



University of Manchester Act 2004

2004 CHAPTER iv

An Act to transfer to The University of Manchester all rights, properties, assets and obligations of The Victoria University of Manchester and University of Manchester Institute of Science and Technology and to dissolve those bodies; to enact provisions with regard to The University of Manchester; and for other purposes. [8th July 2004]

WHEREAS—

- (1) The Owens College was founded in 1851 in the City of Manchester pursuant to the provisions of the will of John Owens who died in 1846. By the Owens Extension College, Manchester, Act 1870 (c. 2) the College became incorporated as the Owens College Manchester and regulated pursuant to the provisions of that Act as subsequently amended by the Owens College Act 1871 (c. cxlvii) and the Owens College Act 1899 (c. clxxv):
- (2) The Victoria University was founded and constituted in the City of Manchester by Royal Charter granted by Her late Majesty Queen Victoria on 20th April 1880 under the name of “Victoria University”:
- (3) By the said Charter of 1880 the Owens College Manchester was constituted a college of Victoria University and it was provided that other colleges might from time to time be admitted as colleges of Victoria University in the manner and subject to the conditions prescribed in the Charter. Royal Charters dated 20th March 1883 and 3rd June 1898 were granted supplemental to the said Charter of 1880:
- (4) In 1884 University College Liverpool was admitted as a college of Victoria University and in 1887 the Yorkshire College Leeds was also admitted as a college of Victoria University:
- (5) By Royal Charter granted by His late Majesty King Edward the Seventh dated 15th July 1903 Victoria University became known as “The Victoria University of Manchester” and it was provided by that Charter that on 1st October 1903, University College Liverpool should cease to be a college of The Victoria University of Manchester. It was further provided by that Charter that on the 1st October 1904 or on the grant of a Royal Charter establishing a university in Leeds or elsewhere in Yorkshire whichever should happen first the Yorkshire College should cease to be a

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college of The Victoria University of Manchester. A Royal Charter was also granted by His late Majesty King Edward the Seventh in 1903 establishing a university in Liverpool to be called the University of Liverpool:

- (6) By the [Victoria University of Manchester Act 1904 \(c.xiii\)](#) the Owens College Manchester became incorporated with The Victoria University of Manchester, all property and liabilities of the College were transferred to The Victoria University of Manchester, and the College ceased to exist as a separate corporation:
- (7) On 12th February 1973 a further Supplemental Charter was granted to The Victoria University of Manchester which revoked, except insofar as they related to the incorporation of The Victoria University of Manchester, the Royal Charters of 1880, 1883, 1898 and 1903:
- (8) In 1824 the Mechanics' Institution (“the Institution”) in Manchester was established to teach the basic principles of science, particularly mechanics and chemistry:
- (9) In 1883 the Institution was reorganised as a Technical School using the schemes and examinations of the City and Guilds' of London Institute:
- (10) The Institution’s building was commenced in 1895 and opened in October 1902 in Sackville Street, Manchester by which time the Institution had become the Manchester Municipal School of Technology (“the School”):
- (11) In 1905, in pursuance of a scheme approved by the court of The Victoria University of Manchester and by the Lord Mayor, Aldermen and Citizens of the City of Manchester, a faculty of technology was created for the co-ordination of the work of The Victoria University of Manchester and the School. In 1918 the School was renamed the Manchester Municipal College of Technology:
- (12) On 29th July 1955, a Royal Charter was granted incorporating the Manchester Municipal College of Technology as the Manchester College of Science and Technology (“the College”) with a duty to give effect to the scheme until otherwise agreed by The Victoria University of Manchester and the College. In April 1966 after all non-university courses had been transferred to other institutions, the College was renamed the University of Manchester Institute of Science and Technology (“UMIST”). Until 1994 under the terms of the scheme, degrees of The Victoria University of Manchester were awarded:
- (13) By agreement in 1994, the scheme was terminated in favour of a new alternative form of collaboration in educational provision and at which time an amendment to the Royal Charter was allowed, giving the College power to award degrees in its own name:
- (14) The Councils and Courts of The Victoria University of Manchester and UMIST have agreed that it is expedient that they should cease to exist and that the Royal Charters granted for each of those bodies should be revoked in accordance with the provisions of this Act; and that a new university should be founded as a centre of excellence for research, scholarship, learning and teaching with the name and style of “The University of Manchester” to perform the functions at present performed by The Victoria University of Manchester and UMIST:
- (15) The Victoria University of Manchester and UMIST have established a jointly owned company limited by guarantee under the name of “Project Unity” and The Victoria University of Manchester and UMIST have, through Project Unity, presented a petition to Her Majesty in Council to grant a Royal Charter founding The University of Manchester in their place:

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

(17) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

PRELIMINARY

1 Short title

This Act may be cited as the University of Manchester Act 2004.

2 Interpretation

In this Act, unless the subject or context otherwise requires—

“the appointed day” has the meaning given by section 3 (Appointed day) of this Act;

“the Board” means the Board of Governors of The University of Manchester;

“the existing bodies” means The Victoria University of Manchester, the University of Manchester Institute of Science and Technology and Project Unity or any of them as the case may be;

“the University” means the body which may be incorporated by the name The University of Manchester pursuant to a Royal Charter as referred to in section 3 (Appointed day) of this Act.

PART 2

TRANSFER OF FUNCTIONS AND PROPERTY, ETC., TO UNIVERSITY AND DISSOLUTION OF EXISTING BODIES

3 Appointed day

- (1) If Her Majesty is pleased to grant a Royal Charter incorporating the University, the appointed day for the purposes of this Act shall be 1st October 2004 or the date of the coming into effect of that Charter whichever is later.
- (2) As soon as practicable after the appointed day occurs, the University shall publish a notice in the London Gazette of the occurrence of the appointed day, stating that it is the appointed day for the purposes of this Act.
- (3) The publication of a notice under subsection (2) above shall be conclusive evidence of the appointed day for the purposes of this Act, and a photocopy or other reproduction, certified by an authorised officer of the University, of a page or part of a page of the

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London Gazette containing the notice shall be conclusive evidence of publication of the notice.

4 Dissolution of existing bodies

- (1) On the appointed day, by virtue of this Act—
 - (a) The Victoria University of Manchester and the University of Manchester Institute of Science and Technology shall be dissolved and the Royal Charters granted for each of those bodies (being the Royal Charters referred to in paragraphs (2), (3), (5), (7) and (12) of the Preamble to this Act) shall be revoked; and
 - (b) Project Unity shall be dissolved.
- (2) The Board shall notify the registrar of the effect of paragraph (b) of subsection (1) above and of section 13 (Restriction on use of certain names) of this Act within 14 days of the appointed day; and the registrar shall record the dissolution of Project Unity.
- (3) In subsection (2) above, the “registrar” has the meaning given in section 744 of the Companies Act 1985 (c. 6).

5 Transfer of property, functions, etc., to University

- (1) Such of the following as immediately before the appointed day belonged to or were vested in or exercisable by the existing bodies—
 - (a) all property, real and personal, of every description (including things in action), and
 - (b) all rights, interests, privileges, and functions,
 shall on the appointed day, without any conveyance, transfer, assignment or other instrument, be transferred to and vested in, or be exercisable by, the University for all the estate and interest therein of the existing bodies.
- (2) Without prejudice to the general effect of subsection (1) above, the property of the existing bodies transferred to the University by that subsection shall include such interests as the existing bodies may have in the properties specified in Schedule 1 to this Act and the trust funds specified in Schedule 2 to this Act.
- (3) All intellectual property transferred by subsection (1) above shall be valued for all purposes in connection with the transfer at one pound.
- (4) In this section “functions” includes functions conferred by or under any enactment.

6 Transfer of obligations, etc., to University

- (1) Subject to subsection (2) below, all debts and obligations of the existing bodies shall on the appointed day be transferred and attached to the University and shall thereafter be discharged and satisfied by the University.
- (2) This section shall not apply to any debts and obligations in respect of any person referred to in section 8 (Continuation of employment) of this Act.

7 Savings for agreements, deeds, actions, etc.

- (1) Subject to subsection (2) below, such of the following as immediately before the appointed day were existing or pending in favour of, or against, the existing bodies—
- (a) all agreements, appointments, awards, contracts, deeds and other instruments, and
 - (b) all actions and proceedings and causes of action or proceedings,
- shall on and from the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against, the University to the same extent and in like manner as if the University instead of the existing bodies had been party to, or interested in, the same respectively.
- (2) This section shall not apply to any agreements, appointments, awards, contracts, deeds and other instruments, and all actions and proceedings, and causes of action or proceedings in respect of any person referred to in section 8 (Continuation of employment) of this Act.

8 Continuation of employment

- (1) On the appointed day every member of the staff of the existing bodies shall by virtue of this Act become a member of the staff of the University and the contract of employment of every such member shall transfer in accordance with, and to the extent provided by, the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794).
- (2) Employment of members of the staff to which subsection (1) above applies shall be deemed for all purposes to be a single continuing employment.

9 Construction of bequests, etc.

Any scheme, will, deed or other instrument, whether made or executed before, on or after the appointed day, which contains any bequest, gift or trust or other benefit in favour of the existing bodies shall, on and after the appointed day, be read and have effect as if the University were named therein instead of the existing bodies.

10 Transfer of powers to appoint or nominate

Any power or right of the existing bodies or of any of their officers or employees to appoint or nominate a member of any education authority, or of the governing body of any educational, charitable or other institution, shall on the appointed day be transferred to, and may be exercised by, the University or by the officer or employee of the University, who in the opinion of the Board most nearly performs the functions formerly performed by the former officer or employee in question.

11 University to be exempt charity

The University and any institution which is for the time being administered by or on behalf of the University, being an institution established for the general purposes of, or for any special purpose of, or in connection with, the University, shall be an exempt charity within the meaning, and for the purposes, of the Charities Act 1993 (c. 10).