



DOWNING COLLEGE CAMBRIDGE

STATUTES

The following document incorporates a complete revision of the Downing College Statutes approved by Her Majesty, with the advice of Her Privy Council, on the 9th Day of May 2006, with amendments to the Statutes approved by Her Majesty, with the advice of Her Privy Council, on the 18th Day of March 2009.

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STATUTE I

Of the Foundation of the College

1. Whereas the College called Downing College, in the University of Cambridge, was originally intended mainly for the encouragement of the studies of Law and Medicine in all their branches, and of the cognate subjects of Moral and Natural Science, the College is now intended for the encouragement of all subjects taught in the University.
2. The Foundation shall consist of a Master, Fellows and Scholars.
3. The College shall be known by the name of 'The Master, Fellows, and Scholars of Downing College in the University of Cambridge'; and under that modification of its original name shall retain its present property and possessions and continue to enjoy all powers and privileges conferred on it by its Charter or otherwise.
4. The seniority of Members of the Foundation shall be taken as follows: first, the Master; then the Fellows, according to the date of admission to their Fellowships and not according to any degree; and lastly, the Scholars, in like order and manner.

STATUTE II

Of the Publication and Construction of the Statutes

1. Whereas it is highly expedient that those who are to live according to the regulations of any code of laws should have every facility which may enable them to become acquainted with those laws, it is ordained, as a fundamental law of this College, that the Statutes for the time being shall be printed, together with appropriate extracts from the Charter, and that a copy of both shall be handed to every Fellow on his or her first admission to a Fellowship; and whenever there shall be any alteration or addition to the Statutes, the same shall be printed and distributed to all members of the Governing Body.
2. If any question shall arise in regard to the construction of any Statute of the College, it shall be decided by the Governing Body. But it shall be competent to any party affected by such decision to appeal to the Visitor.

STATUTE III

Of the Visitor

1. As provided by the Charter of the College, the Visitor is the Crown.

2. In accordance with the provisions of the Education Reform Act 1988 and the Higher Education Act 2004, 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 XX 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 or Regulations of the Governing Body made under or having effect for the purposes of Statute XX.

STATUTE IV

Of the Governing Body and of its Meetings

1. The Governing Body shall be the Master, Official Fellows and Research Fellows elected under Statute X. The Master shall have power to summon meetings of the Governing Body, or of the Members of the Governing Body who are not on leave of absence, whenever he or she shall think proper. He or she shall also summon such meetings within twenty-one days, (excluding days not falling within Term) if requested in writing, in the former case by six of the Fellows, and in the latter case by three of the Fellows who are not on leave of absence.
2. All the Members of the Governing Body shall be summoned to a meeting of the Governing Body, and seven clear days' notice of such meeting shall be given by electronic means and by confirmatory letters addressed to them at the College.
3. The quorum to constitute a Meeting of the Governing Body during Full Term shall be a majority of the then existing Members thereof excluding any Fellow on leave of absence, and the quorum to constitute such a meeting on a day not falling within Full Term shall be one more than a quarter of the then existing Members thereof excluding any Fellow on leave of absence.
4. All the Members of the Governing Body who are not on leave of absence shall be summoned to a meeting of the Members of the Governing Body who are not on leave of absence, and seven days' clear notice of such meeting shall be given by electronic means and by confirmatory letters addressed to them at the College.
5. Where in these Statutes the Governing Body is spoken of, it shall be understood that unless otherwise provided all acts to be done by them may be done by the majority of the Members of the Governing Body present at a meeting duly summoned aforesaid: and all acts required to be done by the Members of the Governing Body who are not on leave of absence may be done by a majority of the Members of the Governing Body who are not on leave of absence, present at a meeting summoned as aforesaid.
6. At all meetings the Master, or in his or her absence the Vice-Master or in his or her absence the most senior Fellow present who is willing and able to act, shall preside, and shall have besides his or her own vote a casting vote.

7. At least one meeting of the Governing Body shall be held in every Term.
8. It shall be the duty of the Master to ensure that minutes are made of the proceedings of every Meeting of the Governing Body; the custody of the Minute Book shall be determined by the Master and it shall be accessible to Members of the Governing Body at all reasonable times.

STATUTE V

Of Ordinances

It shall be competent to the Governing Body to issue Ordinances not inconsistent with the Charter, the Statutes for the time being of the College or the University nor with any Act of Parliament. Any Draft Ordinance shall be distributed by the Master to all Members of the Governing Body not less than seven clear days (excluding days not falling within Term) before a proposal for its adoption shall be made. Any Ordinance shall be approved by a two-thirds majority of Members of the Governing Body present and voting at the Meeting, excluding any Fellow on leave of absence, and any Ordinance previously adopted may be rescinded by the same majority. A copy of every Ordinance then in force shall be sent to each Fellow and presented to each Fellow on his or her admission to a Fellowship.

STATUTE VI

Of the Appointment of Committees and of the Delegation of Powers to them

It shall be competent to the Governing Body to create such Committees, not inconsistent with the Statutes or Ordinances, as the Governing Body may determine for the good governance of the College, to perform such functions as are not inconsistent with the Statutes or Ordinances. Such Committees, which shall include members of the Governing Body, shall be responsible to the Governing Body and shall report fully to it. It shall be competent to the Governing Body to revoke any decision made by any such Committee.

STATUTE VII

Of the Council

1. The Governing Body may at a meeting specially summoned for the purpose, by a vote in which not less than two-thirds of the whole number of Members of the Governing Body concur, excluding any Fellow on leave of absence, institute a Council.
2. The Master and any members of the Governing Body who hold for the time being the Offices of Senior Tutor and Bursar shall be members of the Council by virtue of their offices. There shall in addition be such a number of Fellows elected as members of the Council as is in this Statute provided.
3. Upon the first institution of the Council the Governing Body shall elect four Fellows as members thereof for one calendar year and four Fellows as such members for two calendar years. So long as the Council shall continue to exist the Governing Body shall in each succeeding year elect four Fellows as members of the Council for two calendar years. Provided that if at the time of the first institution of the Council or of any subsequent regular annual election thereto the number of the Governing Body be less than twenty-three, the number of Fellows then to be elected shall be so reduced as to secure that the membership of the Council shall be less than one half the number of the Governing Body. Any casual vacancy in the membership of the Council shall be supplied by election for the period remaining before the next regular annual election thereto.
4. A Fellow of whatsoever category shall always be eligible for election or re-election to the Council save during such time as he or she may already be a member thereof by virtue of his or her office.
5. The Council may exercise all powers of government of the College save such as are in these Statutes, construed as is hereinafter provided, reserved to the Governing Body or to any other body or officer. Upon the institution of the Council there shall in addition devolve upon that body all the powers invested in the Governing Body or the Members thereof in residence by virtue of Statutes XVII (Of the Scholars and the Exhibitioners), XVIII (Of Admission of Certain Members of the College), XLIII (Of Leases and of the College Seal), XLIV (Of the College Staff), XLVII (Of Investment and Application of Assets), and XLVIII (Of Surplus Income of Certain Trusts), and, during such time as the Council may continue to exist, those Statutes and that paragraph shall be read and construed as if, for the words 'The

Governing Body' or 'the Members of the Governing Body who are not on leave of absence' wheresoever therein appearing, there appeared instead the words 'the Council'. There shall similarly devolve upon the Council the powers reserved to the Members of the Governing Body in residence by virtue of Statute XXI (Of the Discipline and Good Government of the College), other than the power to remove from the College finally a member of the College *in statu pupillari*.

6. At all meetings of the Council the Master, or in his or her absence the Vice-Master or in his or her absence the most senior Fellow present who is able and willing to act, shall preside. It shall be the duty of the Master to ensure that minutes are made of every meeting of the Council; the custody of the Minute Book shall be determined by the Master and it shall be accessible to members of the Governing Body at all reasonable times.
7. The Governing Body may at a College meeting specially summoned for the purpose, by a vote in which not less than two-thirds of its whole number concur, excluding any Fellow on leave of absence, annul any resolution of the Council. The Governing Body may in like manner dissolve the Council and resume the powers delegated thereto by virtue of this Statute.

STATUTE VIII

Of the Master

1. The office of Master is that to which the first rank is assigned; and to that office shall belong the highest authority in the College, in the government, discipline, administration of the revenue, and all other matters whatsoever concerning the College.
2. In everything not otherwise specially provided for, his or her authority shall decide and direct; and he or she shall be at liberty to frame new regulations, not inconsistent with the Charter or Statutes or Ordinances, in every point left unsettled thereby; provided that all such regulations shall be made known in writing within seven days to Members of the Governing Body, and if they are disapproved of by a majority of such Members present and voting at a Meeting of the Governing Body, excluding Fellows who are on leave of absence, then such regulations shall be of no force from the date of the Meeting.
3. The Master shall be the person who, having attained the age of thirty years, is in the judgment of the Electors best qualified to preside over the College as a place of education, learning and research.
4. Whereas the first paragraph of the twenty-seventh section of the Cambridge University Act 1857, 19 & 20 Vict. c. 88, permitted Statutes to be made, and a Statute was made, to permit the Fellows of the College to elect the Master (notwithstanding anything to the contrary in the Charter of the College), the Electors of the Master shall continue to be the Fellows of the College acting in accordance with this Statute and Ordinances made under it.
5. The order of seniority of the Electors is the same as the order of their seniority as Fellows.
6. The Master shall be entitled to such stipend as the Governing Body shall from time to time determine, provided that no change in the amount of the stipend shall affect the person then Master without his or her consent.
7. The Mastership shall be vacated if and when the Master shall accept a Mastership or Fellowship, other than an honorary Fellowship, at any other College in Cambridge or Oxford.
8. The Master shall not continue in office after the end of the academic year in which he or she attains the age of retirement

specified in Ordinances, or after the end of the fourteenth academic year following that in which he or she takes the office of Master upon himself or herself, whichever be the sooner.

9. The Master may at any time resign his or her office by notice in writing under his or her hand given to the senior Elector who is not on leave of absence.
10. Without prejudice to the provisions of Statute XX (Of Academic Staff), in case the Master shall be convicted by a court of competent jurisdiction of any crime punishable by imprisonment, or be guilty of gross misconduct, or misconduct himself or herself in any part of his or her office, the Visitor may, if the Visitor shall think fit, on complaint of three Members of the Governing Body, suspend him or her from the Mastership pending an inquiry under Part VII of that Statute.
11. The Master shall be resident in College during two-thirds of each Term, and altogether during two hundred and ten days at least in each year, unless with the consent of the five senior Members of the Governing Body or the major part of them, he or she shall be absent either on the business of the College or on account of illness or other grave cause.

STATUTE IX

Of the Vice-Master

1. The office of Vice-Master is that of the person empowered in case of the absence of the Master, or of his or her inability to act, or of a vacancy in the office of Master, to act in all things as deputy for the Master during such absence or inability, or during such vacancy, with the same authority as the Master himself or herself.
2. The Vice-Master shall be elected from among the members of the Governing Body by a two-thirds majority of the number of Members thereof present and voting at a meeting of the Governing Body. In case of neglect of the Governing Body to elect a Vice-Master or of the vacation of his or her office by the person elected, or of his or her inability to act otherwise arising, the most senior Fellow who is not on leave of absence and is willing and able to act shall be deemed pending a fresh election to be Vice-Master.
3. The Master shall normally notify the Governing Body in advance of his or her intended absence or of his or her inability to act and of the period of time during which the Vice-Master is to act for him or her.

STATUTE X

Of the Fellows

Section I: Generally

1. Fellowships shall be either Official or Research Fellowships. No person shall be elected to a Fellowship after he or she has attained the age of retirement specified in Ordinances, and every Fellow shall vacate his or her Fellowship at the end of the academic year in which he or she attains that age.
2. The Electors to Fellowships shall be the Members of the Governing Body, and the elections shall be conducted in such manner as they shall from time to time appoint.
3. The Master shall as soon as convenient admit a newly elected Fellow to his or her Fellowship in the presence of one or more of the Electors. At his or her admission the Fellow shall make the following declaration:

I, A.B., do sincerely promise that I will well and faithfully discharge the duties of a Fellow of Downing College according to the best of my judgment and ability’,

and until so admitted shall not exercise any of the duties or enjoy any of the advantages of his or her Fellowship.

4. A person may be pre-elected to a Fellowship the tenure of which is dependent upon his or her appointment to a University or a College Office, but he or she shall not be admitted to the Fellowship until he or she has entered upon the tenure of the Office.
5. If a Fellow shall be admitted to a Mastership or Fellowship, other than an honorary Fellowship, of any other College in Cambridge or in Oxford he or she shall thereupon vacate his or her existing Fellowship.

Section II: Official Fellows

6. The persons competent to hold Official Fellowships shall be:
 - (a) Professors or other University Officers placed in the same category as Professors for the purpose of assignment to the College as Professorial Fellows under the Statutes of the University;

- (b) Persons who hold University teaching or research offices or such University administrative offices as are commonly occupied by graduates;
 - (c) Persons who hold such College offices as the Governing Body may from time to time declare to be competent for the purpose;
 - (d) Persons other than those coming within any of categories (a) to (c) specified above, provided that it shall not be competent to the Governing Body to elect any person within this category otherwise than for specific academic purposes or if the result of his or her election should be to cause the number of Official Fellows elected from among persons within this category to exceed one-third of the whole number of such Fellows then existing. Persons elected within this category may be designated Teaching Fellows provided that a person who has already been elected within this category and not designated Teaching Fellow shall not be so designated unless he or she shall have signified his or her consent in writing to the Master that he or she be so designated.
7. The College shall comply with the Statutes of the University in connexion with the election as Official Fellows of persons falling within category (a) above, and the tenure of such persons so elected shall be for the duration of their holding qualifying offices.
 8. The tenure as Official Fellows of persons elected from category (b) above shall in the first instance be for three years and may be extended for further periods not exceeding seven years at any one time, provided that any such person shall vacate his or her Fellowship upon ceasing to hold a qualifying office
 9. The tenure as Official Fellows of persons elected from category (c) above shall be the same as that of persons elected from category (b) above except that no person falling within category (c) shall vacate his or her Fellowship by lapse of time so long as he or she continues to hold any qualifying office.
 10. The tenure as Official Fellows of persons falling within category (d) above shall be for such term not exceeding seven years as the Governing Body shall determine at the time of their election, provided that any such person shall unless the Governing Body shall otherwise resolve vacate his or her Fellowship upon ceasing to have his or her ordinary residence within twenty miles of Cambridge.
 11. The tenure as Official Fellows of persons falling within category

(d) above who have been designated Teaching Fellows shall be for three years upon their first designation as Teaching Fellows which may include such shorter probationary period as the Governing Body may determine and may thereafter be extended for a further period or periods not exceeding five years at a time.

Section III: Research Fellows

12. Research Fellowships shall be held subject to conditions of advanced study or research to be approved by the Governing Body and subject to such conditions of residence as the Governing Body may prescribe.
13. A Research Fellowship shall be tenable for three years.
14. Provided, however, that the tenure of any Research Fellowship the emoluments of which are provided from the income of a special Trust Fund accepted under the provisions of Statute XLVI (Of Endowments) shall be regulated by the relevant terms, if any, of the Instrument creating the Fund.
15. A Research Fellow shall vacate his or her Fellowship by appointment to a University office qualifying for an Official Fellowship or by election to an Official Fellowship or by election to a Fellowship other than an Honorary Fellowship in any other College in Cambridge or Oxford.

STATUTE XI

Of the President

The Governing Body may by a two-thirds majority of the whole number thereof not including any Fellow on leave of absence designate one of its number to be President. The tenure of the President shall be for three years and he or she shall receive such emolument and have such responsibilities as may at his or her election be determined.

STATUTE XII

Of Past Fellows And Of The Titles of Fellow Emeritus and Fellow Emerita

Upon any Fellow of the College ceasing to be a Fellow, his or her name shall be placed and remain upon a separate list of past Fellows, unless the Governing Body for some grave cause shall at any time otherwise direct. Any past Fellow shall, subject to making any payments which the Governing Body may from time to time prescribe, have the right to dine in Hall and shall enjoy such other privileges and advantages (if any) as the Governing Body may think fit. He or she shall not for the purposes of these Statutes be deemed a Fellow, but if the Governing Body determines that he or she has given valuable service to the College over a significant period it may confer upon him or her the title of Fellow Emeritus or of Fellow Emerita.

STATUTE XIII

Of Honorary Fellows

The Governing Body may, at a Meeting, and by a vote in which not less than two-thirds of its whole number shall concur excluding any Fellow on leave of absence, elect any person of distinguished merit, whether or not he or she is a Member of the College or of the University, to an Honorary Fellowship. The Governing Body may at any time by a like vote terminate the tenure of an Honorary Fellowship if, in the opinion of the Governing Body, the Honorary Fellow has conducted himself or herself in a way which is likely to bring the College into disrepute or for other grave cause. An Honorary Fellow shall not be on the Foundation of the College and shall possess no voice or authority in the College, but he or she may enjoy such other privileges and advantages as the Governing Body may from time to time determine.

STATUTE XIV

Of the Titles of Associate and Wilkins Fellows and of Fellow Commoners

1. The Governing Body may confer on any person who is rendering valuable service to the College the title of Associate Fellow and on any person who is a benefactor or an agreed representative of a benefactor the title of Wilkins Fellow.
2. The Governing Body may confer on any person who in the opinion of the Governing Body is making a significant and continuing contribution to the activities of the College the title and status of Fellow Commoner.
3. The Governing Body shall from time to time determine the conditions on which and period for which Associate Fellows, Wilkins Fellows and Fellow Commoners shall hold their titles.
4. An Associate Fellow, Wilkins Fellow or Fellow Commoner is not a Fellow for the purposes of these Statutes and shall not be a member of the Governing Body but shall otherwise have such duties and enjoy such privileges as the Governing Body may determine.
5. The Governing Body may for grave cause terminate a person's tenure of the title of Associate Fellow, Wilkins Fellow or Fellow Commoner.

STATUTE XV

Of the Title of Bye-Fellow

1. There shall be such number of Bye-Fellowships as the Governing Body shall from time to time determine. The Electors to Bye-Fellowships shall be the Governing Body, who shall determine from time to time the conditions, tenure and emoluments of Bye-Fellowships, without prejudice to the position of existing Bye-Fellows.
2. The Governing Body may for grave cause terminate the tenure of a Bye-Fellowship.

STATUTE XVI

Of the Title of Visiting Fellow

The Governing Body may confer upon any person for a period of not more than one year the title of Visiting Fellow. A Visiting Fellow shall be a member of the College and shall be entitled to such emoluments and such privileges as the Governing Body may in his or her particular case appoint.

STATUTE XVII

Of the Scholars and the Exhibitioners

1. The Governing Body may confer the title of Scholar or Exhibitioner on members of the College on the basis of the results of University examinations, or, in exceptional cases, College examinations.
2. The Governing Body may award Scholarships and Exhibitions to those people on whom it has conferred the title Scholar or Exhibitioner, as the case may be. The people to whom a Scholarship has been awarded shall be the Scholars of the College.
3. Scholarships and Exhibitions shall be tenable for one or two years as the Governing Body shall determine on election. The Governing Body may for grave cause terminate the tenure of a Scholarship or Exhibition.
4. A Scholarship or Exhibition shall be of such value as the Governing Body shall determine.

STATUTE XVIII

Of Admission of Certain Members of the College

1. The Governing Body shall have power to make, from time to time, such Ordinances as it may think fit respecting the admission of Members of the College *in statu pupillari*, and also as to their instruction, examination and discipline, consistently with the Statutes and usages of the University.
2. The Governing Body may admit to Membership of the College such other persons as it thinks fit.
3. The Governing Body shall determine from time to time what fees and charges are to be paid by Members of the College.

STATUTE XIX

Of Residence

A record shall be maintained of the days on which every member of the College *in statu pupillari* shall come into or go out of residence; and the period of his or her residence shall be calculated from such record only, both days inclusive.

STATUTE XX

Of Academic Staff

Part I: General

1. Application

(a) This Statute applies:

- (i) to any person holding an office in the College, the duties of which are not of a limited nature, which is a qualifying College Office under Statute XXXIV or other office designated for the purpose by the Governing Body;
- (ii) to any person employed by the College to carry out teaching or research save for those expressly excluded by the Governing Body from the scope of this Statute on the ground that the person's duties in that regard are of a limited nature; and
- (iii) to the Master, to the extent and in the manner set out in Part VII of this Statute.

For the purpose of this Statute, a person's duties shall be taken to be of a limited nature if the remuneration for those duties is not the principal source of remuneration of that person; and, in relation to any particular person, the Governing Body may resolve that the person's duties are of a limited nature where the remuneration for those duties would not normally be the principal source of remuneration of the person performing them.

- (b) In this Statute any reference to 'academic staff' is a reference to persons to whom this Statute applies. A 'primary office or employment' in relation to a member of the academic staff means one by virtue of the tenure of which that person is a member of the academic staff. A 'secondary office or employment', in relation to a member of the academic staff, means: (i) one which is not a primary office or employment for that member; (ii) in respect of which the duties are of a limited nature only; and (iii) which is either prescribed by Ordinance as secondary, or so specified at the time of appointment.
- (c) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Statute concerning a member of the academic staff; provided that this

- (i) shall not affect the validity of any compromise agreement made under section 203 of the Employment Rights Act 1996, or any agreement or waiver of rights permitted by law generally; and
 - (ii) shall not preclude any member of the academic staff agreeing to terminate his or her office or employment by the College on whatever terms may be agreed.
- (d) Parts II to V of this Statute shall not apply to the dismissal of a member of the academic staff from any secondary office or employment, provided that dismissal from a primary office or employment is not in contemplation. The Governing Body shall prescribe by Ordinance a procedure for dealing with removal from a secondary office or employment before its prescribed or normal termination date, which shall include provision for a hearing and an appeal.

2. General principles of construction and application

- (a) This Statute and any Ordinance made under this Statute shall be applied and construed in every case to give effect to the following guiding principles:
- (i) to ensure that members of the 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;
 - (ii) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
 - (iii) to apply the principles of justice and fairness.
- (b) Nothing in 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.

3. Dismissal

- (a) For the purposes of this Statute, 'dismiss' includes remove from office; related expressions shall be interpreted accordingly.

In relation to employment under a contract, the terms shall be construed in accordance with section 95 of the Employment Rights Act 1996.

- (b) A member of the academic staff may be dismissed if that dismissal is for a reason set out in section 98 of the Employment Rights Act 1996.

- (c) A member of the academic staff may be dismissed
 - (i) by reason of redundancy in accordance with Part II of this Statute;
 - (ii) for disciplinary reasons in accordance with Part III of this Statute;
 - (iii) for incapacity on health grounds in accordance with Part IV of this Statute; and
 - (iv) on other grounds, including the non-renewal of a fixed-term appointment or the non-confirmation of appointment at the end of an initial probationary period, in accordance with Part V of this Statute.

4. Hearing, appeal and grievance panels

- (a) A panel established for the purposes of this Statute shall comprise three persons, none of whom shall have had any involvement with the matter that would make his or her participation as a member of the panel unfair.
- (b) The Governing Body may by Ordinance provide rules for the conduct of panels. Such rules may make provision for a panel to continue their consideration of a matter notwithstanding a reduction in their membership.
- (c) A panel established for the purposes of this Statute shall conduct a hearing into the matter before them. At any hearing, the member of the academic staff concerned shall be entitled to be accompanied by a representative or another person of his or her choosing.
- (d) A panel established for the purposes of this Statute shall give a reasoned decision to the member of the academic staff concerned, which shall be reported to the Governing Body.

Part II: Redundancy

5. Application

- (a) 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:

- (i) his or her appointment is made, or his or her contract of employment is entered into, on or after the twentieth day of November 1987; or
 - (ii) he or she is promoted on or after that date.
- (b) 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 the twentieth day of 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.

6. Definition of 'redundancy'

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

- (i) 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 intends to cease, to carry on that activity in the place in which the person concerned worked; or
- (ii) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

7. Procedure for dismissal by reason of redundancy

The Governing Body shall prescribe by Ordinance a procedure for dismissing members of the academic staff on grounds of redundancy. The procedure shall provide for an initial stage of consultation at the end of which the Governing Body shall resolve whether or not to proceed with a reduction of staff by reason of redundancy. The procedure shall provide, after such resolution:

- (i) for a process which is fair and which allows each member of the academic staff concerned, having been informed of the selection criteria to be employed, to make representations on his or her behalf; and
- (ii) for giving each member of the academic staff dismissed under this Part notice of dismissal and for informing him or her of the reasons for it.

8. Appeal against dismissal by reason of redundancy

- (a) The procedure prescribed under Section 7 of this Statute shall provide for an appeal to a panel by a member of the academic staff who has been given notice of dismissal under this Part.
- (b) The appeal panel shall be entitled to review all aspects of the matter other than the resolution of the Governing Body to proceed with a reduction of staff by reason of redundancy.
- (c) The appeal panel shall have power to reach a final decision on the appeal, or to remit the matter back for further consideration.

Part III: Disciplinary Procedures

9. Grounds for disciplinary action

- (a) For the purposes of this Statute, 'good cause' in relation to the dismissal or removal of a member of the academic staff means 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. Without prejudice to the generality of the foregoing, 'good cause' may include the following matters so found under procedures prescribed under this Statute:
 - (i) conviction for an offence such as to render the person convicted unfit for the performance of the duties of the office or for employment as a member of the academic staff; 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.
- (b) In this Section:
 - (i) 'capability' means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and
 - (ii) 'qualifications' means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.

10. **Disciplinary procedures**

- (a) The Governing Body shall prescribe by Ordinance a disciplinary procedure for members of the academic staff, which shall provide for less serious matters to be dealt with by warnings following a procedure which is fair and which provides for a right of appeal against any warning.
- (b) The disciplinary procedure shall provide for more serious matters to be dealt with in a way which includes provision for
 - (i) fair and reasonable time limits for each stage;
 - (ii) the investigation of complaints and the dismissal of those found to be without substance;
 - (iii) suspension on full pay pending an investigation or hearing where that is necessary;
 - (iv) a hearing by a panel, at which the member of the academic staff against whom the complaint has been made shall have had notice of the complaint, and shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses;
 - (v) the dismissal by the panel of any complaint found to be without substance;
 - (vi) if the panel are so minded, the dismissal by them without penalty of a complaint found to be of substance;
 - (vii) the imposition by the panel of an appropriate penalty or penalties, which in addition to a warning or dismissal (with or without notice), may include suspension without pay for up to three months, the withholding of future increments, reduction in grade in any primary office or employment, removal from any secondary office or employment, and the substitution (as an alternative to dismissal, where in the opinion of the panel dismissal would be justified) of any lesser office or employment for any primary office or employment; and
 - (viii) the award of compensation in respect of any loss caused or damage done.

11. Appeals

- (a) A member of the academic staff shall have a right of appeal against the finding of, or penalty imposed by, a panel constituted under Section 10 of this Statute.
- (b) Such an appeal shall be to a fresh panel, having no common membership with the panel who heard the matter at first instance. It shall include a hearing by the appeal panel, but that hearing shall not take the form of a re-hearing of the evidence, and evidence shall only be heard as the appeal panel may determine in accordance with any Ordinance made under this Statute.
- (c) In determining an appeal, an appeal panel may substitute for the decision of the panel hearing the matter at first instance any decision that that panel might have made.
- (d) A dismissal by a panel hearing a matter at first instance shall be effective notwithstanding any appeal against such dismissal, unless either that panel, in giving their decision, or an appeal panel thereafter shall determine otherwise (subject to such conditions as the respective panel may impose).
- (e) A dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of the academic staff should not be dismissed or should only be dismissed with notice. The cancellation of a dismissal shall have effect to reinstate the member of the academic staff as if no dismissal had occurred.

12. Relationship with Part IV

The Governing Body may by Ordinance provide for dealing with a case in progress under this Part where it appears that the conduct or capability of the member of the academic staff concerned may be attributable, wholly or in part, to a medical condition, but any proceedings under this Part shall be valid notwithstanding that they might have been brought under Part IV of this Statute, and a member of the academic staff may be subject to proceedings and to a penalty, including dismissal, under this Part notwithstanding the fact that his or her conduct or capability may have been attributable, wholly or in part, to a medical condition.

Part IV: Incapacity on Health Grounds

13. Dismissal on health grounds

- (a) This Part makes provision for dealing with cases of incapacity on health grounds in relation to members of the academic staff.
- (b) In this Part references to health grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (c) The Governing Body shall prescribe by Ordinance a procedure for assessing incapacity on health grounds and for taking appropriate action in relation thereto, which may include dismissal.
- (d) That procedure shall include a hearing by a panel and a right of appeal to a fresh panel. The panel hearing the matter at first instance and the appeal panel shall each include a medically qualified person.

Part V: Other Dismissals

14. Non-renewal of a fixed-term appointment

- (a) The Governing Body shall prescribe by Ordinance a procedure, including appropriate consultation, for a review in each case where a member of the academic staff has been appointed to a primary office or employment for a fixed term and that fixed term is due to terminate. The review shall be to decide whether the office or employment should be allowed to terminate without renewal, or should be renewed for a further fixed-term, or should be extended to an appointment of indefinite duration.
- (b) The review may encompass matters which, in other circumstances, might fall to be dealt with under Parts II, III or IV of this Statute.
- (c) A decision that an office or employment should be allowed to terminate without renewal shall not be made unless it is judged to be inexpedient or undesirable to renew or extend the appointment by reason of one or more of the following considerations:
 - (i) the availability of funding for the office or employment, or the financial situation of the College;

- (ii) the performance of the member of the academic staff concerned (having regard to any warnings and advice relating to performance that he or she may have been given);
 - (iii) the need for the office or employment or for the performance of the duties thereof;
 - (iv) the nature and character of the office or employment; and
 - (v) the desirability of making the office or employment permanent and filling it through open competition.
- (d) The procedure under this Section shall provide that, where it has been decided under subsection (a) of this Section that an office or employment should be allowed to terminate without renewal, the member of the academic staff shall be notified of the reasons for that decision, and shall be afforded a further review of the matter.

15. Probationary appointments

- (a) The Governing Body shall prescribe by Ordinance a procedure, including appropriate consultation, for a review in each case where a member of the academic staff has been appointed to a primary office or employment for an initial probationary period and that period is coming to an end. The review shall be to decide whether appointment to the office or employment should be confirmed, whether the initial probationary period should be extended, or whether the member of the academic staff should be dismissed at the end of the probationary period.
- (b) The review may encompass matters which, in other circumstances, might fall to be dealt with under Parts II, III or IV of this Statute.
- (c) The procedure under this section shall provide that, where it has been decided under subsection (a) of this section that dismissal should take place at the end of a probationary period, the member of the academic staff shall be notified of the reasons for that decision, and shall be afforded a further review of the matter.

16. Dismissal on other grounds

The Governing Body shall prescribe by Ordinance a procedure for dealing with dismissal on any other ground than those covered by Parts II, III, IV and Sections 14 and 15 of Part V of

this Statute. The procedure shall include the right to a hearing by a panel and a right of appeal to a fresh panel.

Part VI: Grievance Procedures

17. Grievance Procedure

- (a) The Governing Body shall prescribe by Ordinance a grievance procedure for the settlement or redress of the grievances of members of the academic staff which concern their offices or employments, where those grievances relate to matters affecting themselves as individuals or 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 the Statutes.
- (b) The grievance procedure shall provide that consideration of a grievance may be deferred if other proceedings under the Statutes relevant to the grievance are pending or in progress.
- (c) The grievance procedure shall provide for the fair and speedy resolution of grievances, informally wherever possible, and shall provide for the person aggrieved to be allowed assistance by an appropriate person at any hearing.
- (d) The grievance procedure shall provide for a member of the academic staff who is dissatisfied with the outcome of a complaint to be heard by a panel, unless the complaint has been judged, in accordance with the procedure, as trivial, vexatious or outside the scope of the procedure.

Part VII: Removal of the Master from Office

18. Removal of the Master from Office

- (a) The Governing Body shall prescribe by Ordinance a procedure for the removal of the Master from office. Any variation made to that procedure shall have no effect in relation to the Master in office at the time of such variation until he or she has consented to it, but such variation shall otherwise be binding and effectual.
- (b) The procedure for the removal of the Master from office shall provide for:
 - (i) the initial consideration by the Governing Body (exclusive of the Master and the complainant Fellows) of a

complaint by any three Fellows seeking the removal of the Master from office for good cause;

- (ii) the dismissal by the Governing Body of such complaint if they are of the view that it is not supported by sufficient evidence of good cause for removal from office;
- (iii) otherwise, the appointment by the Governing Body of a panel to hear and determine the matter, which panel shall comprise three persons who are not Fellows and are not employed by the College, one of whom holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing, that person to be chairman of the panel;
- (iv) the removal of the Master from office if the panel decide that there is good cause for such removal;
- (v) a right of appeal to a fresh panel, also constituted in accordance with (iii) above, against a decision of removal from office; and
- (vi) where the complaint is of incapacity on health grounds, the inclusion on the panel hearing the matter at first instance and on any appeal panel of a medically qualified person.

STATUTE XXI

Of the Discipline and Good Government of the College

1. It shall be the duty of the Tutors and the Dean to maintain discipline among members of the College *in statu pupillari*.
2. All persons *in statu pupillari* shall show due respect and obedience to the Master, other Officers, and Fellows of the College; they shall conduct themselves in a quiet and orderly manner within the College, shall observe the Statutes and Ordinances, and shall conform to all such orders and regulations as may be made by the Master, or by the Governing Body, from time to time for the good government of the College.
3. If any such person (not being a Fellow of the College) shall not observe the Statutes and Ordinances or the orders and regulations above referred to, or shall be guilty of any offence contrary to discipline or good order or tending to bring scandal upon the College, he or she shall be admonished or punished by the Dean, or in his or her absence by the person designated in accordance with Ordinances to act in his or her place, in such manner as the offence may appear to deserve. But the penalty of temporary or final removal from the College, or, in the case of a Scholar or Exhibitioner, of deprivation of his or her Scholarship or Exhibition or temporary forfeiture of the emoluments and advantages thereof, shall be inflicted only by the Members of the Governing Body.
4. The Members of the Governing Body in residence shall have power to remove from the College temporarily or finally a member of the College *in statu pupillari* if in their opinion he or she proves by reason of failure in examination as defined by Ordinance to be an unsatisfactory student.

STATUTE XXII

Of the Disciplinary Committee

1. The Governing Body shall in each calendar year select five of its number (of whom one shall be one of the five senior Fellows and one a Fellow of not more than three years' standing from his or her first election) to form a Disciplinary Committee in which, save as this Statute otherwise provides and save as respects removal from the College on account of failure in examination, there shall be vested the disciplinary powers of the members of the Governing Body in residence in relation to members of the College *in statu pupillari*.
2. No member of the Committee who holds the office of Dean or is the Tutor of any person against whom charges shall have been preferred and are pending before the Committee shall act as such while he or she holds that office or as the case may be until those charges shall have been disposed of, and the Master shall appoint a substitute to act in his or her place.
3. At the request of any person against whom charges have been preferred before the Committee the Master shall add to the number thereof for the purpose of the disposal of those charges two members of the College *in statu pupillari* to whom their duty to act impartially and *judicially* shall be explained and who shall express their willingness so to act.
4. Charges against any person within the jurisdiction of the Committee shall be preferred by the Dean or a Tutor. Any person against whom charges are preferred shall have the right to appear before the Committee and to have, if he or she so desires, in relation to its proceedings, the assistance of any Fellow of his or her choice.
5. The Chairman or Chairwoman of the Committee shall for the hearing of any charge or group of connected charges be chosen from among its senior members, but otherwise all persons appointed thereto shall be of equal status and decisions shall be taken by simple majority, the Chairman or Chairwoman having in case of need a casting vote. Provided that the proceedings of the Committee shall not be invalidated by reason of the fact that no person *in statu pupillari* can be found to act as a member thereof or that he or she refuses so to act.
6. If the Committee imposes a penalty on any person in a case that falls within criteria set out in an Ordinance made pursuant to this Statute, he or she may appeal to the Governing Body against that decision.

STATUTE XXIII

Of Divine Service and Religious Instruction; and of the Chaplains

Whereas Section 5 of the Universities Tests Act, 1871, requires the Governing Body of every College subsisting in the University of Cambridge at the time of the passing of that Act to provide sufficient religious instruction for all members thereof *in statu pupillari* belonging to the Established Church; and Section 6 of that Act provides that the morning and evening prayer according to the Order of the Book of Common Prayer is to continue to be used daily as heretofore in the chapel of every such College, but that notwithstanding anything contained in the Statute thirteenth and fourteenth Charles the Second, chapter four, or in that Act, it is to be lawful for the Visitor of any such College, on the request of the Governing Body thereof, to authorise from time to time in writing the use on week days only of any abridgment or adaptation of the said morning and evening prayer in the chapel of such College instead of the order set forth in the Book of Common Prayer:

1. The Governing Body shall appoint some one or more persons to act as Chaplain or Chaplains, at least one of whom shall be responsible for discharging the obligation imposed on the College by section 6 of the Universities Tests Act 1871, and may appoint another person or persons to discharge the obligation imposed on the College by section 5 of that Act.
2. The Governing Body shall, if necessary, provide salaries from the revenues of the College for such person or persons.
3. The Governing Body may make such Ordinances as it may deem expedient for the due celebration of Divine Service and for the due maintenance of religious worship and discipline.

STATUTE XXIV

Of the College Lecturers

The Governing Body may appoint College Lecturers who shall hold office for such periods and perform such duties and enjoy such privileges as the Governing Body shall in each instance determine.

STATUTE XXV

Of the Directors of Studies

1. The Governing Body shall from time to time appoint Directors of Studies.
2. The functions of a Director of Studies shall include overseeing arrangements for the teaching of members of the College *in statu pupillari* who read the subject for which he or she is a Director of Studies and monitoring the progress of those who read that subject, and such other functions as may be conferred by Ordinances.
3. A Director of Studies shall enjoy such privileges as the Governing Body may determine.

STATUTE XXVI

Of the Tutors

1. The Governing Body shall have power to appoint as many Tutors as the circumstances of the College may in its judgment from time to time require.
2. The Tutors shall have such duties and powers as the Governing Body may determine.
3. One of the Tutors shall be selected by the Governing Body to be designated Senior Tutor for such period as the Governing Body shall determine. The Senior Tutor shall take cognizance of absence of any member of the College in *statu pupillari* for any night during term.
4. The Governing Body shall also appoint an Admissions Tutor or Admissions Tutors to undertake such duties as the Governing Body shall determine.

STATUTE XXVII

Of the Bursar

1. There shall be at least one Bursar appointed by the Governing Body for such period and on such terms and subject to such probationary period (if any) as the Governing Body may determine.
2. The duties and responsibilities of the Bursar or Bursars, who shall be responsible to the Governing Body for their performance and discharge, shall include the financial management of the College, and such other matters as may be determined by the Governing Body from time to time. The Bursar or Bursars shall keep proper accounts, and shall account regularly to the College for the overall financial position of the College.

STATUTE XXVIII

Of the Library and of the Fellow Librarian

1. There shall be in the College a Library, for the use of Members of the College on whom eligibility is conferred by Ordinance and subject to such conditions and restrictions as may be provided for in Ordinances.
2. For the management of the Library and the safe custody of the books, there shall be a Fellow Librarian appointed by the Governing Body from amongst its number in accordance with an Ordinance to be made under this Statute.
3. A person appointed Fellow Librarian shall hold that office for five years.

STATUTE XXIX

Of the Dean

1. There shall be one Officer to be called the Dean. He or she shall be appointed by the Governing Body from amongst its number.
2. It shall be the duty of the Dean to assist in maintaining discipline among members of the College *in statu pupillari*.

STATUTE XXX

Of the Fellows' Steward

There shall be a Fellows' Steward appointed by the Governing Body. His or her duties shall be determined from time to time by the Governing Body.

STATUTE XXXI

Of the Praelector or Praelectors

There shall be at least one Praelector appointed annually by the Governing Body. A Praelector shall have such duties and powers as the Governing Body shall determine.

STATUTE XXXII

Of the Fellow Archivist

1. The Governing Body may appoint a Fellow Archivist whose principal function shall be to effect proper custody of the College's muniments, title-deeds, leases and other like documents belonging to the College. At periods specified in Ordinances, he or she shall satisfy the Governing Body as to the safe custody of these documents.
2. The Fellow Archivist shall maintain a list of the documents for which he or she is responsible.
3. The Fellow Archivist shall perform such additional functions in connection with the College's muniments and archival materials as the Governing Body may from time to time prescribe.

STATUTE XXXIII

Of the Secretary of the Governing Body

There shall be a Secretary of the Governing Body appointed by the Governing Body. He or she shall have such duties as the Governing Body shall determine.

STATUTE XXXIV

Of College Offices

1. Without prejudice to the provisions of Statute XX (Of Academic Staff), for the purposes of the present Statutes, 'College Officer' shall include those holding the offices of Master, Vice-Master, President, Chaplain, Teaching Fellow, Director of Studies, Tutor, Bursar, Fellow Librarian, Dean, Fellows' Steward, Praelector, Fellow Archivist, and Secretary of the Governing Body, and the holders of such additional offices as the Governing Body may from time to time create and determine, provided that the Governing Body shall have power to abolish such additional offices.
2. Unless otherwise provided by Statutes, appointments to Offices shall be for such periods as may be specified in Ordinances. The appointments may include a period of probation.
3. Unless otherwise provided by Statutes, in the event of the temporary absence of a College Officer from the College the Governing Body may appoint one of its number to act in the place of the Officer in question.

STATUTE XXXV

Of Leave of Absence

It shall be competent to the Governing Body to give leave of absence for good cause, including sabbatical leave, to any member of the Governing Body or any person holding one of the College Offices. The period of such leave and the conditions on which it is given shall be decided by the Governing Body, which may subsequently extend the period for good cause on the same or different conditions.

STATUTE XXXVI

Of the Age of Retirement

No person appointed to a College Office whether or not expressly provided for in the present Statutes shall continue in office after the end of the academic year in which he or she attains the age of retirement specified in Ordinances.

STATUTE XXXVII

Of Lodges and Rooms

1. The Master shall be entitled to the exclusive use of the Master's Lodge.
2. Every Fellow resident in College shall have the right to the exclusive use of a set of rooms for the purposes of accommodation.
3. The right to reside in College shall be conferred on a Fellow by the Governing Body in accordance with criteria laid down in Ordinances, and may be subject to such conditions (including conditions with regard to payments) as may be determined by the Governing Body consistently with this Statute and with Ordinances.
4. Every Fellow shall have the right to the shared or exclusive use of at least one room in College for the discharge of his or her functions as a Fellow. The Governing Body shall assign to each Fellow the right to use such room or rooms as may be considered expedient in his or her case in accordance with criteria laid down in Ordinances. In the case of a Fellow resident in College, the room assigned for this purpose may be one of the set of rooms mentioned in Section 2 of this Statute.
5. The Governing Body shall periodically review the assignment of rooms to resident and non-resident Fellows with a view to ensuring that available space in the College is deployed in the way best calculated to give effect to the criteria for use of rooms laid down in Ordinances.
6. No Fellow or Officer of the College shall use his or her room or rooms in College or other property of the College as a residence for any other person, except for such use as may be approved by the Governing Body as suitable for the purpose.

STATUTE XXXVIII

Of Commons

The Master and the Fellows shall be entitled on giving reasonable notice to eat in College free of charge for one meal on each day during Term and on days falling outside Term when the kitchens are open for the provision of meals to others.

STATUTE XXXIX

Of Superannuation Schemes

1. The College shall participate in the Universities Superannuation Scheme or any successor scheme.
2. The College shall make Ordinances for the administration of its Superannuation arrangements, provided that in so far as such regulations relate to a scheme they shall be compatible with the constitution and rules of that scheme.

STATUTE XL

Of Contribution to the University

The College shall pay annually to the University the sum authorised 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.

STATUTE XLI

Of the College Accounts and Audit

1. The year of account shall be from the first of July in each year to the next succeeding thirtieth day of June (or on such conditions as the University may impose from some day between the thirtieth day of June and the thirty-first day of December).
2. The several accounts of the College shall be kept and inspected, abstracts made and statistics recorded, in such manner as may be prescribed from time to time by the Statutes of the University or by other competent authority.
3. The accounts shall be duly audited by a professional Accountant who is not a member of the Governing Body and shall be sent annually on or before the thirty-first of December after the audit thereof to the Vice-Chancellor of the University for publication.
4. The Governing Body shall consider the accounts for the previous year of account at a Meeting taking place on such day in each year as the Governing Body shall from time to time appoint.

STATUTE XLII

Of Payments and Allowances

1. There shall be paid in each financial year to Research Fellows and to College Officers such stipends or salaries as the Governing Body shall from time to time determine.
2. The Governing Body may authorise the payment of entertainment and other allowances, including payments to support teaching, learning and research by members of the College, to the Master, the College Officers, the Fellows and other members of the College.
3. All stipends or salaries shall be considered as accruing from day to day, and be apportionable in respect of time accordingly. No member of the Governing Body, College Officer or Member of the Staff shall receive any stipend or salary free of income tax.

STATUTE XLIII

Of Leases and of the College Seal

1. The College Seal shall be kept in the custody of the Bursar unless the Master shall otherwise direct.
2. The Seal shall not be affixed to any deed or other instrument except in pursuance of a resolution of the Governing Body. Such resolution in lieu of referring to a specific deed or instrument may in general terms authorise the sealing and delivery of any class of deed or instrument.
3. The Seal shall be affixed in the presence of two persons, one of whom shall be the Master, or the Bursar, or failing these the Vice-Master or the most senior Fellow available in College at the time, and the other shall be one of the Fellows. A register of all Sealings shall be kept by the Bursar and shall be accessible to members of the Governing Body at all reasonable times.

STATUTE XLIV

Of the College Staff

The Governing Body shall have power to make from time to time such arrangements as the Governing Body shall think fit for the appointment, salaries, wages, conditions of service, and dismissal of College Staff.

STATUTE XLV

Of the Commencement of these Statutes and of the Repeal of Former Statutes

1. These Statutes shall take effect on the first day of August, 2005, with the exception of amendments to the Statutes which take effect from the dates on which they are approved by the Privy Council.
2. From and after the first day of August, 2005, all the Statutes of the College in force before that time shall be repealed, except so far as regards the interests and conditions of tenure of Offices and employments of any person who was appointed or elected to such Office or employment before that date.
3. The repeal of former Statutes shall not be taken to revive the provisions of any previously existing Statutes of the College.

STATUTE XLVI

Of Endowments

The College shall have power to accept endowments or other monies for any purposes in furtherance of the interests of the College as a place of education, learning and research, and to make Ordinances 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 or other monies, even though the Ordinances may be inconsistent with the provisions of the Statutes of the College, provided always that no such Ordinance shall derogate from any obligation imposed on the College by the Statutes of the University.

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STATUTE XLVII

Of Investment and Application of Assets

1. The powers conferred by this Statute shall apply to the following funds, namely:
 - (a) all funds and endowments of the College which are not held on trust; and
 - (b) any endowment, benefaction or trust for purposes connected with the College of which the College or an Officer of the College in his or her capacity as such is Trustee and in relation to which the College has consented to the application of this section.
2. The Governing Body shall have power to authorise the purchase, sale, transfer, management, investment (including the variation of investment) or application of property, real or personal, and securities (which term includes stocks, funds and shares) of any description on behalf of the College, and also the application of monies to any purpose to which capital monies arising under the Universities and College Estates Act, 1925 and 1964, may be applied.
3. The Governing Body may appropriate for expenditure for the purposes of such a fund as is mentioned in section 1 of this Statute so much of the fair value of the particular fund as is prudent in all the circumstances, having regard to the total return achieved and reasonably to be expected in the long term of that fund.
4. In section 3 of this Statute:
 - (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; and
 - (b) 'total return' means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised.
5. Any reference in these Statutes to the income of the College shall include the total sums appropriated in accordance with section 3 of this Statute.

STATUTE XLVIII

Of Surplus Income of Certain Trusts

Any surplus income of a trust fund of which the College or an Officer of the College in his or her capacity as such is trustee may at the discretion of the Governing Body be applied as income for the purposes of the trust in any subsequent year or be applied for the general educational purposes of the College.

In the foregoing section 'surplus income' means income unexpended in any year after the purposes of a trust have been provided for in that year (whether wholly by income from the trust or partly by income from the trust and partly by other means) in so far (if at all) as in the opinion of the Governing Body it is possible to provide.

STATUTE XLIX

Of the Establishment of Funds for College Purposes

1. The Governing Body may at any time establish funds for the general or particular purposes of the College, and allocate capital and income to those funds in its discretion, subject to the requirements of other Statutes.
2. The operation of the funds may be regulated by Ordinances.

Given under our COMMON SEAL this
Eighteenth day of August Two thousand
and five in pursuance of a resolution
passed at a meeting of the Governing
Body on the Tenth day of June Two
Thousand and five by a majority of not
less than two-thirds of the number of
persons present and voting and specially
summoned for the purpose.

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BARRY JOHN EVERITT, Master

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SUSAN ELIZABETH LINTOTT, Bursar