	APPROVED	PASSAGES AFFECTED
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(i) by the University Commissioners

29 Sept. 1993	26 July 1995	Statute 5. <i>General Meetings and Alterations of Statutes.</i> Amendment of Section (8)
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Statute 9. *Resignation of the Master.*

Repeal of Sections (1) and (3)

Statute 19. *Removal and Punishment of
Fellows*

Statute 35. *Removal of Officers.*

Amendment of Section (1)

Statute 49. *Construction and Interpretation
of the Statutes.* Addition of Section (3)

Statute 56. *Academic Staff.* Added.

(ii) by the Lord Chancellor

4 March 2007 1 April 2007

Statute 2. *The Visitor.* Amendment

STATUTES made by the University of Cambridge Commissioners under the provisions of the Universities of Oxford and Cambridge Act, 1923, to alter and amend the Statutes of Gonville and Caius College in the University of Cambridge with additions, amendments and modifications thereto as detailed in the Preface.

WHEREAS by virtue of a licence granted by King Edward the Third in the year of our Lord one thousand three hundred and forty-eight Edmund de Gonville clerk founded Gonville Hall in the University of Cambridge and William Bateman Bishop of Norwich gave Statutes for the government thereof:

AND WHEREAS by virtue of a Charter granted by King Philip and Queen Mary in the year of our Lord one thousand five hundred and fifty-seven John Caius Doctor of Medicine augmented the said Hall and changed the name thereof to Gonville and Caius College; and by the said Charter the said John Caius was empowered to make Statutes for the said College provided the same were not contrary or repugnant to the Statutes of Bishop Bateman:

AND WHEREAS under divers wills deeds of settlements and other instruments and especially those constituting the following Trusts namely the Ely Trust the Perse Trust the Davy Trust the Shuttleworth Trust the Frank Smart Trusts the Drosier Trust and the Salomons Trust which are more particularly described in the preamble of the Statutes repealed by these Statutes the Master and Fellows hold and stand possessed of certain property and moneys and the income thereof upon the trusts and for the purposes in the said instruments respectively declared concerning the same:

AND WHEREAS the Statutes of the said College now in force consist of a body of Statutes made by the Master and Fellows of the said College being the Governing Body of the said College within the meaning of the Universities of Oxford and Cambridge Act 1877 and approved by His Majesty in Council on the thirteenth day of August 1920 as amended by Statutes made by the said Governing Body under the provisions of the Universities of Oxford and Cambridge Act 1923 approved by the University of Cambridge Commissioners appointed under the

last mentioned Act and approved by His Majesty in Council on the sixteenth day of April 1924:

AND WHEREAS it is expedient for the good administration of the College and for giving effect to certain recommendations contained in the Report of a Royal Commission referred to in the preamble of the Universities of Oxford and Cambridge Act 1923 and for altering certain provisions of Dr Drosier's Will that the Statutes now in force should be amended and altered in many respects and that the College Statutes should in future be such as are hereinafter expressed but without prejudice to the operation of all or any of the Emergency Statutes made under the Universities and Colleges (Emergency Powers) Act 1915 during the respective periods of time for which they were respectively expressed to be made operative:

AND WHEREAS the Universities of Oxford and Cambridge Act 1923 has established a body styled "the University of Cambridge Commissioners" for the purpose of making statutes and regulations for the University its colleges and halls and any emoluments endowments trusts foundations gift offices or institutions in or connected with the University in general accordance with recommendations contained in the Report of the Royal Commission referred to in the preamble of the said Act.

Now we the University of Cambridge Commissioners being assembled on the eighteenth day of November nineteen hundred and twenty-five at a meeting at which more than three Commissioners are present do hereby in the exercise of the powers conferred upon us by the said last-mentioned Act (and of any other powers thereto enabling us) make the statutes following wholly for the said College.

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A. – OF THE CONSTITUTION OF THE COLLEGE

STATUTE 1. *The Constitution*

(1) The corporate body of the College shall consist of a Master and Fellows.

(2) The members of the College shall include a number of Scholars Research Students and Exhibitioners elected and other persons admitted in the manner by these Statutes hereinafter provided.

(3) Throughout these Statutes unless there is anything in the subject or context repugnant thereto the expression "Fellow" shall denote the holder of a Fellowship of any of the classes of Fellowships hereinafter enumerated except an Honorary Fellow.

B. – OF THE GOVERNMENT OF THE COLLEGE

STATUTE 2. *The Visitor*

The Visitor of the College shall be the Crown.

STATUTE 3. *The College Council*

(1) The College Council (which expression shall when the context so demands be deemed to include the former Governing Body of the College as defined in any Statutes of the College previously in force) shall consist of the Master and twelve Fellows being members of the Senate of the University and it shall (subject as hereinafter provided) have the control and management of all the affairs of the College.

(2) The fellows who shall be members of the College Council shall (subject to the provisions hereinafter contained) be the Fellows comprised in the following classes respectively; that is to say:

First: – Each Fellow elected before the ninth day of October eighteen hundred and ninety who under the Statutes repealed by these Statutes would have been entitled to be a member of the College Council otherwise than by election and who has not signified by writing under his hand delivered to the Master his desire to resign his membership of the College Council.

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Second: – The Senior Bursar and the Senior Tutor.

Third: – So many Fellows not otherwise entitled to membership of the College Council as shall be necessary to make a total number of Twelve to be elected as vacancies occur by a General Meeting summoned under Statute 5 and to hold office for some period not exceeding four years provided that any elected member who having been qualified to attend all meetings of the College Council during the whole of one year ending the thirtieth day of September has been absent from one-third of the ordinary meetings in that year shall then cease to be a member but may be re-elected. Provided that if an elected member shall cease to be a member otherwise than by expiration of the period for which he was elected the member elected to fill the vacancy shall hold office for the time only for which the member to whose place he succeeds would have held it if no such vacancy had taken place but so that he may be re-elected.

(3) If any elected member of the College Council shall during his tenure of office as such become qualified to be a member of the College Council in any other way than by election he shall thereupon ipso facto cease to be an elected Member.

(4) Except as hereinbefore in this Statute provided it shall not be competent for any member of the College Council to resign his place except with the permission of the College Council.

(5) The College Council shall be competent to act as such notwithstanding that the number of its members other than the Master shall for the time being be less than twelve.

STATUTE 4. *Proceedings of the College Council*

(1) The College Council shall meet from time to time for the transaction of business in the Fellows' Combination Room or some other convenient place within the limits of the College but not elsewhere. A meeting of the College Council shall be called a College Meeting. No business shall be transacted at any such Meeting unless the Master and at least six other members of the College Council be present or at least eight such members without the Master. The Master shall preside at each Meeting; failing him the President; and failing the President the senior Fellow present. In the event of any difference of opinion the question shall be decided by voting. If any member of the College Council shall so require voting shall begin with the junior Fellow present and proceed in the inverse order of precedence. If the

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votes are equal in number the Master shall have a second or casting vote. Any Meeting may be adjourned from time to time at the discretion of the Meeting.

(2) The orders of a College Meeting shall be called College Orders. All College Orders shall require both a majority of the votes given and the concurrence of the Master and five other members of the College Council or of eight members of the College Council without the Master.

(3) A special vote of the College Council shall require the concurrence of the Master and at least seven other members of the College Council or of at least nine such members without the Master and shall be recorded as a special vote in the Gesta of the College Council.

(4) There shall be at least six ordinary College Meetings in each year which shall be held at such times as shall from time to time be prescribed by the College Council for the purposes of the transaction of the ordinary business of the College and of such special business as may come to be dealt with thereat.

(5) The Registrary shall send written notice as far as practicable to every member of the College Council at least four days before any such Meeting of all business of which he may have received written notice from any members. If any matter of business (other than an election or an appointment which cannot properly be postponed) of which such notice shall not have been given shall be brought forward at any such Meeting it shall be competent for any three members of the College Council present to defer the decision on the same to the next ordinary College Meeting.

(6) The Master may summon an extraordinary College Meeting whenever he thinks proper so to do and it shall be his duty to summon one upon the written request specifying the object of the desired Meeting of any three members of the College Council and if the Master when so requested shall for the period of three days neglect to summon such a Meeting for assembly at a time within twelve days after such request shall be made then any three members of the College Council whether the requisitionists or others shall have power themselves to summon the Meeting. At least four days' written notice specifying the objects of every extraordinary College Meeting shall be given to each member of the College Council and no business not so specified shall be transacted at the meeting.

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STATUTE 5. *General Meetings and Alterations of Statutes*

(1) There shall be held once at least in every term an ordinary General Meeting of the Master and all the Fellows at such times as shall be prescribed by a General Meeting.

(2) The Registrary shall send written notice as far as practicable to the Master and to every Fellow at least four days before any such Meeting of all business of which he may have received written notice from the Master or from any Fellow. If any matter of business of which such notice shall not have been given shall be brought forward at any such Meeting it shall be competent for any three of those present to defer the decision on the same to the next ordinary General Meeting.

(3) The Master may summon an extraordinary General Meeting whenever he thinks proper so to do and it shall be his duty to summon one upon the written request specifying the object of the desired Meeting of any eight Fellows and if the Master when so requested shall for the period of three days neglect to summon such a Meeting for assembly at a time within twelve days after such request shall be made then any eight Fellows whether the requisitionists or others shall have power themselves to summon the Meeting. At least eight days' written notice shall be given to each Fellow of the time of each extraordinary General Meeting and at least four days' written notice specifying the objects of every extraordinary General Meeting shall be given to each Fellow and no business not so specified shall be transacted at the Meeting.

(4) Any resolution passed by a General Meeting affecting matters which by these Statutes are placed under the control of the College Council shall be communicated to the College Council and shall be considered by them at the next Ordinary College Meeting. If the resolution be not adopted by the College Council and be re-affirmed in its integrity by a General Meeting a majority of two-thirds of those present concurring such majority being a majority of the Master and all the Fellows then the resolution shall have the force of a College Order and shall be entered on the Gesta of the College Council and shall not be rescinded except with the consent of a General Meeting but the foregoing provisions shall not be used to limit the discretion of the College Council in electing to Fellowships in making confirming or continuing appointments to College offices or in assigning stipends to College officers.

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(5) A General Meeting shall have power to regulate its own proceedings subject to the provisions contained in these Statutes.

(6) In accordance with section 7 of the Universities of Oxford and Cambridge Act 1923 the Statutes of the College shall be subject to alteration from time to time by Statute made by the College under the said Act and passed at a general meeting of the Governing Body of the College specially summoned for the purpose by the votes of not less than two-thirds of the number of persons present and voting: Provided that

(a) notice of any proposed statute shall be given to the University before any statute is submitted to His Majesty in Council; and

(b) a statute which affects the University shall not be altered except with the consent of the University.

(7) In accordance with section 2 of the Schedule to the said Act the Governing Body of the College means the Master and all actual Fellows of the College being graduates.

(8) The Governing Body shall have power, by the votes of not less than two-thirds of the number of persons present and voting, to make Ordinances for the purposes of Statute 46 or Statute 56. Such Ordinances shall be subject to alteration by a like vote from time to time. The Governing Body shall have power, by a like vote, to apply all or any Ordinances made for the purposes of Statute 56 to disciplinary proceedings in respect of Fellows and officers who are not members of the academic staff to whom Statute 56 applies.

C. – OF THE MASTER

STATUTE 6. *Qualifications, Duties and Stipend.*

(1) The Fellows shall choose as Master the person who in their judgment shall be best qualified to preside over the College as a place of education religion learning and research.

(2) The Mastership shall not be tenable together with any pension from the College (other than any pension or superannuation allowance accruing or accrued under the Federated Superannuation System for Universities or under the U.S.S.) or with any ecclesiastical preferment involving cure of souls or a Headship or Fellowship of any University or other College or Hostel to which a stipend is attached or any office involving residence out of Cambridge during term. On the

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acceptance of any such preferment or office by the Master the Mastership shall become vacant. If the Master shall not resign any such preferment or office which he may hold at the time of his election within three months from the date of his election or within such longer period not exceeding twelve months from such date as the College Council may fix before the expiration of the said three months the Mastership shall become vacant at the end of such three months or such longer period as the case may be.

(3) The Master shall be the administrative Governor of the College. He shall enforce obedience to its laws and shall make such temporary orders and regulations in cases of emergency not provided for by these Statutes or by College Order as the welfare and good government of the College may require and shall assist with his advice any Officer of the College who in the execution of his office may find it necessary to act without the sanction of a College Order or regulation.

(4) It shall be the duty of the Master to attend all College Meetings and also all General Meetings and to preside at those Meetings.

(5) The Master shall reside in Cambridge in a lodge provided by the College and not be absent from Cambridge except on account of illness or other reasonable cause during any part of full term. If any member of the College Council shall at a College Meeting charge the Master with failure to fulfil these requirements of residence the President shall forthwith convene an Extraordinary College Meeting and lay the matter before it together with any cause assigned by the Master. If the President shall fail to convene such Meeting within ten days from the date of the making of such charge then any member of the College Council may convene the Meeting. The Meeting shall have power either to require the Master to come into residence or to accept as sufficient the cause assigned by him.

(6) During any temporary absence of the Master from Cambridge and during any vacancy in the Mastership the President or if he be also absent then the Senior Fellow in residence shall act as Master so far as regards his functions with respect to the general supervision of the College and the maintenance of good order therein and also so far as regards such duties as may be required of the locum tenens of the Master by the University.

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(7) (i) The stipend of the Master elected after the thirty-first day of December nineteen hundred and forty-seven shall consist of

(a) a sum equal to three times the dividend of a stipendiary Unofficial Fellow as may be determined for each year; and

(b) such further sum as may be determined from time to time by the vote of a majority of all the Fellows for the time being at a meeting convened in the manner provided by Section (4) of Statute 7 Provided that the sum so determined as payable to any Master shall not be reduced during his tenure of the Mastership without his consent in writing.

(ii) The Master's stipend shall accrue from day to day.

STATUTE 7. *Election and Pre-election of the Master*

(1) On any vacancy in the Mastership in anticipation of which no pre-election has been made the President or if he shall not be in residence or shall neglect or decline the duty then the next senior Fellow in residence and in the default by him the next senior Fellow in residence and so on shall forthwith after such vacancy shall have become known to him fix some time which shall not be less than twelve nor more than thirty days after the vacancy shall have so become known and convene accordingly for that time a meeting in College of all the Fellows to elect a Master and shall give not less than ten days' notice of such meeting to each of the Fellows.

(2) The President if present shall be Chairman of the meeting; but if he decline to be present the next senior Fellow shall be Chairman and so on. No person shall be elected Master unless he obtains the votes of a majority of all the Fellows for the time being and the voting in the election shall be by ballot and if any person shall obtain the requisite majority of votes that person shall thereupon become Master elect. A person who has not attained the age of sixty years by the date of his election may be elected to the Mastership expressly for a period terminating at the end of the ninth academical year following that in which he becomes Master.

(3) If at the first meeting there shall be no election then the meeting shall stand adjourned to some other time to be fixed by the meeting and so from time to time and if at the end of sixty days from the occurrence of the vacancy no person be elected the power of the Fellows to elect shall cease and the Chancellor of

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the University may by writing under his hand appoint a Master but if the Chancellor shall not appoint within ninety days from the occurrence of the vacancy the right of making such appointment shall devolve on the Visitor.

(4) It shall be competent to the Fellows to pre-elect a Master at any time within six calendar months preceding a date on which a vacancy will occur in the Mastership under the provisions of Statute 8 or Statute 9(2). For the purpose of pre-election of a Master the President or if he shall not be in residence the next senior Fellow in residence may or if he receives a request in writing signed by not less than eight Fellows shall within fourteen days of receiving such request convene a meeting in College of all the Fellows and shall give not less than ten days' notice of such Meeting to each of the Fellows. If the President or if he shall not be in residence the next senior Fellow in residence having been so requested shall decline or neglect the duty then any eight Fellows shall have power themselves to convene the meeting.

(5) The conduct of this meeting and of the pre-election shall be governed by the provisions of Section (2) of this Statute and any reference in these Statutes to the election of a Master includes a reference to pre-election in the absence of express provision or necessary implication to the contrary.

(6) If at the first meeting there shall be no pre-election then the meeting shall stand adjourned till some other time to be fixed by the meeting and so from time to time until there shall be a vacancy in the Mastership.

(7) Every person elected or appointed to the Mastership so soon as conveniently may be after his election or appointment and every person pre-elected to the Mastership so soon as conveniently may be after the occurrence of the next vacancy shall make in the College Chapel immediately after Divine Service in the presence of the Registrary of the College and of at least two members of the College Council the following declaration: "I A.B. do accept the office of Master of Gonville and Caius College and do solemnly promise that I will discharge the duties thereof to the best of my judgment and ability and will uphold the interests of the College as a place of education religion learning and research." On making this declaration he shall become Master of the College and shall thereby vacate any other College offices which he may hold and shall cease to be entitled to any pension held from the College (other than any

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pension or superannuation allowance accruing or accrued under the Federated Superannuation System for Universities or under the U.S.S.) If he wilfully neglect to make it and persist in such neglect for a period of thirty days his election pre-election or appointment shall thereupon become void.

(8) No election of a Master shall be invalid by reason only of the Meeting at which such election shall be made not having been convened by the right person or of any other inadvertent irregularity in the convening of the meeting.

STATUTE 8. *Tenure of Office of Master*

(1) If the Master has been elected expressly for the period specified in Statute 7(2) he shall vacate the office upon the expiry of that period but may be continued in office from time to time until the end of the academical year in which he attains the age of seventy years. A continuation of the Master's tenure under this section shall require a vote of a majority of all Fellows for the time being at a General Meeting held in the first six of the twelve calendar months preceding the expiry of his tenure and shall not be made for a period exceeding five years at any one time.

(2) The Master shall upon the expiry of the academical year in which he shall attain the age of seventy years vacate the Mastership. It shall however be competent to the Fellows at a General Meeting held within the first six of the twelve calendar months preceding the end of the academical year in which the Master will attain the age of seventy years and by a vote in which two-thirds of the whole body of Fellows shall concur to continue the Master in the Mastership for a further period of five years. A Master whose tenure is so continued shall upon the expiry of the academical year in which he shall attain the age of seventy-five years vacate the Mastership.

Provided always that if a person whom the College proposes to elect to the Mastership has on or before the date of the election attained the age of sixty-three but not the age of sixty-eight years he may be elected for a period terminating at the end of the academical year following the expiration of seven years from the date of his election. A Master so elected may be continued in his office as above but in no case beyond the end of the academical year in which he shall attain the age of seventy-five years.

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STATUTE 9. *Resignation of the Master*

The Master may at any time by notice in writing under his hand to the College Council in College Meeting resign his office as Master.

D. – OF THE FELLOWS

STATUTE 10. *Classes of Fellowships.*

(1) Fellowships shall be of the following Classes:

Class A. Fellowships hereinafter called "Unofficial Fellowships" to which conditions of research are attached as provided in Statute 13.

Class B. Fellowships hereinafter called "Official Fellowships" the tenure of which is associated with one of the College posts enumerated in Statute 14 or with one of the University posts enumerated or referred to in Statute 14 or to which a person is elected under Section 4 of Statute 14.

Class C. Fellowships hereinafter called 'Professorial Fellowships' held by Fellows on 30 September 2016 in virtue of such Professorship or other office in the University as was recognised by the Statutes of the University on or before that date as qualifying the officer to hold a Fellowship of this class.

Class D. Fellowships hereinafter called "Life Fellowships" held by those who have retired from active work after the tenure of a Fellowship of Class B, Class C or Class E as provided in Statute 16.

Class E. "Supernumerary Fellowships" as provided in Statute 17.

Class F. Fellowships held by Fellows who having been elected before the twenty-sixth day of January one thousand nine hundred and twenty-four preserve their existing rights and interests in respect of tenure emoluments and status in accordance with and subject to the provisions of Statute 51 hereof.

(2) Of the Classes of Fellowships enumerated above Class A (Unofficial Fellowships) Class B (Official Fellowships) and Class F (excluding such Fellowships as may be supernumerary under the Statutes repealed by these Statutes) shall be stipendiary and Class C (Professorial Fellowships) Class D (Life

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Fellowships) and Class E (Supernumerary Fellowships) shall be non-stipendiary.

(3) Each Fellow of the College shall be either a Corporate Fellow or a Drosier Fellow. If a Fellow is a Corporate Fellow his allowances and if he is also a stipendiary Fellow his dividend shall be paid out of Corporate income. If a Fellow is a Drosier Fellow his allowances and if he is also a stipendiary Fellow his dividend in whole or in part as is hereinafter provided shall be paid out of the Drosier Fund.

STATUTE 11. *Election of Fellows.*

(1) The Election of Fellows shall be made by the College Council and shall take place on such day or days in every year as shall be appointed from time to time by College Order.

(2) The Master shall be present at the election of a Fellow unless prevented by any urgent cause but his absence shall not invalidate any such election.

(3) The College Council shall have power to proceed to an Election to fill a vacancy about to be caused by effluxion of time Provided that the Fellow elect shall not be admitted to his Fellowship until the vacancy actually exists and also that unless the vacancy does arise within fifteen days from the date of the election such election shall be void.

(4) No person shall at any time be elected to a Drosier Fellowship unless and until it shall be considered by the College Council that the amount of net annual income of the Drosier Trust available for the payment of the dividends and allowances of Drosier Fellows will be sufficient to provide for each stipendiary Drosier Fellow the full sum of three hundred pounds per annum and the amount of his allowances and for each non-stipendiary Drosier Fellow the amount of his allowances and to meet any other charges on the Drosier Fund.

(5) The College Council shall have power in their discretion to transfer a Fellow from a Corporate Fellowship to a Drosier Fellowship or from a Drosier Fellowship to a Corporate Fellowship and the Fellow upon such transfer being notified to him shall be deemed to be transferred from the one to the other Fellowship.

(6) In the election of a Fellow that person if any shall be held to be elected who shall obtain the votes of a majority of the

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members of the College Council present. If at the first voting no person shall obtain such majority there shall be a second and if necessary a third voting. If even at this third voting no one obtain such majority then that person shall be held to be elected who shall obtain at this third voting more votes than anyone else and as between two or more obtaining an equal number of votes that person shall be elected for whom the Master if present or if he is absent the Chairman of the meeting shall give a second or casting vote.

(7) Every person elected to a Fellowship shall within thirty days next after his election or within such extended period of time as may be fixed by the College Council at the College Meeting mentioned in the next section of this Statute make in the College Chapel and in the presence of the Master and the Registrary the following declaration; "I A.B. do solemnly promise that I will discharge the duties of a Fellow of Gonville and Caius College to the best of my judgment and ability." On resigning any Scholarship or Studentship in the gift of the College and any Fellowship of any other College in the University and any Fellowship to which a stipend is attached in any other University or College therein which he may be holding and on making this declaration he shall become a Fellow of the College.

(8) If any person elected to a Fellowship shall fail otherwise than for some reason to be announced to the College Council within two calendar months after his election and approved by them as sufficient at the next ordinary College Meeting after such announcement to make the last-mentioned declaration within the said period of thirty days or if an extended period of time has been fixed by the College Council then within that period his election shall thereupon become void.

(9) Fellows who are Graduates of the University of Cambridge and are not Members of the Senate of the University shall qualify themselves in due course to be Members of the Senate. Any such Fellow not so qualifying himself in due course unless prevented by some cause to be approved as sufficient by the College Council within six calendar months after he shall have made such default shall vacate his Fellowship at the expiration of such period of six months.

(10) A Fellow becoming Master of the College or accepting a Headship or Fellowship of any College or Public Hostel in the University shall thereby vacate his Fellowship.

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STATUTE 12. *Stipendiary Fellows.*

(1) The number of Fellows who are stipendiary shall not ordinarily fall below fifteen. Any vacancy which reduces their number below fifteen shall be filled up at the latest within one year of its occurrence Provided that the College Council may with the consent of the Visitor suspend such vacant Fellowship.

(2) The College Council shall have power to create additional stipendiary Fellowships in excess of fifteen and on the occurrence of a vacancy to suppress such additional Fellowships as seems to them desirable in the interests of the College Provided that no election shall be made to any such additional stipendiary Fellowship unless the amount available for dividend in accordance with these Statutes will in the opinion of the College Council be enough to enable the College to pay two-thirds of the maximum dividend which may be payable in accordance with these Statutes to each stipendiary Fellow.

(3) A number of the stipendiary Fellowships from time to time shall in general be reserved for University Lecturers or University Demonstrators or other persons recognised for this purpose by the Statutes of the University and this number shall be the greatest integer which does not exceed half the total number of stipendiary Fellowships Provided that in fixing at any time the total number of stipendiary Fellowships for the purpose of this section such Fellowships falling under Class F above mentioned in Statute 10 as at that time are tenable for life or are held by Professors or Readers shall not be reckoned as stipendiary Fellowships Provided also that the College Council shall have power to reduce from time to time as vacancies occur the number of Fellowships so reserved and the College shall in the event of their exercising this power pay to the University the amount of the fine or fines required by the Statutes of the University to be paid.

(4) The Master shall inform the Vice-Chancellor if at any time the number of the stipendiary Fellows qualified to hold a Fellowship so reserved falls below the number so determined.

(5) A stipendiary Fellow may surrender his right to dividend for the whole or any part of his tenure without thereby ceasing to be deemed a Stipendiary Fellow or losing his claim in respect of dinner in the College Hall or becoming ineligible to receive an allowance in respect of rooms provided that if he so surrender his right to dividend he shall at any time with the

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leave of the College Council have power to resume his right to dividend but not without such leave.

STATUTE 13. *Unofficial Fellows.*

(1) In the election of Unofficial Fellows the College Council shall choose those persons being otherwise duly qualified according to these Statutes whom they shall think to be of the greatest merit and most fit to be Fellows of the College as a place of education religion learning and research from among graduate members of the College or if at any time it be thought fit from among other graduates of the University of Cambridge or from among graduates of any other University who have distinguished themselves in the studies of their Universities or in some other department of science learning or art Provided that for elections made under this Section it shall be competent to the General Meeting to fix from time to time rules of superannuation.

(2) Every Fellow elected under the preceding Section shall vacate his Fellowship at the expiration of four years from the date of his election but so that the period of years shall where any Fellow was elected on a vacancy created by effluxion of time be counted from the date of the occurrence of the vacancy if that date is subsequent to that of the election. Provided that the College Council may by a special vote passed within nine calendar months before the expiration of the first tenure of his Fellowship by an Unofficial Fellow permit him to retain his Fellowship for a further period not exceeding two years, and if the College Council exercise this power the Fellow shall except as hereinafter provided by these Statutes vacate his Fellowship at the end of this further period. Provided also that the tenure of his Fellowship by an Unofficial Fellow elected before the date of the approval of this Statute by His Majesty in Council shall be governed by the provisions of Statute 13 in force at the time of his election.

(3) On electing an Unofficial Fellow or within one year after his election the College Council shall attach conditions of research to his Fellowship and may attach thereto such other conditions as seem to them desirable and on permitting the Fellow to retain his Fellowship for a further period under Section (2) of this Statute may revise the conditions of either class to be attached to his Fellowship during the extended tenure. If the Fellow at any time after one year from the date of his election or in the case of conditions of research after such longer period if

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any not exceeding two years therefrom as may be permitted by the College Council shall fail in their opinion to comply with the conditions so attached or any of them the College Council shall where the failure is in respect of a condition of research and may where it is in respect of any other condition declare by College Order either that he has ceased to be a Fellow or that he has become a Supernumerary Fellow as they shall think fit. He shall thereupon as may have been declared either cease to be a Fellow or become a Supernumerary Fellow for the remainder of the term for which he was elected or permitted to retain his Fellowship. The declaration shall be forthwith communicated by the Registry to the person concerned.

(4) Any Unofficial Fellow who has been permitted to retain his Fellowship under Section (2) of this Statute may be permitted by a resolution stating the grounds for such permission passed at any General Meeting of the Master and Fellows by a vote in which a majority of not less than two-thirds of those present such majority being a majority of the Master and all the Fellows shall concur to retain his Fellowship for a further period named in such resolution not exceeding three years on any one occasion on account of his literary artistic or scientific labours. The General Meeting shall on so allowing a Fellowship to be retained attach conditions of research and shall have power to attach any other conditions to the tenure of the Fellowship which may seem to them desirable in the interests of the College. If in the opinion of the College Council any condition so attached is broken by the holder of the Fellowship it shall be declared vacant by College Order and shall thereupon become vacant.

(5) The maximum dividend of an Unofficial Fellow shall be £300. His dividend for any year shall be this maximum or such fraction of it as is determined for that year by the College Council under the provisions of Statute 43.

STATUTE 14. *Official Fellowships*

(1) Any person holding the Office of Bursar Tutor Dean Lecturer or Assistant Tutor of the College may be elected into an Official Fellowship by the College Council and if so elected he shall continue to be an Official Fellow so long as he holds one or more of these offices.

(2) When an Unofficial Fellow is elected to the Office of Bursar Tutor Dean Lecturer or Assistant Tutor of the College he shall thereupon become an Official Fellow as if he had been

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elected under the preceding section Provided that if he ceases to hold such office and thereupon to be an Official Fellow before the end of the term for which he held his Unofficial Fellowship he shall again become an Unofficial Fellow for the remainder of that term.

(3) The College Council may elect into an Official Fellowship any person who holds the post of University Lecturer or University Demonstrator or such other University post as may be recognized by the Statutes of the University as qualifying for election into an Official Fellowship. The election shall be for a period of years or for the period of the tenure of his qualifying University post Provided that on or before the expiration of any period for which he is elected the College Council may re-elect him for further period of years or for the period of the tenure of his qualifying University post. He shall cease to be an Official Fellow on his ceasing to hold his qualifying post.

The College Council may attach as conditions to the Fellowship of any Fellow elected under this section that he shall reside in the University during such periods as they may determine and that he shall perform such duties of research or teaching within the College as they may prescribe provided they are not in excess of the amount permitted by the tenure of his qualifying University post at the time of his election to an Official Fellowship. On the breach of any such condition the College Council may declare his Fellowship vacant and it shall thereupon become vacant.

(4) The College Council may at any time by a resolution stating the grounds for such election and passed by a special vote fill up any vacancy in the stipendiary Fellowships by the election into an Official Fellowship for a period not exceeding six years of any person of exceptional distinction in science literature or art and may assign to him special functions whether of research or of teaching.

The College Council may before the expiration of any period for which a Fellow so elected holds his Fellowship permit him to retain his Fellowship for a further period not exceeding six years and so on from time to time.

(5) The maximum dividend of an Official Fellow shall be £350 together with such increment as may be determined in his case by the College Council provided that the increment shall not exceed £50 for each completed five years of his tenure of an Official Fellowship and that the aggregate increment shall not exceed £150. His dividend for any year shall be this maximum or

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such fraction of it as is determined for that year by the College Council under the provisions of Statute 43.

STATUTE 15. *Professorial Fellows.*

A Fellow holding a Professorial Fellowship of Class C on 30 September 2016 shall continue to hold that Fellowship so long as he or she holds his or her Professorship or other qualifying University office.

STATUTE 16. *Life Fellows.*

(1) Any person who shall have vacated the office of Master otherwise than by death or by removal under Section 1 of Statute 9 of these Statutes shall immediately after the election of his successor in the Mastership become a Life Fellow.†

(2) Any Fellow who has held for a total of twenty years one or more of the College Offices specified in Section (1) of Statute 14 or a Professorial Fellowship or one or more of such Offices for a part of that time and a Professorial Fellowship for the remainder of that time shall upon his retirement become a Life Fellow.

(3) Any Fellow who has held for a total of thirty years a Fellowship of any class or classes shall upon his retirement become a Life Fellow.

(4) The College Council may by a special vote elect into a Life Fellowship any person who has vacated by retirement an Official Fellowship, a Professorial Fellowship or a Supernumerary Fellowship without being otherwise qualified to become a Life Fellow.

(5) In this Statute the term 'retirement' shall mean retirement by reason of the attainment of a retiring age or by reason of ill-health, except that, in relation to Fellows first elected before 1 October 1978, it shall also include the vacation of office by resignation or expiry of tenure.

† Section 1 of Statute 9 was repealed by the University Commissioners in 1995. The need to substitute a reference to Part VII of Statute 56 here was overlooked. [M.J.P.]

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STATUTE 17. *Supernumerary Fellows.*

(1) The College Council may upon the failure of an Unofficial Fellow to comply with any condition attached to his Fellowship under Section 3 of Statute 13 declare that he has become a Supernumerary Fellow for the remainder of the term for which he was elected or permitted to retain his Fellowship.

(2) The College Council may in special circumstances and by a special vote elect into a Supernumerary Fellowship for a term of years any person who has retired from or otherwise vacated an Official Fellowship, a Professorial Fellowship or a Supernumerary Fellowship (including a Fellowship conferred under this provision) without being qualified to become a Life Fellow.

(3) The College Council may by special vote elect into a Supernumerary Fellowship any person holding office in the College or in the University. The Election shall be for a period of years or for the period of the tenure of his Office Provided that on or before the expiration of any period for which he is elected the College Council may by a like vote continue him for a further period of years or for the period of the tenure of his Office. He shall cease to be a Supernumerary Fellow on his ceasing to hold his Office unless he be otherwise entitled to retain his Fellowship.

STATUTE 18. *Precedence and Duties of Fellows.*

(1) The Fellows shall have seniority and precedence after the President according to the times of their respective elections as Fellows. Provided that the seniority and precedence of a Fellow shall not be affected by any change in the class of his Fellowship or by his transfer from a Fellowship of one class to a Fellowship of another class and that an ex-Fellow who is re-elected to a Fellowship within one year from the vacation of his Fellowship shall resume the seniority and precedence among the Fellows which he had when he vacated that Fellowship and that an ex-Fellow who is so re-elected after a longer interval of time shall reckon towards his seniority and precedence among the Fellows all the time during which he had previously been a Fellow Any person who has become or becomes a Life Fellow under Section 1 of Statute 16 of these Statutes shall reckon towards his seniority and precedence among the Fellows all the

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time during which he had been Master and all the time (if any) during which he had previously been a Fellow of the College.

(2) It shall be the duty of every Fellow to conform to the laws and regulations of the College and to attend General Meetings and to promote as far as in him lies the discipline and good government of the College and if he be a member of the College Council it shall be furthermore his duty to attend to the business of the College.

STATUTE 19. *Removal and Punishment of Fellows.*

If any Fellow be charged before the Master by three at least of the Fellows with neglect of duty or misconduct the Master shall convene a College Meeting to be held as soon as practicable to inquire into such charge and shall cause to be given to such Fellow not less than thirty days before the time appointed for the meeting a notice in writing stating the time and place of holding such meeting and its objects and containing a specification of such charge. The College Council excepting the said Fellow if he be a member thereof shall at the meeting so convened inquire into the charge without in the first instance hearing the Fellow charged and shall decide whether there be or be not prima facie ground for further investigating the same and if they decide that there is not such ground the charge shall not be further proceeded with but if they decide that there is such ground the Master shall thereupon inform the said Fellow of their decision and the said Fellow may if he think fit then require that the charge be preferred before the Visitor and if he then so require the jurisdiction of the College Council in the matter shall cease and the Visitor shall thereupon inquire into the truth of such charge and if he shall find the same or part thereof proved he may impose upon the said Fellow any one or more of the penalties which the College Council are hereinafter in the like case empowered to inflict but if the Fellow charged do not require the said charge to be so preferred the College Council excepting the said Fellow if he be a member thereof shall proceed to investigate the charge and to give the said Fellow an opportunity of being heard thereon and they shall decide on the charge. The said Fellow shall not be present at the voting. If they decide by a special vote that the charge or part thereof is proved they may adjudge by a like vote that the said Fellow be expelled from the College or be deprived of his Fellowship or (subject to the provisions or the safeguarding of pensions and superannuation allowance contained in Section (6) of Statute 36) be suspended

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from the emoluments thereof for any time not exceeding three years or be deprived of any office or offices or be censured by the Master or be subjected to any one or more of the said penalties. Such decision and such judgment shall be forthwith recorded and the Registrary shall give a written copy thereof to the said Fellow within seven days after such decision and judgment and the said Fellow may within one calendar month after receiving such copy appeal to the Visitor against such decision and judgment and if he so appeal the Visitor shall inquire into the charge and shall confirm reverse or vary such decision and judgment as he shall think fit but if the Fellow charged do not within such calendar month commence an appeal or do not duly prosecute the same the decision and judgment of the College Council shall be final.

Provided that, subject to the provisions of Section 6(1) of Statute 56, nothing in this Statute shall apply to a person who is a member of the academic staff to whom Statute 56 applies.

E. – STATUTE 20. OF THE SCHOLARS EXHIBITIONERS AND RESEARCH STUDENTS

(1) The Scholars and Exhibitioners of the College shall subject as herein provided as to the controlling direction of the College Council be elected by an electing body composed of the College Council together with such other Fellows as may have been appointed by the College Council to take part in ascertaining the merits of the candidates for Scholarships.

The Research Students of the College shall be elected in such manner and upon such conditions as shall be from time to time prescribed by the College Council.

(2) Subject to the provisions of these Statutes the tenure and emoluments of Scholarships Exhibitions and Research Studentships shall in all cases be such as the College Council may from time to time determine but no Scholar or Exhibitioner shall retain his Scholarship or Exhibition and no one shall be elected to a Research Studentship after he is of standing to take the degree of Master of Arts or Master of Laws.

(3) The attainments of candidates for Entrance Scholarships and Exhibitions shall be tested by open examination conducted by the College acting either singly or as a member of a group of Colleges.

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Entrance Scholarships shall be awarded only to candidates who have not attained before the first day of the month in which the examination begins the age of nineteen years and three months or such lesser age as the College Council may from time to time determine except that at one such election in each year one Entrance Scholarship may be awarded without restriction of age. Entrance Exhibitions may be awarded without restriction of age.

(4) The titular emolument of a Scholarship shall be such sum not exceeding one hundred pounds and not less than sixty pounds as the College Council may from time to time determine. The actual emolument of a Scholarship shall consist of:

(a) rooms allowance, namely, either an allowance of fifty pounds per annum or free rooms (the value of which shall for this purpose be reckoned at fifty pounds per annum) as the College Council may from time to time determine unless at any time after election to his Scholarship a Scholar shall waive this allowance;

(b) such supplementary payment, if any, not exceeding with his rooms allowance the amount of his titular emolument as the College Council may from time to time determine (having regard to the principles governing the receipt of emoluments to be laid down from time to time in pursuance of the Statutes of the University) as justified from time to time by the pecuniary circumstances of the Scholar and his family Provided that in the event of a Scholar coming into residence during the Long Vacation the College Council shall have power to make in addition an allowance from the Scholarship Fund for the rent rates and taxes of his rooms during such period of residence Provided also that the total payments to him from the Scholarship Fund shall not exceed in any year the total amount of his titular emolument.

(5) The titular emolument of an Exhibition shall be forty pounds per annum and this amount shall be paid without regard to the financial circumstances of the Exhibitioner unless at any time after election to his Exhibition the Exhibitioner shall waive this emolument.

(6) Every person elected to a Scholarship an Exhibition or a Research Studentship shall if not already a member of the College forthwith procure admission as such and in default thereof his election shall be void.

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(7) (i) Save as otherwise provided in these Statutes no payment of any emolument shall be made to any person in statu pupillari not being a Fellow of the College from the general revenues of the College or from any fund under the control of the College unless the College Council hold it to be justified by his financial circumstances. In fixing any such payment the College Council shall pay heed to any general principles that may be laid down by the University Intercollegiate Advisory Committee on Scholarships.

(ii) The following emoluments may be paid to persons in statu pupillari without regard to their financial circumstances:

(a) the rooms allowance of Scholars and the emolument of Exhibitioners hereinbefore mentioned

(b) the emoluments of any Scholarship held by a person who has been admitted or is qualified to be admitted to a degree and who satisfies the College Council that he intends to pursue a course of research

(c) the emolument of any Studentship held by any person who has been admitted to the status of Research Student in the University

(d) prizes awarded for success in any examination or competition of the College or University provided that in the case of prizes not charged upon any trust or special fund in consequence of a gift for the purpose not more than £10 may be awarded in money to any person in respect of any one examination or competition

(e) payments for services rendered.

(8) The preceding sections of this Statute shall not apply to (a) Scholarships awarded under the Salomons Trust except in so far as they are consistent with the terms of the Indenture of 18 June 1895 founding that Trust nor to (b) Emoluments payable out of any trust fund which by the direction of the donor (so long as his direction is legally binding on the College) or by regulations made for the time being by any legally competent authority other than the College are required either expressly or by necessary implication to be paid without regard to financial circumstances.

(9) The College Council may at any time on the ground of immoral or unbecoming conduct or of unsatisfactory progress in study or of want of due diligence or for any other reason that may seem to them sufficient deprive any Scholar Exhibitioner or Research Student of his status as such and of the whole or any

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part of the emolument of his Scholarship Exhibition or Research Studentship.

F. – OF OTHER MEMBERS OF THE COLLEGE

STATUTE 21. *Honorary Fellows.*

The Master and Fellows may at a General Meeting by a vote concurred in by a majority of not less than two-thirds of those present and taken in the presence of a majority of the Master and all the Fellows elect any distinguished person to an Honorary Fellowship. The Master and Fellows may by a like vote terminate the tenure of an Honorary Fellowship. An Honorary Fellow shall not by virtue of such Fellowship possess any voice in the government of or have any authority in the College or be entitled to any dividend but may enjoy such other privileges and advantages as the College Council may from time to time determine.

STATUTE 22. *Ex-Fellows.*

All ex-Fellows shall have such of the privileges and advantages of Fellows other than the right to receive dividends or allowances or to possess a voice in the government of or to have authority in the College as the College Council shall from time to time determine.

STATUTE 23. *Admission.*

In all cases in which no other mode of admission is provided by these Statutes the Master shall subject to anything contained in these Statutes and in the Statutes of the University control the admission of persons to be members of the College under such rules as shall from time to time be prescribed by the College Council provided always that no person may be admitted to reside as a member of the College in statu pupillari who is not qualified to be matriculated.

STATUTE 24. *Persons in Statu Pupillari.*

Members of the College in statu pupillari shall pay such fees at such times as the College Council shall from time to time determine. They shall moreover show due reverence and obedience to the Master and Fellows and the Officers of the College they shall conduct themselves in a quiet and orderly

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manner and shall observe the Statutes and shall conform to all such orders and regulations as may be made by the Master or the College Council from time to time for the good government of the College and if any such member not being a Fellow of the College shall fail to observe and conform to all the Statutes orders and regulations aforesaid or shall be guilty of any conduct subversive of or prejudicial to discipline or good order or tending to bring scandal upon the College he shall be punished by the College Council or the Master or any Tutor Dean Lecturer or Assistant Tutor Provided always that the penalty of final removal from the College or in the case of a Scholar Exhibitioner or Research Student of temporary or permanent deprivation of his status as Scholar Exhibitioner or Research Student or of any of the emoluments or advantages thereof shall be inflicted only by the College Council and that the penalty of temporary removal from the College shall be inflicted only by the College Council or the Master.

G. – OF THE OFFICERS OF THE COLLEGE.

STATUTE 25. *Enumeration.*

(1) There shall be in the College the following officers:

A President a Bursar or Bursars a Tutor or Tutors a Dean or Deans as many Lecturers and Assistant Tutors as the College Council may from time to time determine a Praelector Rhetoricus a Steward a Registrary a Librarian and generally such and so many officers other than the foregoing as the College Council may from time to time determine.

(2) The following offices shall together with the Mastership be called "primary pensionable offices" namely the offices of Bursar Tutor Dean Lecturer or Assistant Tutor.

STATUTE 26. *The President.*

(1) One of the members of the College Council shall be elected by a General Meeting to be President of the College and shall hold office for such period not exceeding four years as may be then determined but if before the expiration of such term he shall cease to be a member of the College Council he shall thereby vacate the office of President.

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(2) The functions of the President shall be to act as Master to the extent specified in these Statutes when the Master is absent and during a vacancy in the Mastership and he shall not during full term be absent from Cambridge at the same time as the Master except for some reasonable cause to be approved by the College Council.

(3) The President shall have seniority and precedence in the College next after the Master.

(4) The President shall receive out of the College income in addition to his emoluments as Fellow an annual allowance of fifty pounds or such larger sum as may be determined by the College Council for the discharge of the duties of his office.

STATUTE 27. *The Bursars.*

The Bursar or Bursars shall manage the College property under the control and direction of the College Council and in accordance with the general rules and special orders by them from time to time made for his direction and if in the interval between any two College Meetings it be necessary for a Bursar in the management of College property to act in any matter without the sanction of any such rule or order he shall in the first instance communicate with the Master thereon and the Master shall summon a College Meeting if he consider it desirable so to do or shall advise the Bursar as to the best mode of acting in the matter.

STATUTE 28. *The Deans.*

(1) The Dean or Deans shall preserve religious and moral discipline among the members of the College in statu pupillari.

(2) Except for some cause to be approved by the Master or in his absence by the President at least one Dean shall be in residence at those times of the year when the Chapel is open for daily service.

STATUTE 29. *The Steward.*

The Steward under the control and direction of the College Council shall manage the domestic affairs of the College and receive and pay all sums of money which become due in the transactions incident to such management.

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STATUTE 30. *The Registry.*

The Registry shall give notice of meetings and shall accurately record all the proceedings of those meetings and shall discharge such other duties of a Registry as the College Council shall from time to time prescribe.

STATUTE 31. *Appointment of Officers other than the President.*

(1) All Officers except the President Tutors Lecturers and Assistant Tutors shall (subject as in this Statute provided) be annually appointed by the College Council by College Order; but whenever any Officer appointed under this subsection shall have been appointed to hold and shall have held the same office for three successive years it shall be competent to the College Council to continue him in that office for any period not exceeding at any one time three years and so on from time to time.

(2) Each Tutor shall be nominated by the Master and the person so nominated shall be submitted to the College Council for appointment into the office of Tutor by College Order. In the event of the person so nominated not being appointed the College Council shall proceed to appoint some person to the office of Tutor in the manner provided by Statute 11 Section (6) for the election of Fellows. The Assistant Tutors and the Lecturers shall be appointed by the College Council in the manner provided in Statute 11 Section (6) for the election of Fellows.

(3) The appointment of a Tutor or Assistant Tutor made under the foregoing provisions shall (subject as in this Statute provided) cease at the expiry of two years from the date on which it took effect. Any Tutor or Assistant Tutor so appointed may, however, be reappointed by a special vote of the College Council to hold office for a further period of three years and so on from time to time.

(4) The appointment of a Lecturer shall (subject as in this Statute provided) cease on the expiry of three years from the date on which it took effect. He may, however, be reappointed by a special vote of the College Council either for a period of two years terminating upon the expiry of five years from the date on which his original appointment took effect or without any named period. A Lecturer who has been reappointed for a period of two years as aforesaid may be reappointed by a special vote of the College Council without any named period. A Lecturer who is

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reappointed without any named period shall thenceforth subject as by these Statutes otherwise provided retain his office until his death or until the vacation of his office by resignation retirement or removal under these Statutes.

(5) The appointment of the Master by the College Council to any College office shall require the concurrence of nine members of the College Council without the Master and (notwithstanding anything in this Statute contained) may be for any period not exceeding five years.

(6) The College Council shall have powers on the appointment of an officer to attach to the tenure of the Office any special condition that may seem to be advisable in the interests of the College. On any breach of a condition so attached the Office may be declared vacant by the College Council and shall thereupon become vacant.

(7) No person shall be deemed to be an officer for the purposes of these Statutes unless he shall have been appointed in the manner provided by this Statute and all appointments and re-appointments under this Statute shall be recorded by the Registry.

STATUTE 32. *Of the duties of Tutors Lecturers and Assistant Tutors.*

(1) The Tutors shall maintain a proper discipline among the members of the College in statu pupillari and shall with the aid of the Lecturers and Assistant Tutors conduct the education of their pupils in such manner as the College Council may from time to time direct.

(2) The Tutors Lecturers and Assistant Tutors shall take part in the conduct of Scholarship and other College examinations when required so to do by the College Council.

STATUTE 33. *Residence in College of Officers and Fellows.*

(1) The College Council shall have the power of requiring any College Officer to reside in College during term and during that part of the Long Vacation in which members of the College in statu pupillari are allowed to be in residence.

(2) No College Officer or Fellow shall use rooms in College as a residence for his wife or family unless such rooms shall have been previously approved by the College Council for the purpose.

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STATUTE 34. *Remuneration of Officers.*

The College Officers except the Master and President shall receive such stipends as the College Council shall from time to time determine. The Tutors Lecturers and Assistant Tutors shall be paid out of the Tuition Fund.

STATUTE 35. *Removal of Officers.*

(1) The College Council shall have power by a special vote at any time to remove from his office any of the College Officers except the Master and President or a person who is a member of the academic staff to whom Statute 56 applies.

The President may be removed from his office at any time by a General Meeting by a vote in which a majority of three-quarters of those present shall concur such majority being not less than two-thirds of the Master and all the Fellows.

(2) No member of the College Council shall be present at the voting of that body upon the question of his own removal from any College Office.

STATUTE 36. *Retirement of Officers and Superannuation System.*

(1) When any person shall while holding some or one of the offices of Tutor Assistant Tutor Lecturer or any other teaching office attain the age of sixty years he shall at the end of the academical year in which he so attains the age of sixty years vacate any such office or offices held by him. It shall however be competent to the College Council by a special vote to re-appoint him to any office or offices thereby vacated by him for a period not exceeding five years at any one time Provided that no person shall be re-appointed to hold office as Tutor Assistant Tutor Lecturer or any other teaching office beyond the end of the academical year in which he shall attain the age of sixty-seven years.

(2) When any person shall while holding some or one of the offices of Bursar Dean Steward or any other administrative office attain the age of sixty years he shall at the end of the academical year in which he so attains the age of sixty years vacate any such offices held by him. It shall however be competent to the College Council by a special vote to re-appoint him to any office or offices thereby vacated by him for a period not exceeding three years at any one time provided that no person shall be re-appointed to hold office as Bursar Dean Steward or any other administrative

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office beyond the end of the academical year in which he shall attain the age of seventy years.

(3) The College shall participate in the Universities Superannuation Scheme.

(4) The College shall continue to participate in the Federated Superannuation System for Universities in respect of those persons entitled to remain in that System.

(5) The College shall make regulations for the administration of its superannuation arrangements, provided that insofar as such regulations relate to the Universities Superannuation Scheme or to the Federated Superannuation System for Universities they shall be compatible with the constitution and rules of the Universities Superannuation Scheme or the Federated Superannuation System for Universities respectively.

(6) Neither the vacation of a Fellowship under these Statutes nor the deprivation of a Fellowship under Statute 19 shall operate so as to cause the vacation or forfeiture of any pension or superannuation allowance actually being received by or accruing or accrued due to a Fellow under any Superannuation arrangements or of any claim to or interest in the realisable value at the date of such vacation or deprivation of any provision being made for his pension or superannuation allowance by way of insurance or otherwise under any Superannuation arrangements. In the event of suspension from the emoluments of a Fellowship under Statute 19 the College shall nevertheless continue during the period of the suspension to make all contributions that may be necessary to preserve unimpaired the benefits accruing under any Superannuation arrangements.

H. – STATUTE 37. OF TUITION IN THE COLLEGE

(1) Adequate instruction shall so far as reasonably practicable be provided or secured for every person in statu pupillari in the subjects of the several University courses and examinations.

(2) The Master or in his absence the President shall call together at least once a term the Tutors Lecturers and Assistant Tutors to consult with him upon the instruction given in the

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College and to consider what arrangements may be required for the instruction of Members in statu pupillari.

K. – STATUTE 38. OF DIVINE WORSHIP AND RELIGIOUS INSTRUCTION

Having regard to the provisions of Section 6 of "The Universities Test Act 1871" the College Council may make such regulations as they shall deem expedient for the celebration of Divine Service in the College Chapel according to the Liturgy of the Church of England and for requiring or dispensing with attendance on the same and may vary such regulations from time to time and having regard to the provisions of Section 5 of the said Act the College Council may if they think fit provide stipends from the revenues of the College for persons who may be appointed to carry out the said provisions.

L. – OF THE ACCOUNTS OF THE COLLEGE.

STATUTE 39. *Of the Collection of Moneys and the Audit and Examination of Accounts.*

(1) All moneys due to the College shall be received and collected by some Officer or Officers appointed by the College Council to receive the same and all moneys so received shall so soon as reasonably practicable be placed to the credit of the appropriate accounts.

(2) Each Officer of the College who shall receive or pay any money on its behalf shall keep accurate accounts in the form prescribed by the Statutes of the University and shall prepare them for audit up to such day as subject to the provisions of the Statutes of the University the College Council shall from time to time direct.

(3) The Kitchen Accounts and Statistics shall be kept in such form as may be laid down by the Statutes and Ordinances of the University. The Kitchen shall bear the cost of inspection of its accounts and of any report to be made thereon by any body of firm appointed by the University.

(4) The accounts shall be audited by one or more professional Auditors (not being members of the Governing Body)

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appointed by the College Council. The Auditors shall examine the accounts and if they find them correct they shall certify them and sign such statement or abstract relating to the accounts as may be required by the Statutes of the University. If the Auditors are unable to certify any of the accounts they shall state the reason in writing to the College Council.

(5) The College Council shall appoint two or more Fellows as Examiners of accounts, and may assign to them such remuneration as they think fit.

(6) The Examiners of accounts shall examine the accounts and shall be entitled to consult with the Auditors. They shall report in writing to the College Council on the manner in which College Orders relating to accounts have been carried out and if they think fit on matters of general financial policy and they shall perform such other duties relating to the accounts as shall be assigned to them from time to time by the College Council.

(7) The accounts as audited shall be submitted to the Master and afterwards to the College Council and if found to be correct shall be passed by them and shall thereupon be signed by the Master and no officer shall be deemed to have rendered a just account to the College until his accounts shall have been so passed.

(8) After the accounts have been passed by the College Council they shall be submitted together with the report of the Examiners of accounts to a General Meeting of the Master and Fellows.

(9) Any Fellow shall be entitled to inspect the full accounts of the College for any year.

STATUTE 40. *Abstract of Accounts to be sent Annually to the Vice-Chancellor.*

An abstract of the several accounts of the College relating to funds administered either for general purposes or in trust or otherwise shall be sent on or before the thirty-first day of December in every year to the Vice-Chancellor for publication. The abstract shall be made as nearly as practicable in the form required by the Statutes of the University.

The accounts of receipts and expenditure of moneys if any raised under the borrowing powers of the College shall be sent annually at the same time to the Vice-Chancellor for publication.

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STATUTE 41. *Of Contributions for University Purposes.*

(1) The College shall pay annually to the University the sum authorized by the Statutes of the University made under the powers of the Universities of Oxford and Cambridge Act 1923 to be levied from the College.

(2) The College Council shall have power to charge to the income of any Trust Fund already accepted or in the future to be accepted by the College so much of the sum so to be paid to the University as shall be levied in respect of such Trust. In particular and without prejudice to the generality of this power they shall have this power in respect of the following Trusts the Drosier Trust the Perse Trust the Frank Smart Studentship Trust and the Frank Smart Bequest Trust and the Master and Fellows as the trustees or governing body of each of such Trusts hereby consent as required by Section 8 of the Universities of Oxford and Cambridge Act 1923 to any amendment of such Trusts rendered necessary to give effect to the exercise of this power.

STATUTE 42. *Special Payments and Allowances.*

(1) The College Council may subject to the provisions of the Statutes of the University and any provisions of these Statutes make from time to time such payments as they shall think fit out of the College income to the College Building Fund to the Repair Fund to the Pension Fund to the Tuition Fund to the Studentship Fund to the Scholarship Fund and to the Supplementary Scholarship Fund.

(2) The College Council may from time to time pay such reasonable donations and subscriptions as they may see fit in connection with places in which the College has property or for the furtherance of any literary or scientific purpose.

(3) The expense of the dinner in the College Hall and of such commons as the College Council shall authorise from time to time shall be paid out of the College income in respect of the Master and the Corporate Fellows (and of Honorary Fellows in cases in which the College Council shall so authorise) and out of the Drosier Fund in respect of the Drosier Fellows and the College Council shall apply for that purpose such sums as they shall from time to time think fit. The College Council may at the request of any Fellow assign rooms in College to such Fellow and may out of the College income if he is a Corporate Fellow or out

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of the Drosier Fund if he is a Drosier Fellow make such allowances for rent to him as they shall think fit provided that the value of such allowance shall not exceed that of the rent rates and taxes payable in respect of such rooms.

(4) Upon the occasion of meetings of the Fellows summoned for the purpose of electing a Master and of General Meetings in respect of which notice has been given of the proposal of a resolution requiring for its passing a vote in which a majority of not less than two-thirds of those present such majority being a majority of the Master and all the Fellows shall concur the College Council shall have power to authorise the payment out of the College income of the reasonable travelling expenses of all Unofficial Fellows and Life Fellows and Supernumerary Fellows then resident out of Cambridge and within Great Britain. The College Council shall have power to act for the purpose of this section notwithstanding the existence of a vacancy in the Mastership.

(5) The College Council may make to any Fellow a special grant or grants out of the College income in view of the expenses which the special nature of his research work may involve.

(6) No payment by the College to the Master or any Fellow or College Officer in respect of Fellowship dividend or stipend or other emolument shall be made free of income tax or supertax nor shall any allowance be made to any such person on account of income tax or supertax.

STATUTE 43. *Declaration and Payment of Dividend.*

(1) After the accounts of the College for any year have been passed by the College Council the College Council shall declare that the dividend to be paid for the year then closed shall be either the maximum dividend or such percentage specified by them of the maximum dividend as is in their opinion justified by the state of the accounts. Dividends shall accrue from day to day.

(2) The amount available for dividend shall be the balance shown in the Endowment Account constituted as required by the Statutes of the University for the year just closed increased by any payments already made in respect of dividends and brought to charge in that account after providing for the payment thereout of the sum payable to the Master in pursuance of paragraph (i)(b) of Section (7) of Statute 6 provided that in order

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to avoid fluctuations in the value of the dividend due to temporary causes the College Council shall have power to bring into account sums standing to the credit of the General Capital Account constituted as required by the Statutes of the University.

(3) After the College Council have declared a maximum dividend or a percentage dividend for any year there shall forthwith be paid to the Master and to each stipendiary Corporate Fellow the maximum dividend authorised for him by these Statutes for that year or the declared percentage of that maximum as the case may be less any payments previously made to him as payments on account of dividend for the year in question and there shall be paid to each Official Drosier Fellow the sum that would have been paid to him if he had been an Official Corporate Fellow less the dividend he is entitled as provided in these Statutes to receive from the Drosier Fund for the year in question.

STATUTE 44. *Payment of Drosier Dividend.*

(1) There shall be paid to each stipendiary Drosier Fellow from the Drosier Fund a dividend hereinafter called the Drosier dividend.

(2) The sum available for the payment of Drosier dividends for any year shall be the balance of the Drosier Fund for that year after all other just claims on the Fund for that year have been met together with any balances accumulated in the Fund from previous years which have not by College Order been added to the Capital of the Fund.

(3) The Drosier dividend shall be £300 if the sum available for Drosier dividends is sufficient for that purpose. Otherwise it shall be the largest amount for which the sum so available is sufficient. Dividends shall accrue from day to day.

STATUTE 45. *Trust and other Funds.*

(1) Separate accounts shall be kept of the properties of each Trust Fund administered by the College and such other accounts as may be required by the Statutes of the University or by this Statute.

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Repair Fund

(2) The Reserve Fund established by previously existing Statutes shall be discontinued and the assets standing to the credit of that Fund shall be transferred to the Repair Fund hereby constituted and no payment shall be required in lieu of the payments which but for these Statutes would have been made to the Reserve Fund. The Repair Fund shall be administered in accordance with the Statutes of the University.

The Pension Fund

(3) The Pension Fund shall consist of all sums which shall be due to or standing to the credit of the former Pension and Endowment Fund and of all moneys paid to its credit in conformity with the provisions of these Statutes.

(4) The income of the Pension Fund shall be used in the payment of such pensions as shall for the time being be payable under the provisions of these Statutes and in the payment of contributions made by the College under the Superannuation arrangements authorised by Statute 36. The Endowment Account constituted as required by the Statutes of the University shall make to the income of the Pension Fund such contribution if any as is required to enable these payments to be made.

(5) If and whenever the income of the Pension Fund shall be more than sufficient to provide for such payments the College Council may apply the excess or any part of it in aid of the income of the Endowment Account in or towards making the payments directed to be made from that Account or in endowing any new Fellowships or Scholarships or in encouraging research or teaching in special departments of literature art or science or for any like purpose.

(6) All income of the Pension Fund not applied in manner aforesaid shall be accumulated in augmentation of the capital of the Pension Fund and be invested accordingly Provided that if in any year in which the income of the Fund shall be more than sufficient to provide for existing charges and the aggregate of those charges shall in the opinion of the College Council be below the average the College Council may set aside the excess or any part of it and reserve and afterwards use the same for making good any deficiencies in any succeeding year or years.

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The College Building Fund

(7) This Fund shall consist of the present College Building Fund and of such annual or other payments as shall from time to time be made to it by the College Council. The capital and income of the Fund may be used for the purpose of erecting new buildings or rebuilding enlarging or improving any buildings in or in connection with the College or for the purpose of repaying any moneys borrowed from any source for any of such purposes and the income for the current year may be resorted to and applied in aid of the income of the Endowment Account.

The Tuition Fund

(8) The Tuition Fund shall consist of the tuition fees the fees paid to the College by persons for attendance at lectures delivered by College Lecturers and for supervision of studies. The tuition fees shall be of such amount as to ensure that the Tuition Fund is normally self-supporting but if in any year owing to exceptional circumstances the income of the Fund is insufficient to meet the charges upon it the College Council shall have power to discharge the whole or any part of the deficiency out of the general revenues of the College. The College Council shall determine what payments shall be made from the Fund to the Tutors and Lecturers and Assistant Tutors of the College and what other expenses the Fund shall bear. Provided that notwithstanding anything contained in this Statute the College Council shall have power to provide out of the general revenues of the College for the whole or any part of the stipend of any College Lecturer or other person for instruction the cost of which in the opinion of the College Council could not equitably be borne by the Tuition Fund.

The Scholarship Fund

(9) This Fund shall consist of the present Scholarship Fund and of all moneys which shall in conformity with the provisions of these Statutes be paid to the credit of the Fund and it shall be applied for the purpose of paying the emoluments of Scholarships and Exhibitions in accordance with the provisions of Statute 20.

(10) The difference between the titular emolument of a Scholarship or an Exhibition and the emolument actually paid to a Scholar or an Exhibitioner under the provisions of Statute 20 shall be paid into the Supplementary Scholarship Fund constituted by these Statutes.

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The Supplementary Scholarship Fund

(11) This Fund shall consist of moneys which shall in pursuance of the provisions of these Statutes be paid to the credit of the Fund.

(12) The College Council may give assistance to poor Scholars and Exhibitioners beyond the titular emoluments of their Scholarships or Exhibitions from the Supplementary Scholarship Fund provided that no such assistance shall be given unless the College Council is satisfied that every effort has been made to secure adequate assistance for the student from sources or funds other than those administered by the College. The College Council may announce their power to grant assistance to poor Scholars and Exhibitioners in any notice of competition for Scholarships and Exhibitions but shall not mention any specific amounts of such assistance.

(13) The College Council may use for making grants in aid of research any part of the Supplementary Scholarship Fund which may remain after provision has been made for the assistance of poor Scholars and Exhibitioners.

The Studentship Fund

(14) This Fund shall consist of the present Studentship Fund and of all moneys which shall in conformity with the provisions of these Statutes be paid to the credit of the Fund and it shall be applied as the College Council shall from time to time think proper in providing stipends and grants for research students.

The Caution Fund

(15) This Fund shall consist of such moneys paid in advance by or on behalf of persons in statu pupillari as the College Council shall from time to time direct and shall be invested and applied in accordance with the directions of the College Council.

M. – MISCELLANEOUS

STATUTE 46. *The Management of the Endowments and Revenues of the College.*

Application

- (1) This Statute applies to
- (a) all property held by the College which is not held on any specific trust
 - (b) all property held by the College which is held by it on trust for purposes connected with the College
 - (c) all property held by trustees who hold on trust for purposes connected with the College and have consented to the provisions of the statute and the term “trust” in this Statute refers to such trusts.

Power to acquire manage and dispose of property

- (2) The College shall have power to acquire charge manage dispose of and bring actions in respect of any property to which this Statute applies including land in such manner and upon such terms as the College shall in its absolute discretion think fit so that the College shall be entitled to exercise any power and may enter into and carry out any transaction in relation to such property which an individual of full legal capacity holding or acquiring such property for his own benefit could exercise enter into or carry out.

Power to acquire and deal with land

- (3) The College may acquire and deal with land in the United Kingdom or elsewhere
- (a) as an investment
 - (b) for occupation or
 - (c) for any other purpose
- and shall have all the powers of an absolute owner in relation to such land.

Power to borrow

- (4) The College may raise money on loan by way of mortgage or otherwise for any purposes for which the raising of money on loan is authorised by the Universities and College Estates Acts provided always that the College shall make provision by the creation of a sinking or redemption fund or otherwise for the discharge of the money borrowed and payment of interest

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over such period as may be prescribed by Ordinance not exceeding the maximum period permitted under those Acts.

Power to invest

(5) (i) The College may invest any property to which this Statute applies and the proceeds of any disposition thereof upon or in such other property including land as the College shall in its absolute discretion think fit so that the College may exercise any power to invest and to vary any investment and may carry out any transaction in relation thereto which an individual of full legal capacity investing property for his or her own behalf could exercise enter into or carry out.

(ii) In exercising the powers of investment vested in the College the College Council and any committee acting on their behalf shall exercise such care and skill as is reasonable. In particular the College Council shall from time to time review the investments made by the College and shall consider whether and how they should be varied. When making or reviewing any investments the College Council shall have regard to such matters as the Governing Body may specify by Ordinance.

Power to expend

(6) (i) Subject to any restrictions specified in Ordinances made by the Governing Body the College Council may appropriate for expenditure so much of the fair value of the property to which this Statute applies as they consider in their discretion is prudent in all the circumstances having regard to the Total Return achieved and reasonably expected in the long term of that property. The assessment of the fair value of the property and of the Total Return achieved and reasonably expected shall be calculated in such manner as the Governing Body may specify by Ordinance.

(ii) In exercising the powers conferred in the preceding paragraph the College Council shall have regard to

- (a) the obligation to preserve and foster the endowment of the College as a perpetual eleemosynary charity
- (b) the obligation to balance the need to fulfil its objects and the objects of any trust at the current time against the need to do so in the future
- (c) such matters as the Governing Body may specify by Ordinance

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and shall report annually to the Governing Body on the manner in which they have done so.

(iii) In this Section:

(a) “fair value” means the amount at which an asset could be exchanged in an arm’s length transaction between informed and willing parties other than in a forced or liquidation sale

(b) “total return” means return in terms of both income whether received or accrued and capital appreciation whether realised or unrealised.

(iv) Any appropriation made under this Section shall in the case of property of the College be made for the purposes of the College and in the case of a trust fund shall be made for the purposes of that trust.

(v) Any references in the Statutes of the College or in any trust to the income or revenues of the College or of the trust fund shall include the total sums appropriated in accordance with this Section and the sums so appropriated shall constitute income within the meaning of the Statutes or trust.

Power to apply funds in lieu of borrowing

(7) In addition to the expenditure of any appropriation made under the preceding Section the College Council may apply further funds to any purpose for which capital money may be borrowed under the Universities and College Estates Acts provided that the like provision shall be made for replacing the funds as is required to be made for the repayment of money borrowed under Section 4 of this Statute.

STATUTE 47. *The Common Seal and Muniments of the College.*

The Common Seal of the College shall be kept in a secure place fastened with three locks the keys of which shall be severally kept by the three key-keepers to be appointed by the College Council. It shall be the duty of these key-keepers to attend every meeting of the College Council. In the event of any key-keeper being prevented by reasonable cause from attending any meeting of the College Council he shall hand his key to some member of the College Council as his deputy but no person shall have two of the three keys in his keeping at the same time.

The College Seal shall be affixed to documents in such manner as the College Council shall from time to time determine Provided always that it be affixed either (1) at a College Meeting

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in pursuance of a College Order or (2) in pursuance of a College Order in presence of the three key-keepers or their deputies or (3) with the written consent of the Master or if he be not in residence of the President or if he be absent of the Senior Fellow in residence and at least seven other members of the College Council in the presence of the key-keepers or their deputies. Provided also that if the seal be affixed in accordance with provision (2) the affixing shall be confirmed at the next ordinary College Meeting, and if in accordance with provision (3) the affixing shall be confirmed at the next ordinary College Meeting and the names of the members of the College Council who gave their consent shall be recorded on the Gesta of the meeting. The Muniments of the College shall be kept in a secure place under the care of an officer or officers appointed by the College Council.

STATUTE 48. *Giving of Notice*

(1) In all cases in which by these Statutes notice is required to be given to the Master it shall be sufficient that the notice be left at the Master's Lodge.

(2) Every Fellow shall upon or immediately after becoming a Fellow and may from time to time afterwards leave with such Officer as the College Council shall appoint a place of address to which all notices intended for him are to be sent; and in all cases in which by these Statutes notice is required to be given to any Fellow it shall be sufficient that the notice be sent by post or otherwise to the last address so left by him. A list of the places of address so left by the several Fellows shall be kept in such a place as the College Council shall appoint and shall be open to the inspection at all reasonable times of the Master and of any Fellow. Any Fellow who shall not have left with the proper Officer a place of address shall notwithstanding any of the provisions contained in these Statutes with respect to notice not be entitled to any notice whatever of any proceeding matter or thing whatsoever even though it may especially affect him individually.

STATUTE 49. *Construction and Interpretation of the Statutes.*

(1) In these Statutes and in any order or regulation made under them: (a) words of the masculine gender shall import the feminine in the absence of express provision or necessary implication to the contrary; (b) references to the income of the College or of any trust fund shall include the total amounts

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appropriated in accordance with Statute 46(6) and the amounts so appropriated shall constitute income within the meaning of the Statutes.

(2) If any question shall arise in regard to the construction or interpretation of any of these Statutes it shall be decided by the College Council and upon the request in writing of the Master or any Fellow notice of their decision shall be given to the Master and each of the Fellows. It shall be competent to any person affected by such decision to appeal to the Visitor provided he appeal within two calendar months or within such period not less than two calendar months as shall be allowed by the College Council for the purpose after notice of the decision shall have been given to him but failing an appeal within the time allowed for the purpose the decision of the College Council shall be final. The Visitor if appealed to within due time may affirm vary or reverse the decision of the College Council and his decision shall be final.

(3) In accordance with the provisions of the Education Reform Act 1988, nothing in these Statutes shall enable or require the Visitor –

- (a) to hear any appeal or determine any dispute relating to a member of the academic staff to whom Statute 56 applies which concerns the member's appointment or employment or the termination of that appointment or employment; or
- (b) to disallow or annul any Ordinances of the Governing Body made under or having effect for the purposes of Statute 56.

STATUTE 50. *Amendments of the Drosier Trust*

(1) In pursuance of the provisions contained in the Universities of Oxford and Cambridge Act 1923 and all or any other powers enabling them to alter the provisions of Dr Drosier's Will the Master and Fellows by this Statute enact that no provisions in these Statutes contained shall be invalid on the ground that they do not accord with the provisions of Dr Drosier's Will and in particular but without prejudice to the generality of this Statute they make the following alterations in the trusts taking effect under the Trust provisions of Dr Drosier's Will:

- (a) Clauses three four and seven of the Trust provisions of the will shall henceforth cease to have any operation.

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(b) Clauses eight nine and ten of the Trust provisions of the will shall be modified by substituting the words "three hundred pounds per annum" for the words "two hundred and fifty pounds per annum free of income tax".

(2) The Master and Fellows shall have the same power in regard to the alteration of the provisions of Dr Drosier's Will and the substitution of new provisions therefor as is or may be conferred upon them with regard to these Statutes by the Universities of Oxford and Cambridge Act 1923 or any future legislation of the like character Provided that in the exercise of this power they shall have regard to the main design as expressed in Dr Drosier's Will.

(3) The Master and Fellows as the trustees or governing body of the Drosier Trust hereby consent as required by Section 8 of the Universities of Oxford and Cambridge Act 1923 to the alterations of the Drosier Trust expressly made by or arising by implication from the provisions of these Statutes.

STATUTE 51. *Reservation of Existing Interests*

(1) Save and in so far as the Universities of Oxford and Cambridge Act 1923 or any Statute of the University lawfully made thereunder or any other act or thing lawfully done thereunder by the Cambridge Commissioners may require or effect to the contrary and save in so far as any Fellow may by agreement with the College surrender or have surrendered any of his existing or contingent rights claims or interests to or in a Fellowship dividend for life or a pension or both the rights and interests in respect of tenure emoluments and status of the Master holding office on the twenty-sixth day of January nineteen hundred and twenty-four and of all Fellows elected before that date shall (subject to Section 6 of Statute 52 hereof) be regulated by the Statutes by which the same would have been regulated if these Statutes had not come into operation Provided that if in any year the amount available in accordance with these Statutes should not suffice to enable the College to pay to stipendiary Corporate Fellows the maximum dividend authorised by these Statutes (together with any payment due to any stipendiary Drosier Fellow out of Corporate funds) the dividends payable to all Fellows entitled to receive dividend whether elected before or after the twenty-fourth day of January one thousand nine hundred and twenty-four (other than dividends

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payable to Drosier Fellows out of the Drosier Fund) shall abate proportionately.

(2) In particular and without prejudice to the generality of the preceding section the following specific reservations are made:

(a) Notwithstanding section 5 of Statute 11 a Corporate Fellow elected before the twenty-fourth day of January one thousand nine hundred and twenty-four shall not be transferred to a Drosier Fellowship nor without his consent shall a Drosier Fellow elected before that date be transferred to a Corporate Fellowship.

(b) Section 1 of Statute 16 of these Statutes shall not apply and section 4 of Statute 11 of the Statutes repealed by these Statutes shall continue to apply to the Master holding office on the twenty-sixth day of January nineteen hundred and twenty-four and to any Fellow who may be elected to the Mastership provided that he was elected to his Fellowship before the twenty-sixth day of January nineteen hundred and twenty-four and provided that on that date he held the office of Professor in the University or one or more of the College Offices of Bursar Tutor Dean or Lecturer and provided that he has not by agreement with the College surrendered any of his existing or contingent rights claims or interests to or in a Fellowship dividend for life. When a Fellow to whom this reservation applies and who has been elected Master vacates the Mastership under Statute 8 of these Statutes such vacation shall for the purposes of this Statute be deemed to be resignation. The Fellowship into which under this reservation a Master shall be elected after his vacation of the Mastership shall be a stipendiary Fellowship and the emoluments of the Fellowship shall be regulated as if he had continued a Fellow during his tenure of the Mastership.

(c) Notwithstanding anything contained in the substituted Statute 31 approved by His Majesty the King in Council on the sixteenth day of April one thousand nine hundred and twenty-four or in Statute 36 of these Statutes any person who was Master or Fellow on the third day of December one thousand nine hundred and twenty-three and shall not have become wholly or in part subject to the Superannuation System as an Officer of the College shall retain so long as he continues to be a Fellow and in the event of his becoming Master without having previously ceased to be a Fellow all the rights and interests whether absolute or dependent on

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the grant or determination of the College Council which he would have had under the Statute 31 repealed by the substituted Statute 31 above mentioned in this section. Provided that (i) the restriction upon the amount of a pension contained in the second paragraph of Section (2) of the said Statute 31 repealed by the substituted Statute 31 shall no longer be applicable and (ii) a pension which would have been payable out of the former Pension and Endowment Fund shall henceforth be payable out of the Pension Fund constituted by these Statutes.

STATUTE 52. *Repeal of previously existing Statutes*

These Statutes shall take effect on and after the first day of August 1926. From and after the commencement of these Statutes none of the Statutes of the College which existed and were in force before such approval shall be of any force and effect save and except in so far as is in these Statutes expressed but the repeal of such former Statutes shall not be taken to revive the provisions of any previously existing Statutes of the College which were repealed by the said former Statutes.

STATUTE 53. *Power to accept Endowments*

The College shall have power to accept endowments for any purposes in furtherance of the interests of the College as a place of education religion learning and research and to make regulations giving effect to wishes or suggestions of donors recorded in writing (whether so expressed as to create a trust or not) regarding the application of such endowments and regarding any place or emolument to be supported thereby, even though the regulations may be inconsistent with the provisions of the Statutes of the College Provided always that no such regulation shall derogate from any obligation imposed on the College by the Statutes of the University.

STATUTE 54. *Amendments of the Davy Trust*

(1) Nothing in these Statutes contained shall be invalid on the ground that it does not accord with the trusts of the Will of Dr Martin Davy which is dated the 18th day of January 1839 (hereinafter referred to as the Will).

(2) The Master and Fellows shall have the same power in regard to the alteration of the Trusts of the Will and the

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substitution therefor of other provisions as is or may be conferred upon them with regard to the Statutes of the College by the Universities of Oxford and Cambridge Act 1923 or all or any other powers enabling them.

(3) The administration of the trusts shall be vested in the College Council.

(4) The Trusts of the Will shall cease to have effect and the Trust funds shall be applied in such manner as the College Council may from time to time determine for the purposes of the College as a place of education religion learning and research.

(5) The Master of the College holding office on the third day of December nineteen hundred and fifty-nine having relinquished by writing under his hand and seal dated the second day of December nineteen hundred and fifty-nine all his rights and interest under the Will Section (4) of this Statute shall be deemed to have come into operation on the first day of January nineteen hundred and fifty-nine being the last occasion of a vacancy in the Mastership.

(6) No Master of the College shall have any claim or right of indemnity against the College or against any preceding Master or his estate in respect of any act or omission in relation to the administration of the trusts.

STATUTE 55. *The Application of Surplus Income of Trust Funds*

(1) Any surplus income of a Trust Fund 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 or be applied for the general educational purposes of the College.

(2) In the foregoing paragraph "surplus income" means income unexpended in any year after the purposes of the Trust have been fully provided for in that year (whether wholly by income from the Trust or partly by income from the Trust and partly by other moneys).

(3) This section shall apply to each of the Trusts, endowments, foundations, gifts and schemes set out in the Schedule appended to this Statute.

SCHEDULE

W. I. Cooke Fund
Elton Bequest

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Michell Scholarship Fund
Michell Student's Fund
Okey Bequest
Roberts Memorial Fund
Shuttleworth Studentship Fund
P. Teichman Fund.

STATUTE 56 ACADEMIC STAFF[†]

PART I CONSTRUCTION APPLICATION AND INTERPRETATION

1. This Statute and any Ordinance made by the Governing Body under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:

- (a) to ensure that members of the academic staff of the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
- (b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

2. No provision in Part II, Part III or Part IV shall enable any member of the academic staff to be dismissed unless the reason for the dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissal.

3. – (1) This Statute shall apply –

- (a) to any person holding a College Office designated by Ordinance made by the Governing Body as one to which this Statute applies;
- (b) to any person employed by the College to carry out teaching or research save for those holding appointments which have been expressly excluded by Ordinance made by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and
- (c) to the Master, to the extent and in the manner set out in Part VII of this Statute.

[†] Statute 56 was added by the University Commissioners. [M.J.P]

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(2) In this Statute any reference to "academic staff" is a reference to persons to whom this Statute applies.

4. For the purposes of this Statute the following terms have the meanings specified:

"dismiss" and "dismissal" refer to the dismissal of a member of the academic staff and

(a) include remove or, as the case may be, removal from office; and

(b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978

"good cause" in relation to the dismissal or removal from office of a member of the academic staff of the College, being in any case a reason which is related to conduct or capability or qualifications for performing work of the kind which the member was appointed or employed to do, means:

(i) conviction for an offence which may be deemed by a Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of his office or for employment as a member of the academic staff of the College; or

(ii) conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment; or

(iii) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or

(iv) physical or mental incapacity established under Part IV.

In this Section –

(a) "capability" means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and

(b) "qualifications" means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.

5. For the purposes of this Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to:

(a) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or

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intends to cease, to carry on that activity in the place in which the member concerned worked; or

(b) the fact that the requirements of that activity for members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

6. – (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute of the College in force on the date on which the instrument making these modifications was approved under subsection (a) of section 204 of the Education Reform Act 1988, and over those of any Ordinance, and the provisions of any Ordinance made by the Governing Body under this Statute shall prevail over those of any Ordinance made under such other Statutes:

Provided that Part III, Part IV and Part VII shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.

Provided also that disciplinary proceedings in relation to anything done or omitted to be done before that date may continue or be instituted after that date under the relevant College Statutes in force before that date.

(2) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Statute concerning the dismissal of a member of the academic staff of the College by reason of redundancy or for good cause:

Provided that this shall not invalidate any waiver made under section 142 of the Employment Protection (Consolidation) Act 1978.

(3) Nothing in any other Statute shall enable the College Council to delegate their power to reach a decision under section 10.

(4) For the avoidance of doubt it is hereby declared that nothing in Part III of this Statute shall be construed as affecting the Statutes and Ordinances of the College concerning re-election on the expiry of a fixed term of a Fellowship.

(5) In this Statute references to numbered Parts, Sections and sub-sections are references to Parts, Sections and subsections so numbered in this Statute.

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7. – (1) No one shall sit as a member of any of the bodies established under this Statute, and no one shall be present at a meeting of such a body when the body is considering its decision or discussing a point of procedure, except as provided by this Statute or by Ordinances made by the Governing Body under this Statute.

(2) In any case where an officer of the College or any person is designated to perform any duties or exercise any powers under this Statute, and that officer or person is himself involved in the matter in question, the Council may appoint an alternate to act in his place under procedures prescribed by an Ordinance made under this Statute.

PART II REDUNDANCY

8. This Part enables the College Council, as the appropriate body for the purposes of section 203(1)(a) of the Education Reform Act 1988, to dismiss any member of the academic staff by reason of redundancy.

9. – (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless -

- (a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or
- (b) he is promoted on or after that date.

(2) For the purposes of this Section in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

10. This Part applies where the College Council has decided that there should be a reduction by way of redundancy in the academic staff –

- (a) of the College as a whole; or
- (b) of any area of academic work within the College.

11. – (1) If the College Council have reached a decision under Section 10, they shall either (a) select the requisite members of the academic staff for dismissal by reason of redundancy, if such a course satisfies the guiding principles set out in Section 1, or (b) appoint a Redundancy Committee whose duties shall be

- (i) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and

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(ii) to report their recommendations to the College Council by such date as the College Council may specify.

(2) The College Council shall either approve any selection recommendation made by the Redundancy Committee, or remit it to the Redundancy Committee for further consideration in accordance with such further directions as the College Council may give.

(3) A Redundancy Committee appointed by the appropriate body shall comprise –

- (a) a Chairman; and
- (b) two Fellows not being members of the academic staff to whom this Statute applies; and
- (c) two members of the academic staff.

(4) A member of the academic staff shall not be selected for dismissal under this Section unless he has been afforded a reasonable opportunity to make representations to the College Council.

12. – (1) If the College Council have themselves selected a member or members of the academic staff for dismissal by reason of redundancy or have approved a selection recommendation by the Redundancy Committee they may authorise an officer of the College as their delegate to dismiss any member of the academic staff so selected.

(2) Each member of the academic staff selected for dismissal shall be given separate notice of such selection by the College Council.

(3) The notice shall sufficiently identify the circumstances which have satisfied the College Council that the intended dismissal is reasonable and in particular shall include –

- (a) a summary of the action taken by the College Council under this Part;
- (b) an account of the selection processes used;
- (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
- (d) a statement as to when the intended dismissal is to take effect.

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PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

13. – (1) If it appears to the Master that there are grounds for believing that the conduct or performance of a member of the academic staff is or has been unsatisfactory, he shall inquire into the matter. If the Master concludes after investigation that the member is or has been at fault, he may issue an oral warning to the member. The Master shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College's disciplinary procedure, and shall advise the member that he may appeal against the warning under sub-section (4) of this Section.

(2) If the Master concludes after investigation that the fault is sufficiently serious to justify it, or if further offence occurs, he may issue a written warning to the member. Such a warning shall specify the complaint made against the member, the improvements required in the member's conduct or performance, and the period of time within which such improvements are to be made. The Master shall advise the member that he may appeal against the warning under sub-section (4), and shall indicate that, if no satisfactory improvement takes place within the stated time, a complaint may be made seeking the institution of charges to be heard by a Disciplinary Committee.

(3) The Master shall keep a written record of any warning issued under sub-section (1) or sub-section (2). No further account shall be taken of an oral warning when one year has elapsed after the date of issue, and no further account shall be taken of a written warning when two years have elapsed after the date of issue.

(4) A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Master within two weeks from the date of issue. A Grievance Committee appointed under Part VI of this Statute shall hear the appeal and the Committee's decision shall be final. If the appeal is allowed, the warning shall be disregarded.

14. – (1) If there has been no satisfactory improvement following a written warning given under Section 13, or in any case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Disciplinary Committee appointed under Section 15 may be made to the Master.

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(2) To enable the Master to deal fairly with any complaint brought to his attention under sub-section (1) he shall institute such enquiries (if any) as appear to him to be necessary.

(3) If it appears to the Master (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff of the College could constitute good cause for dismissal, he shall write to the person concerned inviting comment in writing and may suspend the person concerned from the performance of his duties without loss of emolument.

(4) As soon as may be following the comments (if any) or in any event not later than twenty-eight days after they were invited the Master shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue a formal warning to the person concerned, or direct that the matter be considered by a Disciplinary Committee appointed under Section 15.

15. If the Master has determined that the matter should be considered by a Disciplinary Committee, the College Council shall at his request appoint such a Committee to hear the charge or charges, to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes serious misconduct relating to his appointment or employment and to make recommendations concerning the action (if any) to be taken as a result of the Committee's findings. Pending the consideration of such recommendations, the Master, after consulting the College Council, may suspend the person charged from the performance of his duties without loss of emoluments.

16. A Disciplinary Committee shall consist of three persons selected by the College Council from a panel of nine persons appointed annually by the College Council. The members of the panel shall be Fellows of the College or other persons, being members of the Regent House of the University. In selecting members of the panel for appointment as members of a Disciplinary Committee, the College Council shall exclude the person charged, and any person who has been involved in or associated with the making of the complaint or any part of it or who has been involved in any preliminary hearing or investigation.

17. – (1) When a Disciplinary Committee has been appointed, the College Council shall instruct a suitable person to

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formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Disciplinary Committee.

(2) It shall be the duty of the person formulating the charge or charges –

(i) to forward the charge or charges to the Committee and to the member of the academic staff concerned, together with the other documents therein specified and a list of all witnesses the College proposes to call, with statements containing the evidence they are expected to give; and

(ii) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Committee.

18. The procedure to be followed in respect of the preparation, hearing, and determination of charges by a Disciplinary Committee shall be prescribed by Ordinances made by the Governing Body under this Statute. Such Ordinances shall ensure:

(a) that the person charged is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of charges by a Disciplinary Committee;

(b) that a charge shall not be determined without an oral hearing at which the person charged and any person appointed to represent him are entitled to be present;

(c) that witnesses may be called, both on behalf of the person charged and by the person presenting the charge, and may be questioned concerning any relevant evidence;

(d) that no new witness or documentary evidence may be introduced by the person presenting the charge without the Committee's consent, which shall not be given save for good reason, and that if late introduction is allowed, the member of the academic staff shall be allowed an adjournment sufficient to allow him to consider and respond to the new evidence; and

(e) that any charge is heard and determined as expeditiously as is reasonably practicable.

19. – (1) The Disciplinary Committee shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Master, the person charged, the person presenting the charge

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and any person who shall have been added as a party by the Disciplinary Committee.

(2) The Disciplinary Committee shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this Section.

20. – (1) If the charge or charges are upheld and the Disciplinary Committee finds that the member's conduct constitutes good cause for dismissal and recommends that the member be dismissed, but in no other case, the Master after consulting the College Council, may dismiss the member.

(2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under subsection (1) to dismiss the member of the academic staff concerned, the action available to the appropriate officer after consulting the College Council (not comprising a greater penalty than that recommended by the Disciplinary Committee) may be –

- (a) to discuss the issues raised with the member concerned; or
- (b) to advise the member concerned about his future conduct; or
- (c) to warn the member concerned; or
- (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, provided that the suspension shall not extend beyond three months after the date on which the College Council shall have considered the Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the member concerned contains provisions expressly entitling the Master to impose such a penalty; or
- (e) to take such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
- (f) to combine any of the courses of action specified above.

21. – (1) The Master shall be the appropriate officer to exercise the powers conferred by Section 20 and any reference in Section 20 to the Master shall include a reference to an officer acting as his delegate.

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(2) Any action taken by the Master or his delegate shall be confirmed in writing.

PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

22. – (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.

(2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.

(3) In this Part references to the appropriate officer are references to the Master or an officer acting as his delegate to perform the relevant act.

(4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.

23. – (1) Where it appears that the removal of a member of the academic staff on medical grounds should be considered, the appropriate officer –

- (a) shall inform the member accordingly;
- (b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988; and
- (c) may suspend the member from the performance of his duties without loss of emoluments.

(2) If the member agrees that his removal on those grounds should be considered the College shall meet the reasonable costs of any medical opinion required.

(3) If the member does not agree the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any such evidence submitted by the member), to a Medical Board comprising one person nominated by the College Council; one person nominated by the member concerned or, in default of the latter nomination, by the Master; and a medically qualified chairman jointly agreed by the College Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

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(4) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board shall be prescribed by Ordinances made by the Governing Body under this Section. Such Ordinances shall ensure:

- (a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;
- (b) that a case shall not be determined without an oral hearing at which the member's representative, but not the member himself, is entitled to be present;
- (c) that witnesses may be called and questioned concerning any relevant evidence; and
- (d) that the case is heard and determined as expeditiously as is reasonably practicable.

(5) The Board may require the member concerned to undergo medical examination at the College's expense.

24. If the Board determines that the member should be required to retire on medical grounds, the appropriate officer, after consulting the College Council, may terminate the employment of the member concerned on those medical grounds.

PART V APPEALS

25. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

26. – (1) This Part applies –

- (a) to appeals against the decisions of the College Council as the appropriate body (or of a delegate of that body) to dismiss in the exercise of their powers under Part II;
- (b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under Section 13 (Appeals against disciplinary warnings);
- (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
- (d) to appeals against disciplinary decisions otherwise than in pursuance of Part III; and
- (e) to appeals against decisions reached under Part IV; and
- (f) to appeals arising in any proceedings, or out of any decision reached under Part VII, including appeals against decisions reached in pursuance of Section 47;

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and "appeal" and "appellant" shall be construed accordingly.

(2) No appeal shall however lie against –

(a) a decision of the College Council under Section 10(2);

(b) the findings of fact of a Disciplinary Committee under Part III, or of a Tribunal under Part VII, save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;

(c) any medical finding by a Board set up under Section 23(3) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing.

(3) In this Part references to "the person appointed" are references to the person appointed by the College Council under Section 29 to hear and determine the relevant appeal.

(4) The parties to an appeal shall be the appellant and the Master and any other person added as a party at the direction of the person appointed.

27. A member of the academic staff shall institute an appeal by serving on the Master, within the time allowed under Section 28, notice in writing setting out the grounds of the appeal.

28. – (1) A notice of appeal shall be served within twenty-eight days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under subsection (3).

(2) The Master shall bring any notice of appeal received (and the date when it was served) to the attention of the College Council and shall inform the appellant that he has done so.

(3) Where the notice of appeal was served on the Master outside the twenty-eight day period the person appointed under Section 29 may permit the appeal to proceed if he considers that justice and fairness so require in the circumstances of the case.

29. – (1) Where an appeal is commenced under this Part the appeal shall, subject to the provisions of Section 28(3) and subsection (3) of this Section, be heard and determined by a person appointed in accordance with Ordinances made by the Governing Body under this Section.

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(2) A person appointed under sub-section (1) above shall be a person who holds or has held judicial office or who is a barrister or solicitor of at least ten years' standing.

(3) The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons appointed in accordance with Ordinances made by the Governing Body under this Section.

(4) The other persons who may sit with the person appointed shall be -

(a) one member of the Regent House of the University not being a Fellow of the College; and

(b) one other member.

30. – (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made by the Governing Body under this Section.

(2) Without prejudice to the generality of the foregoing such Ordinances shall ensure -

(a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;

(b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;

(c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and

(d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.

(3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may –

(a) remit an appeal from a decision under Part II to the College Council as the appropriate body (or any issue arising

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- in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
- (b) remit an appeal arising under Part III for re-hearing by a differently constituted Disciplinary Committee to be appointed under that Part; or
 - (c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
 - (d) remit an appeal by the Master arising under Part VII for re-hearing or re-consideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
 - (e) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Disciplinary Committee which heard and pronounced upon the original charge or charges.

31. The person appointed shall send the reasoned decision, on any appeal together with any findings of fact different from those come to by the College Council as the appropriate body under Part II or by the Disciplinary Committee under Part III, as the case may be, to the Master and to the parties to the appeal.

PART VI GRIEVANCE PROCEDURES

32. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the relevant area by methods acceptable to all parties.

33. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -

- (a) to matters affecting themselves as individuals; or
 - (b) to matters affecting their personal dealings or relationships with other staff of the College,
- not being matters for which express provision is made elsewhere in this Statute.

34. – (1) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Master.

(2) If it appears to the Master that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Master he shall inform the member accordingly.

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(3) If the Master is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of –

- (a) a complaint under Part III;
- (b) a determination under Part IV; or
- (c) an appeal under Part V

he shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he shall notify the member accordingly.

(4) If the Master does not reject the complaint under sub-section (2) or if he does not defer action upon it under sub-section (3) he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.

35. If the grievance has not been disposed of informally under Section 34(4), the Master shall refer the matter to the Grievance Committee for consideration.

36. A Grievance Committee to be appointed by the College Council shall comprise three Fellows of the College appointed by the College Council.

37. The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

38. The Committee shall inform the College Council whether the grievance is or is not well-found and if it is well-found the Committee shall make such proposals for the redress of the grievance as it sees fit.

PART VII REMOVAL OF THE MASTER FROM OFFICE

39. Any three members of the Governing Body may make a complaint to the President seeking the removal of the Master from office for good cause.

40. The President shall refer such a complaint to the College Council, exclusive of the Master and any members making the complaint. If it appears to the College Council that

GONVILLE AND CAIUS COLLEGE

the complaint does not raise a prima facie case, or that it [is][†] not supported by sufficient evidence of good cause for the removal of the Master from office, they may determine that no further action shall be taken upon it.

41. – (1) If it appears to the College Council, on material presented, that the complaint raises a prima facie case which could, if proved, constitute good cause for the dismissal or removal of the Master from office, they shall appoint a Tribunal to hear and determine the matter. A Tribunal appointed by the College Council shall consist of three persons who are not Fellows of the College and are not employed by the College, as follows:

- (a) one person who holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing, who shall be Chairman;
- (b) two other persons.

(2) Where a complaint is to be referred to a Tribunal under this Part, the College Council may suspend the Master from his duties in all matters relating to the government and discipline of the College without loss of emolument.

42. – (1) When a Tribunal has been appointed, the College Council shall instruct a solicitor or other suitable person to formulate the complaint and to present, or to arrange for the presentation of the complaint before the Tribunal.

(2) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be prescribed by Ordinances made by the Governing Body under this Section. Such Ordinances shall comply with the requirements of Section 18, provided that for the purposes of this Part references in that Section to a Disciplinary Committee shall be construed as referring to the Tribunal and references to the person charged shall be construed as referring to the Master.

43. The Tribunal shall send its decision on the complaint, together with its findings of fact and the reasons for its decision, to the Master and the President. The Tribunal shall draw attention to the period of time within which any appeal should be instituted by ensuring that a copy of Part V of this Statute accompanies the notification of this decision sent to the Master.

[†] Inadvertently omitted by the University Commissioners. [M.J.P]

STATUTES

44. If the Tribunal finds that the complaint constitutes good cause for dismissal, the President, after consulting the College Council, may dismiss the Master.

45. The Master may institute an appeal against dismissal by serving on the President a notice in writing setting out the grounds of the appeal. A notice of appeal shall be served within 28 days of the date on which the notice of dismissal was sent to the Master; provided that the person appointed to hear an appeal shall have power to hear an appeal commenced after that date if he considers that justice and fairness so require in the circumstances of the case.

46. An appeal commenced under Section 45 shall be heard in accordance with the provisions of Part V of this Statute, provided that the President shall perform any duty and exercise any power there assigned to the Master, and that references in Sections 30 and 31 shall be construed as referring to this Part.

47. For the purpose of the removal of the Master for incapacity on medical grounds, the provisions of Part IV and Part V shall have effect, provided that the President shall perform any duty or exercise any power there assigned to the Master.

48. For the purposes of this Part, references to the President shall, if the President is not in residence, or is incapacitated by illness or otherwise, be construed as referring to the senior Fellow in residence.

APPENDIX

ACTS OF PARLIAMENT

PASSAGES FROM ACTS OF PARLIAMENT RELATING TO
THE
UNIVERSITY OF CAMBRIDGE

FROM THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT 1923

An Act to make further provision with respect to the Universities of Oxford and Cambridge and the Colleges therein. [31st July 1923.]

1. (1) There shall be two bodies of Commissioners to be styled respectively "the University of Oxford Commissioners" and "the University of Cambridge Commissioners". Establishment of Commissions

5. The powers of the Commissioners shall continue in force until the end of the year nineteen hundred and twenty-five and no longer:
Provided that His Majesty in Council may, on the application of the Commissioners, continue their powers for such further period as His Majesty may think fit, but not beyond the end of the year nineteen hundred and twenty-seven. Duration of Commissions

6. (1) Subject to the provisions of this Act, the Commissioners shall, from and after the first day of January, nineteen hundred and twenty-five, make statutes and regulations for the University, its colleges and halls, and any emoluments, endowments, trusts, foundations, gifts, offices, or institutions in or connected with the University in general accordance with the recommendations contained in the Report of the Royal Commission, but with such modifications (not being modifications directly dealing with the curriculum or course of study in the University) as may, after the consideration of any representations made to them, appear to them expedient. Duties of Commissioners

(2) In making any statutes or regulations under this Act, the Commissioners shall have regard to the need of facilitating the admission of poorer students to the Universities and colleges.

7. (1) After the cesser of the powers of the Commissioners, a statute affecting the University made by the Commissioners or by any other authority, not being a statute made for a college, shall be subject to alteration from time to time by Powers of Universities and colleges to alter statutes

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statute made by the University under this Act, but, if and in so far as any such statute (not being a statute prescribing the scale or basis of assessment of the contributions to be made by the colleges to University purposes) affects a college, it shall not be subject to alteration except with the consent of the college.

(2) After the cesser of the powers of the Commissioners, a statute for a college made by the Commissioners, and any statute, ordinance or regulation made by or in relation to a college under any authority other than that of this Act, shall be subject to alteration from time to time by statute made by the college under this Act and passed at a general meeting of the governing body of the college specially summoned for the purpose by the votes of not less than two-thirds of the number of persons present and voting:

Provided that -

(a) notice of any proposed statute for a college shall be given to the University before the statute is submitted to His Majesty in Council; and

(b) a statute made for a college which affects the University shall not be altered except with the consent of the University.

(3) The provisions contained in this Act (including the provisions of the Schedule to this Act other than the section numbered thirty-five therein) with respect to the making of statutes by the Commissioners and to the proceedings to be taken after the making thereof in connection with statutes made by the Commissioners, and to the effect thereof after approval, shall, with the necessary substitutions, apply to the making of statutes by the University or by a college and to the proceedings to be taken in connection with statutes made by the University or a college, and to the effect of such statutes.

Statutes relating to trusts and college contributions to University purposes

8. (1) No statute shall be made under any of the provisions of this Act for altering a trust, except with the consent of the trustees or governing body of the trust, unless sixty years have elapsed since the date on which the instrument creating the trust came into operation, but nothing in this subsection shall prevent the making of a statute increasing the endowment of any emolument or otherwise improving the position of the holder thereof.

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(2) In the making of any statute, whether by the Commissioners or by the University, prescribing or altering the scale or basis of assessment of contributions to be made by the colleges to University purposes, regard shall be had in the first place to the needs of the several colleges in themselves for educational and other collegiate purposes.

9. (*Repealed by the Charities Act 1960.*)

10. The provisions of the Universities of Oxford and Cambridge Act 1877 shall, as set out with modifications in the Schedule to this Act, apply to the Commissioners appointed under this Act and to their procedure, powers and duties and to any statutes made by them as if they were re-enacted with the said modifications in this Act.

Application for purposes of the Act of certain provisions of 40 & 41 Vict. c.48.

11. (1) It shall be lawful for the University to make a scheme for establishing a superannuation fund for the benefit of persons in the employment of the University, not being members of its administrative or teaching staff, and for a college to adopt in relation to persons in the employment of the college, not being members of its administrative or teaching staff, any scheme so made.

Power to establish superannuation funds for certain university and college employees.

(2) The provisions of this Act relating to the making of statutes, ordinances and regulations by the University or a college shall not apply to any statutes, ordinances or regulations made for the purposes of this section.

(3) Nothing in this section shall be taken to be in derogation of or to affect the duties of the Commissioners or the powers of the University or a college under the foregoing provisions of this Act.

12. This Act may be cited as the Universities of Oxford and Cambridge Act 1923.

Short title.

SCHEDULE

PROVISIONS OF THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT 1877, APPLIED FOR PURPOSES OF THIS ACT[†]

[†] As amended by the Selwyn College Cambridge Act 1988 and the Keble College Oxford Act 1988.

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Interpretation.

2. In this Act -

"The University" means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require):

"The Senate" means the Senate of the University of Cambridge:

"College" means a College in the University, and includes the Cathedral or House of Christ Church in Oxford:

"Hall" means St Edmund Hall, in the University of Oxford:.....

"The Governing Body" of a College means, as regards the Colleges in the University of Cambridge, except Downing College, the head and all actual fellows of the College, bye-fellows excepted, being graduates, and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates:

"Emolument" includes-

- (1) A headship, professorship, lectureship, readership, praelectorship, fellowship, bye-fellowship, tutorship, studentship, scholarship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, subsizarship, or other place in the University or a College or the Hall, having attached thereto an income payable out of the revenues of the University or of a College or the Hall, or being a place to be held and enjoyed by a head or other member of a College or the Hall as such, or having attached thereto an income to be so held and enjoyed, arising wholly or in part from an endowment, benefaction, or trust; and
- (2) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a College or the Hall as such, and any fund, endowment, or property held by or on behalf of the University or a College or the Hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the University or College or Hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member;.....

"School" means a school or other place of education beyond the precincts of the University, and includes a College in Scotland:

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"Advowson" includes right of patronage, exclusive or alternate.

14. The Commissioners, in exercising their power to make a statute, shall have regard to the main design of the founder of any institution or emolument which will be affected by the statute, except where that design has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the institution or emolument have been altered in substance by or under any other Act. Regard to main design of founder.
15. The Commissioners, in making a statute, shall have regard to the interests of education, religion, learning and research, and in the case of a statute which affects a College or the Hall shall have regard, in the first instance, to the maintenance of the College or Hall for those purposes. Provision for education, religion,&c.
20. Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the voluntary continuance of any voluntary payment that has been used to be made out of the revenues of the College in connection with the College estates or property. Power to allow continuance of voluntary payments.
30. A statute made by the Commissioners may, if the Commissioners think fit, be in part a statute for the University, and in part a statute for a College or the Hall. Distinction of University and College Statutes.
The Commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the University or for a College or the Hall therein named; and the declaration in that behalf of the Commissioners shall be conclusive, to all intents.
If any statute is in part a statute for a College or the Hall, it shall, for the purposes of the provisions of this Act relative to the representation of Colleges and the Hall, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the College or Hall.
31. Where the Commissioners contemplate making a statute for the University or a statute for a College or the Hall containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution

Communication of proposed statutes for University, &c. to Council, &c.

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in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, and to the Head and to the Visitor of the College affected thereby, or to the Principal of the Hall, and in the University of Cambridge to the Council of the Senate and to the Governing Body of the College affected thereby.

The Commissioners shall take into consideration any representation made to them by the Council, College, Visitor, Principal, or Governing Body respecting the proposed statute. Within seven days after receipt of such communication by the Council, the Vice-Chancellor of the University shall give public notice thereof in the University.

Publication of proposed statutes for Colleges and Halls.

32. Where the Commissioners contemplate making a statute for a College or the Hall, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Head, and in the University of Oxford the Visitor, of the College, and to the Principal of the Hall.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

Saving for existing interest.

34. Any statute made by the Commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College or the Hall, or been elected or appointed to a University or College emolument, or acquired a vested right to be elected or appointed thereto.

Submission of statutes to His Majesty in Council.

45. The Commissioners, within one month after making a statute, shall cause it to be submitted to His Majesty in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).....

46. At any time within eight weeks (exclusive of any University vacation) after the gazetting of a statute, the University or the Governing Body of a College, or the trustees, governors, or patron of a University or College emolument, or the Principal of the Hall, or the Governing Body of a school, or any other person or body, in case the University, College, emolument, Hall, school, person, or body, is directly affected

Petition against statute.

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by the statute, may petition His Majesty in Council for disallowance of the statute, or of any part thereof.

47. It shall be lawful for His Majesty in Council to refer any statute petitioned against under this Act to the Universities Committee. Reference to Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for His Majesty in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

48. If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for His Majesty in Council to disallow the statute or that part, and thereupon the statute or that part shall be of no effect..... Disallowance by Order in Council
....

49. If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament. Statutes not referred, or not disallowed, to be laid before Houses of Parliament.

If a statute is referred to the Universities Committee, and the Committee do not report that the same ought to be wholly disallowed or to be remitted to the Commissioners, then as soon as conveniently may be after the report of the Universities Committee thereon, the statute, or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

Approval of statutes by Order in Council.

50. If neither House of Parliament, within four weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying His Majesty to withhold his consent thereto, it shall be lawful for His Majesty in Council by Order to approve the same.

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Statutes to be binding and effectual.

51. Every statute or part of a statute made by the Commissioners, and approved by Order in Council, shall be binding on the University and on every College and on the Hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, decree, order, statute, or other instrument, or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation, or endowment, or otherwise regulating the University or a College or the Hall.

Power in Cambridge for Chancellor to settle doubts as to meaning of University statutes.

52. If after the cesser of the powers of the Commissioners any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University of Cambridge, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the Registry of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

Saving for Tests Act, 34 & 35 Vict. c. 26.

57. Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act 1871.

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FROM THE EDUCATION REFORM ACT 1988

202.—(1) There shall be a body of Commissioners known as the University Commissioners (in this section and sections 203 to 207 of this Act referred to as "the Commissioners") who shall exercise, in accordance with subsection (2) below, in relation to qualifying institutions, the functions assigned to them by those sections. The University Commissioners.

(2) In exercising those functions, the Commissioners shall have regard to the need—

- (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;
- (b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

(3) The following are qualifying institutions for the purposes of this section and sections 203 to 206 of this Act, namely —

- (a) any university or other institution to which, during the period of three years beginning 1st August 1987, grants in aid are or have been made by the Universities Funding Council, or by the Secretary of State acting on the advice of the University Grants Committee;
- (b) any constituent college, school or hall or other institution of a university falling within paragraph (a) above; and
- (c) any institution not falling within paragraph (a) above which is authorised by charter to grant degrees and to which, during the period of three years beginning 1st August 1987, grants are or have been made by the Secretary of State.

(4) Schedule 11 to this Act shall have effect with respect to the Commissioners.

203.—(1) The Commissioners shall exercise the powers conferred by section 204 of this Act with a view to securing that the statutes of each qualifying institution include— Duty of Commissioners.

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- (a) provision enabling an appropriate body, or any delegate of such a body, to dismiss any member of the academic staff by reason of redundancy;
- (b) provision enabling an appropriate officer, or any delegate of such an officer, acting in accordance with procedures determined by the Commissioners, to dismiss any member of the academic staff for good cause;
- (c) provision establishing disciplinary procedures determined by the Commissioners for dealing with any complaints made against any member of the academic staff relating to his appointment or employment;
- (d) provision establishing procedures determined by the Commissioners for hearing and determining appeals by any members of the academic staff who are dismissed or under notice of dismissal (whether or not in pursuance of such provision as is mentioned in paragraph (a) or (b) above) or who are otherwise disciplined; and
- (e) provision establishing procedures determined by the Commissioners for affording to any member of the academic staff opportunities for seeking redress for any grievances relating to his appointment or employment.

(2) No provision such as is mentioned in subsection (1)(a) or (b) above which is included in the statutes of a qualifying institution by virtue of section 204 of this Act shall enable any member of the academic staff to be dismissed unless the reason for his dismissal may in the circumstances (including the size and administrative resources of the institution) reasonably be treated as a sufficient reason for dismissing him.

(3) Where any such provision as is mentioned in subsection (1) above is included in the statutes of a qualifying institution (whether by virtue of section 204 of this Act or otherwise) and—

- (a) there is no requirement for any instrument which would have the effect of modifying the provision to be approved by Her Majesty in Council or to be laid before both Houses of Parliament; and
- (b) but for this subsection, there would be no requirement for such an instrument to be approved by the Privy Council; the Commissioners shall exercise the powers conferred by that section with a view to securing that no instrument which would have the effect of modifying the provision shall

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have that effect unless it has been approved by the Privy Council.

(4) Any reference in this section to academic staff includes a reference to persons whose terms of appointment or contracts of employment are, in the opinion of the Commissioners, so similar to those of academic staff as to justify their being treated as academic staff for the purposes of this section.

(5) For the purposes of this section the dismissal of a member of staff shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to —

- (a) the fact that the institution has ceased, or intends to cease, to carry on the activity for the purposes of which he was appointed or employed by the institution, or has ceased, or intends to cease, to carry on that activity in the place in which he carried out his work; or
- (b) the fact that the requirements of that activity for members of staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

(6) For the purposes of this section "good cause", in relation to a member of the academic staff of a qualifying institution, means a reason which is related to his conduct or to his capability or qualifications for performing work of the kind which he was appointed or employed to do; and in this subsection —

- (a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
- (b) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by him.

(7) In this section —

"appropriate", in relation to a body or officer of a qualifying institution, means appearing to the Commissioners to be appropriate having regard to the nature and circumstances of the institution;

"dismiss" and "dismissal" —

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- (a) include remove or, as the case may be, removal from office; and
- (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

(8) In this section and sections 204 to 206 of this Act "statutes", in relation to an institution, includes any regulations, ordinances or other instruments which, in the opinion of the Commissioners, serve as statutes for the purposes of that institution and are designated as such by the Commissioners.

Powers of
Commissioners.

204.—(1) For the purpose of performing the duty imposed on them by section 203 of this Act, the Commissioners may make such modifications of the statutes of any qualifying institution as they consider necessary or expedient.

(2) Modifications made for the purpose of securing that the statutes of a qualifying institution comply with the requirements of section 203(1)(a) of this Act shall not apply in relation to a person unless—

- (a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or
- (b) he is promoted on or after that date.

(3) For the purposes of this section a person shall be taken to be promoted on or after 20th November 1987 if (and only if) immediately before that date he is paid on a scale which provides for a maximum rate of remuneration (his former pay scale) and on or after that date the terms of his appointment, or of his contract of employment, are varied (whether with effect before or after that date) so that—

- (a) his rate of remuneration is increased to a rate which exceeds the highest point on his former pay scale at the date on which the increase takes effect; or
- (b) he is paid on another scale on which the highest point at the date the variation takes effect exceeds the highest point on his former pay scale at that date; or
- (c) he is paid on a basis which does not provide for a maximum rate of remuneration.

(4) For the purposes of subsection (3) above references, in relation to a pay scale, to the highest point on the scale at

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any date are references to the maximum rate of remuneration payable at that date in accordance with the scale whether on a regular or a discretionary basis.

(5) For the purposes of this section a person holding an office or position of any description shall not be taken to be promoted by reason only of any general variation of the terms of appointment or of contracts of employment of persons holding offices or positions of that description.

(6) Modifications such as are mentioned in subsection (2) above shall not apply in relation to a person who held an office or position at the institution in question immediately before 20th November 1987 by reason only of the fact that—

- (a) he is appointed to, or employed in, a different office or position at the institution instead of his former office or position if the terms of his appointment or of his contract of employment which relate to remuneration are the same as those of his former appointment or contract of employment;
- (b) he is appointed to, or employed in, an additional office or position at the institution which carries no remuneration; or
- (c) he is promoted or is appointed to, or employed in, a different office or position at the institution if he is so promoted, appointed or employed only on a temporary basis for a particular purpose with an expectation that the promotion will cease to have effect, or that he will resume his former office or position, when that purpose is accomplished.

(7) Modifications made for the purpose of securing that the statutes of a qualifying institution comply with the requirements of section 203(1)(b) of this Act shall not apply in relation to anything done or omitted to be done before the date on which the instrument making the modifications is approved under subsection (9) below.

(8) Subject to subsections (2) to (7) above, the Commissioners' powers under this section include power to make such incidental, supplementary and transitional provision as they consider necessary or expedient.

GONVILLE AND CAIUS COLLEGE

(9) No instrument made in the exercise of the Commissioners' powers under this section shall have effect unless it has been approved by Her Majesty in Council.

NOTICE

PROCEDURE FOR MAKING A STATUTE FOR A COLLEGE: NOTICE

The Council have made known (*Reporter*, 1952–53, p. 1258; 1970-71, p. 443; 1977-78, p. 310) their opinion that the procedure required for making a Statute for a College is as follows:

- (1) The proposed Statute must first be passed by the Governing Body of the College as defined in Section 2 of the Schedule to the Universities of Oxford and Cambridge Act 1923. The Council are advised that, if not strictly necessary, it is at least desirable that at this stage, as well as subsequently, the proposed Statute should be passed at a general meeting of the Governing Body of the College, specially summoned for the purpose, by the votes of not less than two-thirds of the number of persons present and voting.
- (2) The proposed Statute so passed must be communicated to the Vice-Chancellor and to the Head of the College.
- (3) Within seven days after receipt of such communication the Vice-Chancellor will give public notice thereof in the University. During term the Vice-Chancellor will usually find it convenient to publish such notice in the *Reporter*; but at any time, and especially in vacation, it will suffice, in the Council's opinion, if a description of the proposed Statute is posted outside the Senate-House, together with a notice of the place where the text of it may be seen.
- (4) One month at least (exclusive of any University vacation) after the proposed Statute has been communicated to the Vice-Chancellor and the Head of the College, it must again be passed at a general meeting of the Governing Body of the College, specially summoned for the purpose, by the votes of not less than two-thirds of the number of persons present and voting.
- (5) Within one month after the second passing the Statute must be submitted to Her Majesty in Council.

The Council desire to add that, when the Vice-Chancellor has given public notice of a proposed Statute, they will consider it, and will then announce:

either (a) that in their opinion the proposed Statute alters a Statute which affects the University, and may not be made without the consent of the University; but that the interests of the University are not prejudiced by it, and that they will bring before the Regent House a Grace for the grant of the necessary consent;

GONVILLE AND CAIUS COLLEGE

- or* (b) that in their opinion the proposed Statute alters a Statute which affects the University, and may not be made without the consent of the University; that the interests of the University are prejudiced by it and that they will bring before the Regent House a Grace for the refusal of the necessary consent;
- or* (c) that in their opinion the proposed Statute makes no alteration of any Statute which affects the University, and does not require the consent of the University; that the interests of the University are not prejudiced by it, and that they have resolved to take no action upon it;
- or* (d) that in their opinion the proposed Statute makes no alteration of any Statute which affects the University, and does not require the consent of the University; but that the interests of the University are prejudiced by it, and that they have accordingly resolved to petition Her Majesty in Council for its disallowance, or for the disallowance of part of it.

When the Vice-Chancellor makes an announcement under sub-paragraph (a) or sub-paragraph (c) above, the Grace seeking the consent of the Regent House or the resolve of the Council to take no action, as the case may be, must be subject to a time limit, and the Council have determined that this limit shall be one year. Any such Grace or announcement will include a statement that it is subject to the proviso that the proposed Statute be submitted to the Privy Council by a specified date (that is to say a date one year later than the date of the announcement) after which date the Council will wish to reconsider the proposed Statute.

If, after a proposed Statute has been submitted to the Privy Council, the Vice-Chancellor is informed that the Governing Body of a College wish to make further alterations of it, the procedure set out above should be followed afresh in its entirety, except in the following case. After giving public notice in accordance with sub-paragraph (3) above of receipt of the further alterations, the Vice-Chancellor will, *if the alterations have been suggested by the Privy Council* and if it is clear that they are of a minor character and will not render the Statute substantially different from the Statute which was the subject of the earlier announcement under sub-paragraph (a) or sub-paragraph (c), in due course give notice that no further statement on behalf of the University is required.

ORDERS IN COUNCIL

AT THE COURT AT BUCKINGHAM PALACE

The 30th day of April, 1926

PRESENT

THE KING'S MOST EXCELLENT
MAJESTY IN COUNCIL

WHEREAS the University of Cambridge Commissioners did, under the provisions of the Universities of Oxford and Cambridge Act, 1923, on the 18th day of November, 1925, make Statutes wholly for Gonville and Caius College in the University of Cambridge:

AND WHEREAS the said Statutes have been submitted to His Majesty in Council, and have been published in the London Gazette, and have also been laid before both Houses of Parliament, in accordance with the directions contained in the said Act, and no Petition or Address against the same has been presented:

NOW, THEREFORE, His Majesty, having taken the said Statutes (copy whereof is hereunto annexed) into consideration, is pleased, by and with the advice of His Privy Council, to declare, and doth hereby declare, His approval of the same.

M. P. A. HANKEY

STATUTORY INSTRUMENTS

1995 No 1851

UNIVERSITIES AND COLLEGES

The University Commissioners (Statute Modifications)
(Gonville and Caius College, Cambridge) Order 1995

Made 26th July 1995

At the Court at Buckingham Palace, the 26th day of July
1995

Present

The Queen's Most Excellent Majesty in Council

Whereas the University Commissioners, in exercise of the powers conferred on them by section 204 of the Education Reform Act 1988, and having undertaken consultations as required by section 205 of the said Act, have duly made modifications, as set out in the Schedule to this Order, to the Statutes of Gonville and Caius College, Cambridge:

And whereas the said modifications have been submitted to Her Majesty in Council for approval:

Now, therefore, Her Majesty, having taken the said modifications into consideration, is pleased, by virtue and in exercise of powers conferred by the said section 204 or otherwise in Her Majesty vested, by and with the advice of Her Privy Council, to approve the same.

N.H. Nicholls

STATUTORY INSTRUMENTS

2007 No. 661

**LORD CHANCELLOR
TRANSFER OF FUNCTIONS**

The Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2007

<i>Made</i>	- - - -	<i>4th March 2007</i>
<i>Laid before Parliament</i>		<i>5th March 2007</i>
<i>Coming into force</i>	--	<i>1st April 2007</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 19 and 143 of the Constitutional Reform Act 2005:

Citation and commencement

1. This Order may be cited as the Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2007 and shall come into force on 1st April 2007.

Interpretation

2. A reference in this Order to any document or instrument is a reference to that document or instrument as amended.

Transfer and abolition of functions

3. The Schedule has effect with respect to the transfer and abolition of functions of the Lord Chancellor and makes supplementary and consequential provision.

Falconer of Thornton, C

Date 4th March 2007

[Extract from the Schedule]

Gonville and Caius College, Cambridge

4. The function of the Lord Chancellor as the office through which the visitor of Gonville and Caius College in the University of Cambridge shall act is abolished.

5.—(1) The statutes of Gonville and Caius College in the University of Cambridge, approved by His Majesty in Council on 30th April 1926, are amended in accordance with this paragraph.

(2) In Statute 2 (the visitor), omit “acting through the Lord Chancellor of Great Britain for the time being”.