

Council Regulations 25 of 2002

Trusts

Redesignated as regulations by Council on 11 July 2002

Nuffield Benefactions

[Amended by Decree (1) of 21 March 2002]

[1]

Nuffield Benefaction for the Advancement of Medicine

[Amended by the General Purposes Committee of Council on 26 November 2009, 1 December 2011 and 3 May 2013]

1. (1) For the purposes of the trust created by the Deed of Covenant and Trust executed by Lord Nuffield on 24 November 1936 there shall be a body of trustees, and this body shall be composed as follows:
 - (a) as Chairman, a person who shall be appointed on the occurrence of each vacancy by the Chancellor of the University, except that the Chancellor shall at his or her sole discretion have the right from time to time to revoke any such appointment;
 - (b) the Vice-Chancellor or a person appointed by the Vice-Chancellor for a renewable period of two years;
 - (c)–(e) three persons appointed by the Chancellor of the University;
 - (f) the Regius Professor of Medicine or, whenever he or she is a trustee in another capacity, a person appointed by the Medical Sciences Board;
 - (g), (h) two persons appointed by Council on the recommendation of its General Purposes Committee after consultation with the Medical Sciences Board;
 - (i), (j) two persons appointed by Council on the recommendation of its General Purposes Committee after consultation with the Chairmen of the NHS Trusts in the City of Oxford which are concerned with teaching and research and which include a university-nominated non-executive director on their Trust Boards, and with the Chairman of the Thames Valley Strategic Health Authority.
- (2) If all, or any, of the bodies specified in sub-clause (1) (i), (j) above are reconstituted or abolished, Council shall have power to decide which successor body or bodies associated with teaching and research within the Medical School of the University of Oxford shall be consulted.
- (3) The following restrictions shall apply to the appointment of trustees and the retention by trustees of their office as trustee:
 - (a) No person appointed or being a trustee (except a trustee appointed under sub-clause (1) (a)–(e) above or the Regius Professor of Medicine) may also be a member of the Nuffield Benefaction Committee established under clause 4

below; if any member of that committee is appointed or becomes a trustee (otherwise than under sub-clause (1) (a)–(e) above or as the Regius Professor of Medicine), his or her appointment as a trustee shall be inoperative; and if any trustee (other than one appointed under sub-clause (1) (a)–(e) above or the Regius Professor of Medicine) becomes a member of that committee, he or she shall immediately cease to be a trustee.

(b) No person shall become or remain a trustee after reaching the age of 70 years, unless Council's General Purposes Committee has determined otherwise in an individual case.

(c) With the exception of any appointment made under (1)(b) above, appointed trustees shall serve for an initial period of seven years, and shall then be eligible for reappointment for further periods of five years at a time, subject in both cases to the age limit laid down by (b) above.

(d) The person or body appointing any trustee other than the Chairman shall have the power at any time to revoke the appointment of that trustee if the trustee becomes of unsound mind or goes to reside abroad or otherwise becomes incapable of satisfactorily carrying out his or her duties as trustee.

(e) Any trustee who desires to retire from his or her trusteeship may do so on giving to the University and to the person or body appointing him or her two months' notice in writing of that desire.

2. The trustees shall have full power:

(1) to determine in their sole discretion from time to time whether any object proposed to be financed out of the income or capital of the trust fund is inconsistent with the terms of the deed referred to in clause 1 (1) above;

(2) to appoint their own secretary;

(3) to make rules or by-laws as to their meetings (including what is to be the quorum for meetings) and from time to time to alter those rules or by-laws.

3. The duties of the trustees shall be:

(1) to receive and consider an annual statement of the objects proposed to be financed out of the trust fund in which shall be included an annual estimate of the income and expenditure of the trust fund; to determine whether any of the objects proposed to be financed out of the trust fund are inconsistent with the terms of the trust, and if so to notify in writing the body submitting the statement of that inconsistency, or if not to pass the annual statement and estimate;

(2) to receive annual accounts of the income of the trust fund and the expenditure defrayed from it and of any capital subject to the trust, together with an annual report

on the work carried out under the trust; and to report to the University on the accounts and the annual report.

4. (1) There shall be a Nuffield Benefaction Committee composed as follows:

(a) the Vice-Chancellor;

(b) the Regius Professor of Medicine;

(c)–(g) the Nuffield Professors of Clinical Medicine, Surgery, Obstetrics and Gynaecology, Anaesthetics, and Orthopaedic Surgery;

(h), (i) two persons, not being Nuffield Professors, who are members of the Faculty of Clinical Medicine and who shall be appointed by the Medical Sciences Board;

(j) the Director of Clinical Studies;

(k) the Director of Postgraduate Medical Education and Training;

(l), (m) two persons appointed by the Thames Valley Strategic Health Authority (or, if the Thames Valley Strategic Health Authority ceases to exist, the relevant successor body) in consultation with the bodies responsible for the management of the teaching hospitals in Oxford.

(2) The committee shall have power to co-opt not more than two persons as additional members for periods of two years at a time.

5. (1) The duties of the committee shall be:

(a) having satisfied the Director of Finance and Secretary of the Chest that the estimated expenditure is not in excess of the estimated income, to prepare and to submit to the trustees before the end of each Trinity Term an annual statement of the objects proposed to be financed out of the trust fund, in which shall be included an annual estimate of the income of the trust fund and of the cost of carrying the scheme into effect;

(b) to prepare an annual report and annual accounts and to submit them to the trustees.

(2) The committee may act notwithstanding any vacancy or vacancies in its membership.

6. The Secretary of the Medical Sciences Board shall act as secretary of the committee.

7. The Director of Finance and Secretary of the Chest shall, on the requisition of the committee or in accordance with the provisions of this decree, as the case may be, make payments out of the income of the trust fund in accordance with the estimates prepared by the

committee and passed by the trustees, except that capital expenditure may be met out of the capital of the trust fund if provisions for its repayment out of the income of the trust fund is made to the satisfaction of the Director of Finance and Secretary of the Chest.

8. Any of the clauses of this decree may be modified by a further decree, and this decree or any further decree may be modified and/or replaced in whole or in part by a statute, if in the case of a modification the trustees have first certified in writing to the Vice-Chancellor that the proposed modification is not inconsistent with the terms of the deed referred to in clause 1 (1) above.

[2]

Scheme for Oxford Nuffield Medical Fellowships

[Amended by Council, 6 November 2003]

1. The authority and duties of the University as set out in the Scheme contained in the Deed of Trust, executed by Viscount Nuffield on 20 May 1938, as varied by the Charity Commissioners for England and Wales by schemes dated 14 July 1980 and 6 March 1998, to promote the progress of medical knowledge by co-operation between the Medical School of the University, and such of the Universities of the Dominions of Australia, New Zealand, and South Africa as provide facilities for medical research, shall, unless provided otherwise, be exercised by Council.

2. The Demonstratorships and Assistantships referred to in the Scheme shall be known as Oxford Nuffield Medical Fellowships.

THE FIRST SCHEDULE
(The Scheme)

1. (1) The University, subject to the necessary funding being provided by the Trustees, shall establish:

(i) Three Demonstratorships tenable respectively in the Departments of Human Anatomy and Genetics, Bio-chemistry, Pathology, Pharmacology or Physiology or with the consent of the Administrative Trustees in such other Departments participating in the study of medical and allied problems as the University may from time to time determine; and

(ii) Three Clinical Assistantships tenable in such departments as the University, with the consent of the Administrative Trustees, may determine; and

(iii) Up to twelve additional posts, or such higher number as the Administrative Trustees shall, with the prior agreement of the University, from time to time determine, each being either a Demonstratorship or a Clinical Assistantship tenable on the same terms as the Demonstratorships and Clinical Assistantships referred to above.

(2) The Administrative Trustees shall direct payment of such sums as they may from time to time determine to the University for each Demonstrator and Assistant for the time being holding an appointment under the provisions of this Scheme, such sums to be applied to the purposes of the department of the University in which such Demonstrator or Assistant is for the time being employed.

2. (1) The qualifications for appointment to a Demonstratorship shall be graduation at one of the Qualifying Universities and relevant experience in research. The Qualifying Universities shall be such educational establishments in Australia, New Zealand, and South Africa (hereinafter referred to as 'the Qualifying Countries') as the Managing Trustees shall from time to time determine.

(2) The qualifications for appointment to an Assistantship shall be graduation at one of the Qualifying Universities and a medical qualification obtained in one of the said Qualifying Countries or in the United Kingdom.

(3) No person shall be appointed either to a Demonstratorship or to an Assistantship who does not intend to return, immediately after such appointment shall terminate, to the country from which he or she was appointed, to undertake at least three years' work similar in nature to that carried out under the appointment.

3. (1) Appointments to Demonstratorships and Assistantships shall be made by the University on the nomination of the Qualifying Universities as hereinafter provided.

(2) The University shall from time to time determine, with the consent of the Administrative Trustees, the order of priority to be accorded to the respective Qualifying Universities in the nomination of eligible candidates for appointment.

(3) At least one Demonstrator and at least one Assistant shall be appointed each year to commence duties during the ensuing academic year, provided that adequately qualified candidates have been nominated for this purpose.

4. (1) Each appointment of a Demonstrator or Assistant shall be for such period, not exceeding three years, as the University shall determine, provided that the University, in exceptional circumstances, is empowered, subject to the prior consent of the Administrative Trustees and of the nominating Qualifying University, to extend the appointment for one or more further periods, but only insofar as tenure overall shall not exceed six years.

(2) Each Demonstrator and Assistant shall receive by way of emolument during his or her appointment such sums as shall be provided at the discretion of the Administrative Trustees, such emolument shall be paid monthly in arrears. An allowance, to be fixed at the discretion of the Administrative Trustees, for each dependent child who is below the age at which compulsory education ceases or, being above that age, is receiving full-time education, shall also be provided.

(3) The Administrative Trustees may defray the cost of college and university fees and dues incurred by Demonstrators and Assistants in working for research degrees of the University, and may make payments towards expenses incurred in respect of the association with a college of an appointee who is not working for a research degree of the University. The Administrative Trustees may also at their discretion make grants towards expenses incurred by Demonstrators and Assistants in the course of travel in connection with their work.

(4) Each Demonstrator and Assistant shall also be entitled to the full cost of approved travel for the appointee, any spouse, and any children under the age of 18, to enable the appointee to travel to Oxford for the appointment and to return to the country of his or her nominating university thereafter. Payment for travel to Oxford shall at the request of the Demonstrator or Assistant be paid prior to the commencement of such travel, and the second part shall be paid in England on the completion of the appointment.

Provided also that in all cases the Administrative Trustees if they think fit may direct the payment of the second part of such travelling expenses to a Demonstrator or Assistant who has not completed his or her appointment.

Provided also that the Administrative Trustees shall not be required to make payment of the second part if three or more years shall have elapsed between the completion of the appointment and the appointee's return to the country from which he or she was appointed.

(5) The duties of Demonstrators and Assistants shall be determined by the head of the department concerned and no Demonstrator or Assistant shall without the consent of the head of the Department enter for any professional examination.

(6) Demonstrators and Assistants, during tenure of their appointments, shall be subject to Statute XII of the University's Statutes including the jurisdiction of the Visitation Board; provided that no travelling allowance payable under the provisions of sub-clause (4) of this clause shall be forfeited by reason of deprivation of office.

5. The Administrative Trustees may in any year, in addition to the appointments made under clauses 1-4 above, appoint up to three graduates to hold office for not less than one year in any of the Qualifying Universities in this Scheme upon the same terms and conditions as, *mutatis mutandis*, are prescribed for Demonstrators and Assistants, except that the maximum period of an appointment shall not exceed three years, such appointments to be subject to the concurrence of the Qualifying University or Universities concerned. The persons to fill any such appointment shall be selected by the Administrative Trustees in such manner as they think fit.

6. (1) The University, subject as hereinafter provided, may from time to time appoint any person eminent in the study or practice of medicine or of some allied subject, and whether or not a member of the University, to visit one or more of the said Qualifying Countries and, by delivery of lectures in any of the Qualifying Universities, by informal conferences, and by such other means as may seem to him expedient, to give

information in regard to research in medical and allied subjects in the United Kingdom and to gain information which will assist the University in carrying out the Donor's charitable intention in accordance with the provisions of this Scheme.

(2) The Administrative Trustees may provide a grant to any person appointed under sub-clause (1) of this clause to assist the appointee in undertaking the visit (or visits) therein prescribed. Before making any such appointment the University shall consult the Administrative Trustees, and the amount of the grant to be offered to any appointee, whether by way of stipend or in respect of expenses, or both, and the duration of the appointment, shall be agreed between the University and the Administrative Trustees, provided that the Administrative Trustees are satisfied that the income of the Trust Fund is sufficient to meet the amount of the grant agreed in addition to all other payments to be made thereout.

(3) Any such appointee shall be appointed for such period and subject to such conditions as the University, after consultation and agreement with the Administrative Trustees as aforesaid, shall determine at the time of the appointment.

7. The Administrative Trustees may make such payments to the University, towards the cost of maintaining and improving its equipment and other facilities for medical teaching and research, as they consider necessary to sustain and advance effective co-operation between the Medical School and one or more of the Qualifying Universities in the furtherance of medical knowledge.

THE SECOND SCHEDULE

(This schedule contained Decree (4) of 8 March 1938, the enacting part of which, as subsequently amended, is set out in regulations 1 and 2 of § 248 [4] above. For text of the original decree and preamble, see Statuta, 1948, p. 720)

THE THIRD SCHEDULE

(Qualifying Universities)

University of Adelaide, Australia

Australian National University

Flinders University, Australia

University of Melbourne, Australia

Monash University, Australia

University of Newcastle, Australia

University of New South Wales, Australia

University of Queensland, Brisbane, Australia

University of Sydney, Australia

University of Tasmania, Australia

University of Western Australia

University of Auckland, New Zealand

University of Otago, New Zealand

University of Cape Town, South Africa

University of Limpopo, South Africa

University of KwaZulu-Natal, South Africa

University of the Free State, South Africa

University of Pretoria, South Africa

University of Stellenbosch, South Africa

University of Witwatersrand, Johannesburg, South Africa