

Division - Preliminary

Preface

These Statutes constitute the basic law of the College and University. When the Charter of Elizabeth, dated 3 March 1592, founded Trinity College Dublin as the mother of a University, it afforded College the power to adopt and amend Statutes to regulate its internal affairs:

In addition we grant and give licence to the Provost and Fellows of that College that they may from time to time for ever make, constitute and confirm laws, statutes and ordinances for governing their College piously and faithfully, and that they may establish among themselves whatsoever laws they consider well constituted in our Academies of Cambridge or Oxford, as they shall judge them apt and fitted to themselves.

Advantage was taken of this power almost immediately; and it was thereafter exercised with enthusiasm, if not always with ability. The earliest surviving complete set of Statutes was prepared by William Bedell, Provost of the College, in 1629. However, the Charter of Charles I, dated 25 May 1637, repealed the Statutes then in force, and accompanying Letters Patent replaced them with a more comprehensive code prepared by William Laud, Chancellor of the University. Moreover, it remitted the power to amend them to the Crown, and it was not to return to College until the Letters Patent of George V, dated 24 May 1911.

The Charters and Letters Patent, as royal acts, have force of law equivalent to that of legislation, and can now only be amended by Act of the Oireachtas. Indeed, to the extent that they have not been repealed, they continue to have full force and effect. They therefore stand superior to the present Statutes; no Statute which is inconsistent with them has any validity; nor can the Statutes in any way alter or amend the Charters or Letters Patent.

In the long interregnum between 1637 and 1911, amendment to the Statutes could only be achieved by Letters Patent (occasionally called Royal Letters) promulgated by the Crown. These were issued usually at the request of College, but sometimes on the initiative of the Crown. In all, 35 Letters Patent were promulgated, some directed to amending a single Statute, others with more comprehensive scope.

The Statutes have always governed the significant aspects of the life of the College and University. Statutes of the early 17th century provided in detail for the curriculum; but in the 18th century they increasingly attended to matters of employment and residence; and in the 19th century they concentrated upon formal matters of governance. Constant throughout are the rights and duties of the Provost, Fellows and Scholars. Together, they constituted the Body Corporate of the College as originally defined in the Charter of 1592 (“one body corporate and politic, for and in perpetuity incorporated and erected”); and the annual election of new Fellows and Scholars is by tradition made and announced on Trinity Monday. However, the Body Corporate

was amended by the Charter of 1637, the Letters Patent of 1911, and the Trinity College, Dublin (Charters and Letters Patent Amendment) Act, 2000, so that it now also includes members of Board who are not in one of the three nominate categories. Moreover, the composition of the Body Corporate of the College can be amended only by legislation and not by the Statutes.

The major constitutional changes effected by the Letters Patent of Victoria, dated 24 July 1857, through to the Letters Patent of 1911, confirmed Senate as a body of great dignity but little power, established Council as responsible for the academic affairs of the University, and vested in Board the government of all the greater affairs of College. This settlement provided the foundations for the institutional arrangements of the College and University during the 20th century. As that century gave way to a new one, the Universities Act, 1997 refashioned Ireland's universities, and the Act of 2000 amended the Charters and Letters Patent to revise the composition of the Body Corporate and of the Board.

The Letters Patent of 1911 returned to the College the right to amend the Statutes, pursuant to an Ordinance proposed by Board which receives the Assent of a majority of the Fellows and the Approval of both of the Visitors. More than 300 years of Charters and Letters Patent were organised into the Consolidated Statutes of 1926; and these, in turn, were revised by the Consolidated Statutes of 1966. Thereafter, the frequency of statutory amendment, the pace of developments in the College and University, and the Acts of 1997 and 2000 all combined to make further consolidation desirable, and the present Restatement was completed in 2010.