**ELIZABETH II**

**1978 CHAPTER v**

An Act to provide for the establishment of The Union Theological College of the Presbyterian Church in Ireland; to declare the trusts upon which the property of The Union Theological College of the Presbyterian Church in Ireland shall be held; to make provision for the management and operation of The Union Theological College of the Presbyterian Church in Ireland; to provide for the transfer of the assets and liabilities of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, to the Trustees of The Union Theological College of the Presbyterian Church in Ireland; and for other purposes.

[30th June 1978]

WHEREAS—

(1) A College known as "The Presbyterian College, Belfast" has been established in Belfast since the year 1852 by and under the control of the General Assembly of the Presbyterian Church in Ireland (hereinafter called "the General Assembly") for the education in theology and other subjects connected therewith of candidates for the ministry of the said Church:

1882 c. clxvii.

(2) By the Belfast Presbyterian College Act 1882 (hereinafter referred to as "the Act of 1882") the Trustees of the Belfast Presbyterian College were incorporated as The Belfast Presbyterian College Trustees to hold the said College and its property upon the same trusts and for the same purposes as the same were respectively held theretofore with the powers conferred upon them by the said Act as subsequently amended by The Belfast Presbyterian College Act 1940 (hereinafter referred to as "the Act of 1940"):

1940 c. i (N.I.).

(3) The Magee Presbyterian College, Londonderry (now known as the Magee Theological College, Londonderry), was in or about the year 1852 established by the General Assembly under the provisions of a Scheme sanctioned by the Lord Chancellor of Ireland on 27th March, 1852:

1953 c. i (N.I.).

(4) By the Magee University College, Londonderry (Northern Ireland) Act 1953 (hereinafter referred to as "the Act of 1953") the endowments and all the estate and interest therein held in trust for the theological department of the said College or any of the purposes thereof and all other property real or personal belonging to or held in trust for the theological department were vested in The Trustees of the Presbyterian Church in Ireland upon trust under the exclusive control of the General Assembly to maintain the theological college to be known as the Magee Theological College, Londonderry, with the object of affording a theological education primarily to persons intending to enter the ministry of the said Church:

1970 c. 15 (N.I.).

(5) By the Magee University College Londonderry Act (Northern Ireland) 1970 (hereinafter referred to as "the Act of 1970") further provision was made with respect to the Magee Theological College, Londonderry, including the conferment of an option upon the New University of Ulster to purchase certain premises described in the Act of 1953 which has been exercised:

(6) Pursuant to the provisions of the Act of 1953 and the Act of 1970 the General Assembly transferred the Theological Endowments referred to in Part IV of the said Act of 1953 and the Magee Theological College, Londonderry, to Belfast in 1971:

(7) Since 1971 The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, have co-operated closely in the provision of a theological education for candidates for the ministry of the said Church:

(8) The General Assembly, by resolution, passed on 15th June, 1977, have approved the promotion of the Bill for this Act and the College Trustees and the Board of Management of The Presbyterian College, Belfast, appointed under the provisions of

the Act of 1882 and of the Act of 1940, and The Trustees of the Presbyterian Church in Ireland, the Board of Management, the Faculty and the Assembly's Committee appointed under the provisions of Part IV of the Act of 1953 have approved the promotion of the Bill for this Act:

(9) It is expedient that a new College to be known as " The Union Theological College of the Presbyterian Church in Ireland " should be established to provide for the education in theology and other subjects connected therewith of candidates for the ministry of the said Church, and that the assets and liabilities of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, should be transferred to and vested in trustees for the new College:

(10) The purposes of this Act cannot be effected 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 (that is to say):—

## PART I

## PRELIMINARY

Short title and commencement.

**1.**—(1) This Act may be cited as the Union Theological College of the Presbyterian Church in Ireland Act 1978.

(2) This Act shall come into operation on the appointed day.

Interpretation.

**2.**—(1) In this Act—

" the appointed day " means 1st October, 1978 or the day after the date upon which this Act received Royal Assent, whichever is the later;

" the Church " means the Presbyterian Church in Ireland;

" the College " means The Union Theological College of the Presbyterian Church in Ireland established by this Act;

" the College property " means the property real and personal for the time being vested in the Trustees upon trust for the purposes of the College;

" the Committee " means the management committee of the College;

" the Department of Finance " means the department of finance for Northern Ireland;

" the Faculty " means the Faculty of the College;

PART I —*cont.*

" the General Assembly " means the body known as " the General Assembly of the Presbyterian Church in Ireland " or other the supreme authority for the time being of the Presbyterian Church in Ireland constituted in accordance with the laws of the said Church and shall include any authority duly empowered to represent or act for the General Assembly in that behalf;

" member of staff " means Professor, full-time and part-time Lecturer, officer and servant;

" The Presbyterian Theological Faculty, Ireland " means The Presbyterian Theological Faculty, Ireland, established by Royal Charter dated 25th October, 1881;

" the Principal " means the Principal of the College appointed by the General Assembly in accordance with subsection (5) of section 9 (College staff);

" the transferred undertaking " in relation to each of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, means the endowments and all the estates and interest therein held in trust for The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, or for any of the purposes thereof and all other property real and personal belonging to or held in trust for such Colleges and all liabilities of the trustees of such Colleges (whether or not assignable at law or in equity);

" the Trustees " means The Trustees of the Presbyterian Church in Ireland incorporated by Royal Charter dated 28th November, 1871, or such other corporation or body of persons as may from time to time be appointed by the General Assembly to be Trustees of the College.

1889 c. 63.

(2) The Interpretation Act 1889 shall not apply and, subject to subsection (1) of this section, the Interpretation Act (Northern Ireland) 1954 shall apply to this Act and to byelaws made under this Act as if this Act and such byelaws were enactments within the meaning of the said Act of 1954.

1954 c. 33 (N.I.).

## PART II

## THE COLLEGE

Establishment of College.

**3.**—(1) There shall be established a College to be known as " The Union Theological College of the Presbyterian Church in Ireland " with the object of affording a theological education primarily to persons intending to enter the ministry of the Church and to such other persons or classes of persons as the General Assembly may determine and to have such further educational and religious functions as the General Assembly may determine.

PART II —*cont.*

(2) The College shall at all times be under the complete and entire control of the General Assembly as the Supreme Court of the Church.

Trustees of College.

**4.**—(1) All property real and personal belonging to the College shall be vested on the appointed day in the Trustees.

(2) All property vested in the Trustees as trustees of the College or available for the purposes of this Act shall be held by the Trustees upon trust under the exclusive control of the General Assembly to maintain the College for the furtherance of the provisions of section 3 (Establishment of College).

(3) Schedule 1 shall have effect with respect to the powers of the Trustees.

Management of College.

**5.**—(1) There shall be constituted not later than the appointed day a management committee which shall, subject to the general direction of the General Assembly, discharge the functions hereinafter conferred upon it.

(2) Part I of Schedule 2 shall have effect with respect to the constitution and proceedings of the Committee.

(3) Part II of Schedule 2 shall have effect with respect to the functions of the Committee.

(4) The Committee shall present to the General Assembly an annual report dealing with such matters as the General Assembly may from time to time direct, together with a financial statement giving a true and fair view of the financial position of the College at the end of its financial year.

(5) The Trustees shall from time to time pay over to the Committee the income arising from the College property and the same shall be applied by the Committee subject to the provisions of this Act and to any special trusts upon which any portion thereof may be received for the purpose of enabling the Committee to discharge its functions.

Faculty of College.

**6.**—(1) There shall be a Faculty of the College.

(2) Part I of Schedule 3 shall have effect with respect to the constitution and proceedings of the Faculty.

(3) Part II of Schedule 3 shall have effect with respect to the functions of the Faculty.

(4) The Faculty shall submit to the Committee an annual report upon the state of the College and upon the attendance, diligence, proficiency and conduct of the students in all the classes therein.

PART II —*cont.*

The Presbyterian Theological Faculty, Ireland.

**7.**—(1) As from the appointed day the Professors from time to time of the College shall be deemed to constitute The Presbyterian Theological Faculty, Ireland.

(2) The Presbyterian Theological Faculty, Ireland, shall have the same power to examine and right to grant degrees and other distinctions to students of the College as it hitherto has had and enjoyed with respect to students of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry.

(3) Subject to the provisions of this Act, nothing in this Act shall be taken to vary or impair such rights and duties as The Presbyterian Theological Faculty, Ireland, enjoys of its Royal Charter dated 25th October, 1881.

Course of studies.

**8.**—(1) Students of the College, who are students for the ministry of the Church, shall be required to follow courses in the prescribed fields of study either in the College or in another approved educational institution or partly in the College and partly in another approved educational institution.

(2) For the purposes of this section " the prescribed fields of study " shall be Old Testament Studies, New Testament Studies, Church History, Theology and Pastoral Studies together with such other fields of study as the General Assembly may from time to time determine, and " approved educational institution " shall mean such educational institution or institutions as the General Assembly may from time to time determine.

College staff.

**9.**—(1) The College shall not have less than three Professors, each of whom shall hold a professorial chair in such fields of study as the General Assembly shall from time to time determine.

(2) The General Assembly may from time to time, after consultations with the Faculty and the Committee, establish full-time lectureships and additional professorial chairs to make provision for the teaching of such subjects as the General Assembly may from time to time determine.

(3) The General Assembly may from time to time vary or re-allocate the fields of study for which the Professors and the full-time and part-time Lecturers of the College shall be responsible.

(4) Subject to the provisions of this section and of section 12 (Continuation of employment), the Professors and full-time Lecturers shall be appointed by the General Assembly, and the General Assembly may from time to time, after consultation with the Faculty and the Committee, increase or decrease the number of professorial chairs and full-time and part-time lectureships.

(5) There shall be a Principal of the College who shall be appointed by the General Assembly.

(6) The first Principal shall be a person appointed by the General Assembly on or before the appointed day. PART II —*cont.*

(7) The Committee may appoint part-time Lecturers, officers and servants of the College.

## PART III

### TRANSFER OF UNDERTAKINGS AND MISCELLANEOUS

Transfer of undertakings.

**10.** On the appointed day the transferred undertakings of The Presbyterian College, Belfast, and the Magee Theological College, Londonderry, shall by virtue of this Act and without further assurance be transferred to and vest in the Trustees and shall be held and applied by the Trustees for the furtherance of the provisions of section 3 (Establishment of College).

Construction of bequests.

**11.**—(1) Any bequest, gift or trust in favour of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, or for the purpose of either of those Colleges, shall not be deemed to have failed by reason of the passing of this Act or anything therein contained but shall on and after the appointed day be construed and have effect as if the College had been named or referred to therein instead of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry (as the case may be), whether the bequest, gift or trust is made, regulated or constituted by any enactment, will, scheme, deed or document or in any other manner and any such bequest, gift or trust shall be held by the Trustees for the same purposes of the College as the purposes of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, for which it was being or was to be applied immediately prior to the appointed day.

(2) Subsection (1) shall have effect whether the bequest, gift or trust is made or executed or takes effect before or after the appointed day.

(3) Without prejudice to the generality of the foregoing where any property real or personal is immediately prior to the appointed day held upon special trust for any purpose connected with The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, and in consequence of the provisions of this Act such special trusts can no longer be carried out, such property shall be held by the Trustees for such similar purposes of the College as the Trustees with the approval of the Department of Finance and after consultation with the Committee shall determine,

PART III —*cont.*

(4) Without prejudice to the generality of the foregoing, the General Assembly may upon the joint application of the Trustees, the Committee and the Faculty and with the approval of the Department of Finance, make such alterations as they deem expedient in such special trusts or any of them having due regard in each case to the spirit of the donor's intentions and the general interests of the College.

**Continuation of employment.**

**12.**—(1) On the appointed day every member of staff of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, shall by virtue of this Act become a member of staff of the College and shall continue to enjoy terms and conditions of employment or engagement not less favourable than those enjoyed immediately prior to the appointed day.

(2) For the purposes of The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, and for the purposes of the College, employment of members of staff to which subsection (1) applies shall be deemed for all purposes to be a single continuing employment.

**Declaration as to transfer or vesting of interests in land.**

**13.** It is hereby declared that the transfer or vesting of any interest in land by virtue of this Act shall not—

(1) constitute an assignment, transfer, devolution, parting with possession or other disposition of that interest for the purposes of any provisions relating to assignment, transfer, devolution, parting with possession or other disposition contained in any instrument concerning that interest; or

(2) give rise to any forfeiture; or

(3) invalidate any security or contract; or

(4) operate so as to merge any leasehold interest in the reversion immediately expectant thereon.

**Saving for agreements, deeds, etc.**

**14.**—(1) All agreements, awards, contracts, deeds and other instruments which immediately before the appointed day were existing in favour of or against either The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, shall continue and may be carried into effect and enforced by or in favour of or against the Trustees to the same extent and in like manner as if the Trustees instead of that one of the said Colleges had been party to or interested in the same respectively.

(2) All superannuation arrangements made in favour of former members of staff of The Presbyterian College, Belfast, and the

Magee Theological College, Londonderry, shall continue, be carried into effect and may be enforced by or against the Trustees to the same extent or in like manner as if the Trustees instead of that one of the said Colleges had been party to or interested in the same respectively. PART III —*cont.*

**15.** All actions and proceedings and causes of action or proceedings which immediately before the appointed day were existing or pending in favour of or against either The Presbyterian College, Belfast, or the Magee Theological College, Londonderry, or the Trustees of either of the said Colleges respectively, shall continue and may be continued and prosecuted by or against the Trustees to the same extent and in like manner as if the Trustees instead of that one of the said Colleges had been a party to or concerned in the same respectively. Saving for actions, etc.

**16.** The production of a Queen's Printer's copy of this Act shall for all purposes be conclusive evidence of the transfer of any property or liabilities to the Trustees or the vesting thereof in the Trustees in accordance with the provisions of this Act and shall operate for all the purposes of the Stock Transfer Act (Northern Ireland) 1963 as a duly executed stock transfer in respect of the transfer of such securities from The Belfast Presbyterian College Trustees or the trustees of the Magee Theological College, Londonderry, to the Trustees. Evidence of transfer. 1963 c. 24 (N.I.).

**17.**—(1) The provisions of this Act may be altered from time to time in any manner whatsoever by order made by the Department of Finance on the application of the General Assembly. Power to alter Act.

(2) An order under this section shall be made by statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958 and shall be subject to affirmative resolution as if it were a statutory instrument within the meaning of the Interpretation Act (Northern Ireland) 1954. 1958 c. 18 (N.I.). 1954 c. 33 (N.I.).

**18.** If for any reason the trusts upon which the College property is held by the Trustees for the purposes of this Act should fail the Trustees shall hold the College property upon trust for such charitable purposes as the General Assembly, with the approval of the Department of Finance, shall determine. Failure of trusts.

PART III —*cont.*

Cesser of The Presbyterian College, Belfast, The Belfast Presbyterian College Trustees and the Magee Theological College, Londonderry, and of Scheme and repeal of enactments.

**19.**—(1) The Presbyterian College, Belfast, and The Belfast Presbyterian College Trustees shall cease to exist on the appointed day.

(2) The Magee Theological College, Londonderry, shall cease to exist on the appointed day.

(3) On the appointed day the Scheme dated 27th March, 1852, for the building and endowment of The Magee Presbyterian College shall cease to have effect and the enactments set forth in Schedule 4 shall be repealed.

# SCHEDULES

Section 4.

## SCHEDULE 1

### THE TRUSTEES

1. The Trustees may receive and hold donations, subscriptions and endowments, real or personal, for any purpose in connection with the College which shall not be inconsistent with or calculated to impede the efficient working of this Act.

2. The Trustees may from time to time make such arrangements as they deem expedient for the custody of all deeds and documents relating to the College property, for keeping proper maps and records of holdings and tenancies, for the appointment of any land agent or agents and for the employment of any solicitor or solicitors or such other officials as they shall deem expedient.

3.—(1) The Trustees may on the authority of the Committee and shall at the request of the Committee sell, exchange, or let (either with or without a fine in fee farm or for such terms or term and subject to such rents, covenants and conditions as the Trustees shall think right) and may mortgage or otherwise dispose of, any of the lands or buildings for the time being vested in them for the purposes of the College and accept surrenders of leases and tenancies and borrow such moneys with or without security as may from time to time be considered necessary or desirable for the advantageous conduct and management of the College property.

(2) In disposing of any part of the lands and buildings for the time being vested in them for the purposes of the College pursuant to any of the powers conferred upon them by this Act the Trustees may, at the request of the Committee and with the approval of the General Assembly—

(*a*) transfer such property on such conditions as to price and otherwise as the Committee shall determine to such other body or bodies of persons as in the opinion of the Committee will hold such transferred property for purposes advantageous to or connected with the Church; or

(*b*) appropriate such property to all or any of the purposes of any other trusts of which they act as trustees.

(3) Subject to sub-paragraph (2), every such dealing as aforesaid shall be carried out to the best advantage, and all moneys obtained from any such dealing other than current rents shall be treated as part of the capital of the endowment from whence it may be obtained and shall be invested or otherwise disposed of in accordance with the provisions of this Act.

(4) The Trustees may from time to time sell any of the property (other than lands and buildings), funds and securities vested in them for the purposes of this Act and invest the moneys arising therefrom or other capital moneys being part of the College property and may also invest and accumulate any surplus or residue of income not required

SCH. 1 —*cont.*

in any year for the purposes of the College and any moneys which may be received by them from the Committee for investment in any security to which the Trustees may, from time to time, be empowered to invest funds under their control, and the Trustees may from time to time vary such investments or resort to the accumulation of the income from previous years and apply the same for the purposes of this Act, provided always that so long as they think fit the Trustees may retain in their present state of investment all or any part of the College property vested in them and may retain any securities which may hereafter be transferred to them in the state of investment in which they may be received.

Section 5.

## SCHEDULE 2

### THE COMMITTEE

### PART I

### CONSTITUTION AND PROCEEDINGS OF THE COMMITTEE

1.—(1) The Committee shall consist of three ex-officio members, namely the Moderator, the Clerk of Assembly and the Principal and ten other members appointed by the General Assembly, three of whom shall be nominated by the Faculty and one by the Trustees.

(2) The members of the Committee appointed by the General Assembly shall retire annually but any such members shall be eligible to be re-appointed.

2.—(1) The Committee shall have power to make, alter and revoke such byelaws for the management of the College and the government and administration of the College and for the regulation of the proceedings of and the discharge of the functions of the Committee as may be approved by the General Assembly from time to time.

(2) The first such byelaws shall be those approved by the General Assembly before the passing of this Act which shall be deemed to have been made under sub-paragraph (1) above and which shall come into operation on the appointed day.

(3) The proceedings of the Committee shall not be invalidated by any vacancy among its members or by any defect in the appointment or qualification of any of them, and any accidental omission to give notice of a meeting of the Committee or the non-receipt of notice by any member shall not invalidate the proceedings at any meeting.

3.—(1) The Committee may from time to time appoint such sub-committees as it thinks fit and may delegate to such sub-committees such of the Committee's functions as the Committee may think expedient.

(2) The members of such sub-committees may include persons who are not members of the Committee.

(3) The Committee shall define the functions of such sub-committees and may regulate their proceedings in such manner as it thinks fit.

PART II

SCH. 2 —*cont.*

FUNCTIONS OF THE COMMITTEE

1. Subject at all times to the direction of the General Assembly the Committee shall be responsible for the administration of the College and the College property and shall exercise superintendence over all the interests of the College.

2. Without prejudice to the generality of the foregoing the Committee shall be responsible for the following:—

(1) the care, maintenance and upkeep of College buildings and other College property;

(2) the selection and appointment of part-time Lecturers, officers and servants of the College;

(3) the determination of salaries and wages to be paid to the members of staff and the payment of such salaries and wages;

(4) the fixing and paying of such pension or gratuity, if any, as it deems fit to any member of staff or any widow or widower or orphan of a member of staff;

(5) the determination of fees to be paid by the students of the College and the collection of such fees; and

(6) the payment to students entitled thereto of scholarships, prizes, bursaries and exhibitions.

3. Subject to the provisions of section 14 (2) of this Act, in paragraph 2 (4) above the expression "member of staff" shall include any former member of staff of The Presbyterian College, Belfast, or of the Magee Theological College, Londonderry.

## SCHEDULE 3

Section 6.

THE FACULTY

PART I

CONSTITUTION AND PROCEEDINGS OF THE FACULTY

1. The Faculty shall consist of the Principal and the Professors of the College for the time being and such other person or persons as the General Assembly on the proposal of the Faculty shall appoint.

2.—(1) The Faculty shall regulate its own proceedings as it thinks fit and may make byelaws for the regulation of its proceedings and discharge of its functions.

(2) The Faculty may from time to time appoint such sub-committees as it thinks fit and may delegate to such sub-committees such of the Faculty's functions as the Faculty may think expedient.

(3) The members of such sub-committees may include persons who are not members of the Faculty.

SCH. 3 —*cont.*

(4) The Faculty shall define the functions of such sub-committees and may regulate their proceedings in such manner as it thinks fit.

(5) The Faculty may in accordance with byelaws made as aforesaid appoint officers from among its members and shall in any event appoint a Vice-Principal of the College.

## PART II

### FUNCTIONS OF THE FACULTY

The Faculty shall be entrusted with the internal government of the College and shall have charge of all matters relating to academic standards therein and the internal discipline to be maintained therein.

Section 19.

## SCHEDULE 4

### REPEALS

| Session or year and chapter | Short title | Extent of repeal |
|---|---|---|
| 45 & 46 Vict. c. clxvii | Belfast Presbyterian College Act 1882 | The whole Act. |
| 4 & 5 Geo. 6 c. i (N.I.) | The Belfast Presbyterian College Act 1940 | The whole Act. |
| 1953 c. i (N.I.) | Magee University College, Londonderry (Northern Ireland) Act 1953 | In section 2, the words "Part IV. Provisions relating to the Magee Theological College, Londonderry."<br>In section 3, the definition of the "Theological College."<br>Section 5.<br>Part IV. |
| 1970 c. 15 (N.I.) | Magee University College Londonderry Act (Northern Ireland) 1970 | Section 7. |

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