

## Division - General

### Introduction

#### *Part 1 - General*

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| Citation      | 1. | (1) The Statutes<br>(a) shall be known either as "The 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin" or as "Reachtanna Comhdhlúite 2010 do Choláiste na Tríonóide Baile Átha Cliath agus d'Ollscoil Átha Cliath",<br>(b) may be cited either as "the Consolidated Statutes, 2010" or as "Reachtanna Comhdhlúite, 2010", and<br>(c) are hereinafter referred to either as "the Statutes" or as "na Reachtanna".   |
| Appointed Day | 2. | (1) The unrepealed portions of the Charters of 1592 and 1637 and of the Letters Patent of 1637-1911 continue to have full force and effect.<br>(2) The provisions of the 1966 Consolidated Statutes of Trinity College, Dublin and of the University of Dublin (hereinafter referred to as "the 1966 Statutes") set out in Appendix 1 are not repealed by the Statutes and shall continue to have full force and effect, but only in so far as they relate to the Divinity School Council, and no further.<br>(3) Except as aforesaid, the provisions of the 1966 Statutes and of all previous Statutes shall be repealed on the appointed day.<br>(4) The Statutes shall have full force and effect as and from the Appointed Day.<br>(5) The Appointed Day shall be 31 <sup>st</sup> August 2010.                 |
| Transition    | 3. | (1) The Statutes shall have prospective effect only.<br>(2) Nothing in the Statutes shall adversely affect any right, power, privilege or entitlement of a member of the Community which had accrued or vested under or pursuant to the 1966 Statutes or previous Statutes, unless agreed to in writing by that member.<br>(3) References in the unrepealed portions of the Charters, Letters Patent or the 1966 Statutes to an office or body shall, where necessary or appropriate, be construed as a reference either to the successor to that office or body or to an officer or body exercising equivalent functions, as the case may be.<br>(4) For the avoidance of doubt, in the case of offices or committees provided for in the 1966 Statutes, the holders of such offices or members of such committees |

appointed or elected pursuant to the 1966 Statutes shall, after the Appointed Day, occupy the equivalent office or committee provided for in the Statutes.

- (5) All lawfully made regulations in force immediately prior to the Appointed Day shall continue to have full force and effect unless and until they are lawfully amended or repealed.
- (6) The validity of matters in train pursuant to the 1966 Statutes shall not be called into question by virtue only of the coming into force of the Statutes.

Amendment

- 4. (1) Pursuant to the Letters Patent of 1911, Board shall have power to amend, alter or add to the Statutes by an Ordinance, provided that such Ordinance shall have:
  - (a) the Assent of a majority of the Fellows, pursuant to the Chapter on the Fellows, and
  - (b) the Approval of the Visitors, pursuant to the Chapter on the Visitors.
- (2) (a) An Ordinance shall come into force immediately upon being approved by the Visitors.
- (b) Notwithstanding anything in paragraph (a), if an Ordinance specifies a date on which it is to come into force, and if it has received the Assent of the Visitors before that date, then it shall come into effect on the specified date.

Limitations

- 5. (1) No Ordinance shall alter or affect the constitution or powers of the Divinity School Council.
- (2) No Ordinance shall alter or affect the constitution of the Body Corporate of the College, unless pursuant to the procedure in the Chapter on the Body Corporate.
- (3) Board shall not seek the Assent of the Fellows for any Ordinance regarding the academic affairs of the University unless and until it has received the consent of Council.
- (4) Board shall not seek the Assent of the Fellows for any Ordinance regarding the conferring of degrees unless and until it has received the consent of Senate.
- (5) Board shall not seek the Assent of the Fellows for any Ordinance regarding Annual Statutory Officers unless and until it has afforded the affected Officers the opportunity to make representations at Board.

Decrees

- 6. (1) A Decree enacted pursuant to the Chapter on Board shall come into force immediately upon being approved by the Visitors.
- (2) Board may, by Decree, correct in the text of the Statutes obvious errors
  - (a) of a typographical or clerical nature,
  - (b) arising from any accidental slip or omission, or

(c) giving rise to inaccurate cross-references.

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| Maintenance Of Statutes | 7.  | (1) The Registrar, assisted by the Secretary, shall be responsible for the maintenance and review of the Statutes and Schedules.  |
| Declarations            | 8.  | (1) Where the Statutes require a Declaration, it shall be made according to the appropriate formula in Schedule 1.<br>(2) The person making the Declaration may choose to use the English, Latin or Irish version provided.   |
| Academic Year           | 9.  | (1) The Academic Year shall consist of three Terms, namely:<br>(a) Michaelmas Term, which shall begin on the last Monday in August, on which day the Academic Year shall commence, and continue to the Friday of the sixteenth week thereafter;<br>(b) Hilary Term, which shall begin on the first Monday after four full weeks following the end of Michaelmas Term and continue to the Friday of the twelfth week thereafter; and<br>(c) Trinity Term, which shall begin on the Monday following the end of Hilary Term and continue to the Friday of the twelfth week thereafter.<br>(2) There shall also be two sessions, namely:<br>(a) the Winter session, which shall begin on the Monday following the end of Michaelmas Term and continue to the Friday before the beginning of the following Hilary Term; and<br>(b) the Summer session, which shall begin on the Monday following the end of Trinity Term and continue to the Friday before the beginning of the following Michaelmas Term.<br>(3) Research is conducted on an ongoing basis throughout the year; but, except as otherwise approved by Board, other formal academic engagements ordinarily occur during the three Terms of the Academic Year.<br>(4) In particular, undergraduate teaching is normally undertaken in Michaelmas and Hilary Terms, and annual undergraduate examinations are normally held in Trinity Term. |
| Calendar                | 10. | (1) A College Calendar shall be made available annually, which shall<br>(a) give further effect to the provisions of the Statutes and Schedules,<br>(b) set out the official Almanack of College,<br>(c) include other relevant decisions of Board and Council,<br>(d) list such societies, clubs, and publications as may be recognised by Board, and  |

- (e) detail such other material as Board and Council may determine.

*Part 2 - Application and Interpretation*

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| Application   | <p><b>11.</b> (1) This Chapter applies to the interpretation of all Chapters of the Statutes and all attendant Schedules.</p> <p>(2) None of the following shall either be taken to be part of the Statutes or Schedules or be determinative in relation to their construction or interpretation:</p> <ul style="list-style-type: none"><li>(a) the Preface and Preamble,</li><li>(b) a shoulder note placed at the beginning of, or a marginal note placed at the side of, or a footnote to, a section or other provision to indicate the subject, contents or effect of the section or provision;</li><li>(c) a heading or cross-line placed in or at the head of or at the beginning of a Division, Chapter, Part, section, or other provision or group of sections or provisions to indicate the subject, contents or effect of the Division, Chapter, Part, section, provision or group.</li></ul> <p>(3) Disputes over the interpretation or application of any of the Statutes or Schedules shall be decided pursuant to the Chapter on the Visitors.</p> |
| Compatibility | <p><b>12.</b> (1) No body or committee whatsoever in the College or University shall perform any act or take any decision that is in any way incompatible with the Principal Enactments or the Statutes or any provision thereof.</p> <p>(2) In particular, no Decree or Schedule shall be enacted that is in any way incompatible with the Principal Enactments or Statutes or any provision thereof.</p> <p>(3) Any Decree or Schedule, act or decision that is incompatible with the Principal Enactments or Statutes or any provision thereof shall, to the extent of that incompatibility, have no force or effect whatsoever.</p> <p>(4) If a Decree or Schedule or any provision thereof, or an act or decision of any body or committee whatsoever in the College or University, is reasonably capable of an interpretation that is compatible with the Principal Enactments and Statutes, then it shall be given that interpretation.</p>   |
| Schedules     | <p><b>13.</b> (1) Schedules shall be used to implement and administer the Statutes, and may thus provide further detailed provisions for their application.</p> <p>(2) Except where the contrary intention appears or the context otherwise requires, Board has the power to amend Schedules.</p> <p>(3) Schedules shall be published with the Chapter of the Statutes upon which they are attendant.</p>  |

- (4) Except where the contrary intention appears or the context otherwise requires, a reference to a Schedule within a Chapter is a reference to a Schedule attendant upon that Chapter; and a reference to a Chapter in a Schedule is a reference to the Chapter upon which it is attendant.
- (5) A word or expression used in a Chapter has the same meaning in any Schedule attendant upon it.

Interpretation

14.

- (1) Where the Statutes or Schedules contain a definition or other interpretation provision, the provision shall be read as being generally applicable except where the contrary intention appears or the context otherwise requires.
- (2) In the Statutes, except where the contrary intention appears or the context otherwise requires, a word or phrase shall have the meaning ascribed to it by the successive application of the following rules:
  - (a) the meaning ascribed to it by
    - (i) Bunreacht na hÉireann, 1937,
    - (ii) the Principal Enactments,
    - (iii) the application of the principles of the Interpretation Act, 2005, or
    - (iv) a relevant Act of the Oireachtas,
  - (b) the technical meaning according to settled use, or
  - (c) the natural and ordinary meaning of the word or phrase in question.
- (3) If the application of the rules in sub-section (2) would lead to an interpretation that
  - (a) is obscure, ambiguous, or absurd, or
  - (b) fails to reflect the plain intention of the relevant Chapter,then the provision shall be given a construction that reflects the intention that can reasonably be ascertained from the Statutes and Schedules as a whole.
- (4) The following provisions apply to the construction of the Statutes and Schedules:
  - (a) a word importing the singular shall be read as also importing the plural, and a word importing the plural shall be read as also importing the singular;
  - (b) a word importing the feminine gender shall be read as also importing the masculine gender, and a word importing the masculine gender shall be read as also importing the feminine gender;
  - (c) where the Statutes define or otherwise interpret a word or expression, other parts of speech and grammatical forms of the word or expression have a corresponding meaning;
  - (d) where a form is prescribed in or under the Statutes, a deviation from the form which does not materially

affect the substance of the form or is not misleading in content or effect does not invalidate the form used;

- (e) where a period of time is expressed to be reckoned from a particular day, that day shall not be deemed to be included in such period;
- (f) references to a body established by legislation shall be construed to include successors to that body; and
- (g) a reference in the Statutes and Schedules to a Division, Chapter, Part, section, sub-section, paragraph, sub-paragraph or Schedule, shall be read as a reference to a Division, Chapter, Part, section, sub-section, paragraph, sub-paragraph or Schedule, of the Statutes and Schedules in which the reference occurs.

Principal  
Enactments

15. (1) References to the Principal Enactments shall, as the context requires, include:
- (a) the Charter of Queen Elizabeth I dated 3<sup>rd</sup> March 1592 (the Charter of 1592);
  - (b) the Charter of King Charles I dated 25<sup>th</sup> May 1637 (the Charter of 1637);
  - (c) the Letters Patent of Kings Charles I dated 25<sup>th</sup> May 1637 (the Letters Patent of 1637);
  - (d) the Letters Patent of King George III dated 11<sup>th</sup> February 1792 (the Letters Patent of 1792);
  - (e) the Letters Patent of Queen Victoria dated 24<sup>th</sup> July 1857 (the Letters Patent of 1857);
  - (f) the Letters Patent of Queen Victoria dated 4<sup>th</sup> November 1874 (the Letters Patent of 1874)
  - (g) the Letters Patent of King George V dated 24<sup>th</sup> May 1911 (the Letters Patent of 1911);
  - (h) the Universities Act, 1997, No. 24 of 1997 (the Act of 1997); and
  - (i) the Trinity College, Dublin (Charters and Letters Patent Amendment) Act, 2000, No. 1 (Private) of 2000 (the Act of 2000).
- (2) References to the Principal Enactments shall be construed to refer to the Principal Enactments as amended.
- (3) Selected Principal Enactments are set out in Appendix 2.

Officers

16. (1) References to "Officers" in the Statutes are references to the Annual Statutory Officers as provided for in the Chapter on Officers.
- (2) For the avoidance of doubt, "officer" as defined in section 3 of the Act of 1997 refers more generally to various employees of the College and University and not to the Annual Statutory Officers.
- (3) Where the functions of an office (including, but not

limited to, an Officer) established by or pursuant to the Statutes are lawfully being exercised by some other person, then references in the Statutes to that office or Officer shall include that other person.

Definitions

17. (1) In the Statutes, unless the contrary intention appears or the context otherwise requires:

"act" includes omission;

"Almanack of the College" means the list of important dates included annually in the Calendar;

"An tÚdarás" means the body established by section 2 of the Higher Education Authority Act, 1971;

"*Cista Communis*" means the common treasury maintained by College;

"College" means Trinity College Dublin established by the Charter of 1592 and provided for in the Chapter on College;

"*Comitia*" means meetings of Senate;

"day" includes any day of the Academic Year, and excludes Saturdays, Sundays and public holidays;

"Degree" means a genus of academic distinction awarded by the University or College;

"degree" means an individual instance of a Degree conferred upon a candidate;

"due enquiry" means diligent, proper and impartial investigation or consideration as the case may be, subject to the principles of natural and constitutional justice and fair procedures;

"employee" means any person employed by the College or University;

"functions" includes powers, privileges, rights, duties, responsibilities, prerogatives, incidents, and the like;

"Government" means the executive power of the State as specified in Article 28 of Bunreacht na hÉireann, 1937;

"Grace for a degree" means the proposition to Senate by Board seeking the conferral of a degree,

"incapable of performing the functions of office" means that the holder of an office is unable to perform the functions of office by reason of physical infirmity or mental incapacity or other grave cause;

"Laws, Statutes and Ordinances" means these Statutes;

"legislation" means Acts of the Oireachtas, and includes the

laws in force in Saorstát Éireann prior to the date of the coming into operation of Bunreacht na hÉireann, 1937;

“Minister” means the Minister as defined by the Act of 1997 and successors to that office;

“Public Commencements” means Stated Meetings of the Senate for the solemn conferring of degrees;

“Public Theatre” means the ceremonial hall in the Front Square of College also known as the Examinations Hall;

“regulation” includes by-law, decision, law, order, rule, sentence, and the like;

“Seanad Éireann” refers to the House of the Oireachtas established by Article 18 of Bunreacht na hÉireann, 1937;

“Trinity Monday” has the meaning ascribed to it by the Charter of 1592; it shall be observed in College on the first Monday of Trinity Term; and all references to Trinity Monday in the Statutes shall be to the date on which it is observed;

“University” means the University of Dublin established pursuant to the Charters and Letters Patent and provided for in the Chapter on the University;

“Visitation” means a formal and thorough inspection, conducted by the Visitors, of any and all aspects of the College and/or University.

Despatch

18. (1) Where any matter is required to be sent to a member of the Community pursuant to the Statutes or Schedules, except where the contrary intention appears or context otherwise requires, that matter shall be deemed to have been duly sent if it is directed to
- (a) the official work address for a member of staff, or
  - (b) for any person other than a member of staff, the address for that person which appears in the official College records.
- (2) Board may provide that, except where the contrary intention appears or the context otherwise requires, the matter referred to in subsection (1) shall be deemed to have been duly sent if it is directed to that member by electronic means.

### *Part 3 - Principles of Delegation*

Delegation

19. (1) Except where the contrary intention appears or the context otherwise requires
- (a) any committee or officer may delegate any of its functions, and
  - (b) no delegation shall amount to a full transfer of all of

the functions of the relevant committee or officer.

- (2) Where a function has been conferred on a committee or officer subject to the condition that it shall not be delegated, then it cannot be delegated and any attempt to do so shall have no force or effect whatsoever.

Duties

20. (1) Where a function has been delegated, the delegating committee or officer shall retain ultimate responsibility for the performance of the delegated function.
- (2) Where a function has been delegated, then in the first instance it shall be the obligation of the committee to which, or officer to whom, it has been delegated to perform the delegated function.
- (3) A committee to which, or an officer, to whom a function has been delegated shall be answerable for the performance thereof to the committee from which, or the officer from whom, the function has been delegated.

Committees  
and Officers

21. (1) For the purposes of this Part,
- (a) "committee" means all committees established in or pursuant to the Statutes and includes other bodies established or appointed pursuant to the Statutes, and
- (b) "officer" means any Annual Statutory Officer or holder of any other office elected or appointed pursuant to the Statutes and shall include the Provost.