

PROPOSED AMENDMENTS TO STATUTES II AND III : BACKGROUND

When Buckingham College was refounded as Magdalene College in 1542 the charter of the new college provided that the heir of the Founder, Lord Audley, should be the Visitor of the College, and should have the right to appoint the Master. This right is currently enshrined in Statute II of the 1996 Statutes. In 2010 Magdalene, like the other colleges of Oxford and Cambridge, became a registered charity, regulated by the Charity Commission. Partly because of this new status, the Governing Body decided to seek legal advice on a new procedure for appointing the Master. The present proposal results from this advice, and the current Visitor, Lord Braybrooke, has consented to the change.

It should be noted that there is no proposal to abolish the Visitorship or to remove it from the house of Braybrooke. The college values the personal connection with its Founder that the Visitorship provides. Since 1542, however, the college has become a complex and highly specialized institution, and a considerable proportion of the monies that it manages comes indirectly, either through the University or through students, from the public purse. It has to play its part in influencing and executing national and university policy for education and research. It is no longer desirable that the principal of an institution with such public responsibilities should be appointed by a private person. If the appointing authority to the Mastership of Magdalene is (i) an individual, (ii) selected by heredity, and (iii) someone who may have no close connection with universities or the academic world, there must be a risk that at some time an appointment might be made that is seriously unsuitable. It is inherently more likely that the Governing Body will be able to make an appropriate choice, as is the case at all other colleges in Cambridge and Oxford, except those where the appointment is made by the Crown.

The proposed changes to Statute II are straightforward and involve simply deleting the provision that the Visitor shall appoint the Master. The amendments to Statute III provide for the new procedure. They lay down the minimal formal requirements for a valid election: (a) that the appointment should be by Special Resolution, that is, by a two-thirds majority (already the requirement for the election of a President) and (b) that the Governing Body should have a limited (but generous) period in which to make up their minds that they can indeed muster the necessary majority when they come to vote. In the normal case, it is envisaged that the Governing Body will start to look for a new Master two years before the vacancy is expected to occur, and will make up their minds over the course of the next eighteen months, so allowing for an announcement of the new Master well before the retiring Master leaves office.

The other provisions derive from the need to provide for the unfortunate, and improbable, case that the Governing Body cannot reach an agreement within the prescribed time, and for such equally unfortunate cases as the death or sudden resignation of a serving Master. In either set of circumstances it is important that the College is not left without a Master for too long. It is envisaged that the default appointer should be the Chancellor of the University, who may be assumed to be someone who is competent, knows the University, and is sufficiently detached from its day-to-day running to be impartial. The definition of the requisite time limits and the precise wording of the proposed amendments have been carefully discussed with the College's legal advisors and approved by them.

There are some minor consequential amendments to other Statutes.