



# University of Wales, Cardiff Act 2004

## 2004 CHAPTER vi

An Act to dissolve the University of Wales College of Medicine; to transfer all rights, properties and liabilities of the said College to the University of Wales, Cardiff; to make provisions as to the funds held by or on behalf of the University of Wales, Cardiff; and for connected and other purposes. [28th October 2004]

### WHEREAS—

- (1) The institution now known as the University of Wales, Cardiff or Prifysgol Cymru, Caerdydd (“the Institution”) was founded as University of Wales College of Cardiff by Royal Charter granted on 26th September 1988 by Her Majesty Queen Elizabeth II:
- (2) The Institution is the successor of the former University College of South Wales and Monmouthshire (subsequently known as University College, Cardiff) and of the former University of Wales Institute of Science and Technology (“the former bodies”):
- (3) The Institution is subject to the said Charter of 26th September 1988 and to the University of Wales College of Cardiff Act 1988 which dissolved the former bodies and transferred their property and liabilities to the Institution:
- (4) By a special statute made pursuant to the said Charter in 1996 the name and style of the Institution was changed to that which it now bears:
- (5) The Welsh National School of Medicine was incorporated by Royal Charter granted on 21st January 1931 by His Majesty King George V and, by a Supplemental Charter granted by Her Majesty Queen Elizabeth II on 26th July 1984, its name and style was changed to the University of Wales College of Medicine (“the College”):
- (6) The Institution and the College have established successful partnership arrangements and have concluded that their respective objects and duties would be better achieved and performed if the two bodies were united as one institution:
- (7) The Institution and the College wish to respond to the National Assembly for Wales strategy for the Higher Education Sector in Wales issued in March 2002 which emphasises the need for institutions in the sector to aspire to world class performance, and identifies reconfiguration as a key priority for the sector:

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- (8) It is expedient to make provision for the dissolution of the College and for the transfer of its rights, properties and liabilities to the Institution:
- (9) It is expedient to make provisions as to the funds held by or on behalf of the Institution:
- (10) It is expedient that the other provisions contained in this Act should be enacted:
- (11) 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 Wales, Cardiff Act 2004.

#### 2 Interpretation

In this Act—

“the appointed day”, means such day as may be agreed by the Institution and the College under section 3 (Appointed day and notice of appointed day) of this Act;

“the Charters of the College” means the Royal Charter granted on 21st January 1931 by His Majesty King George V which incorporated the Welsh National School of Medicine and the Supplemental Charter granted on 26th July 1984 by Her Majesty Queen Elizabeth II which changed the name and style of the said School of Medicine to that of University of Wales College of Medicine;

“the College” means the University of Wales College of Medicine;

“the Council” means the Council of the Institution; and

“the Institution” means the University of Wales, Cardiff, or Prifysgol Cymru, Caerdydd.

#### 3 Appointed day and notice of appointed day

- (1) The Institution and the College may agree a day to be the appointed day for the purposes of this Act.
- (2) Not less than 28 days before any such day as may be agreed the Institution shall—
  - (a) publish in the London Gazette a notice stating the day so agreed; and
  - (b) give notice to the Council of the University of Wales of the day so agreed.

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## PART 2

### DISSOLUTION OF COLLEGE OF MEDICINE AND TRANSFER OF PROPERTY, ETC.

#### **4 Dissolution of University of Wales College of Medicine**

- (1) On the appointed day the College shall be dissolved and the Charters of the College shall be revoked.
- (2) The Institution shall notify the registrar of the effect of section 19 (Use of certain names) of this Act within 14 days beginning with the day on which this Act is passed.
- (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 and functions, etc.**

Such of the following as immediately before the appointed day belonged to or were vested in or exercisable by the College—

- (a) all property, real and personal, of every description (including things in action), and
- (b) all rights, 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 Institution for all the estate and interest therein of the College.

#### **6 Transfer of obligations, etc.**

All debts and obligations of the College shall, on the appointed day, be transferred and attached to the Institution and shall thereafter be discharged and satisfied by the Institution.

#### **7 Savings for agreements, deeds, actions, etc.**

Such of the following as immediately before the appointed day belonged to or were existing or pending in favour of or against the College—

- (a) all agreements, appointments, awards, contracts, deeds and other instruments, and
- (b) all actions and proceedings and causes of action,

shall on and after the appointed day continue and may be carried into effect, enforced and prosecuted by, or in favour of, or against the Institution to the same extent and in like manner as if the Institution instead of the College had been party to, or interested in, the same respectively.

#### **8 Construction of bequests, etc. and powers of trustees**

- (1) 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 or connected with the College shall, on or after the appointed day, be read and have effect as if the Institution were named therein instead of the College.

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- (2) The Institution shall administer that bequest, gift, trust or other benefit as nearly as may be for the purposes intended in the original scheme, will, deed or other instrument conferring such benefit and pursuant to the purposes of the College as those purposes were defined before its dissolution.
- (3) Without prejudice to subsections (1) and (2) above, any persons who, immediately before the appointed day, had power, for all or any purposes relating to—
- (a) hospital services (including research), or
  - (b) any other part of the health service associated with hospitals,
- to assist, support or otherwise benefit the College shall, on and from that day, have power to assist, support or otherwise benefit the Institution as if it were a hospital or an institution within the health service associated with such a hospital for which those persons were appointed.
- (4) In this section “the health service” and “hospital” have the same meanings as in the National Health Service Act 1977 (c. 49).

## 9 Transfers of powers to appoint or nominate

Any power or right of the College or of any officer or employee of the College to appoint or nominate a member of—

- (a) any education authority, or
- (b) the governing body of any educational, charitable or other institution,

shall on the appointed day be transferred to, and may be exercised by, the Institution or by the officer or employee of the Institution who in the opinion of the Council most nearly performs the functions formerly performed by the former officer or employee in question.

## PART 3

### INVESTMENT POOL

## 10 Interpretation of Part 3

In this Part of this Act—

“accounting period” means the yearly period commencing on 1st August in each year or other period for which the accounts and financial affairs of the Institution are for the time being made up, arranged and calculated;

“auditor” means the auditor of the Institution;

“certified capital value” means, in reference to any investment with respect to which the expression is used, the capital value of that investment as certified by the auditor in pursuance of the provisions of section 14 (Certification of capital values of investments) of this Act;

“endowment fund” means a fund which is applicable for the benefit of the Institution or any work, purpose or feature thereof and the investments of which are for the time being held by and in the name of the Institution;

“investment pool” means the investment pool set up in pursuance of the provisions of section 12 (Pooling of investments) of this Act;