



At the Court at Buckingham Palace

THE 12th DAY OF OCTOBER 2016

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

The Governing Body of Eton College has, by means of a Statute, made amended Statutes, in accordance with the Public Schools Act 1868, as set out in the Schedule to this Order.

The Statute has been published in the London Gazette, in accordance with the Act, and no Petition has been presented.

Therefore, Her Majesty, having taken the Statute into consideration, is pleased, by and with the advice of Her Privy Council, to approve it.

Richard Tilbrook

SCHEDULE

STATUTE referred to in the foregoing Order

Whereas the College, called "The Kynge's College of Our Ladye of Eton beside Windsore", other wise called Eton College was founded in 1440 and has now the following objects:

A. The advancement of education by the provision, support and conduct of a school known as Eton College and by ancillary or incidental educational activities and other associated activities (including the conduct of services in its chapel or chapels) for the benefit of students (being persons enrolled on a course of study provided by Eton College) and/ or the wider community;

and in so far as it is not incompatible with the object set out in A above:

B. To promote for the benefit of the public, the preservation, maintenance, improvement and repair of:

- (a) the buildings and fabric of Eton College (including the chapels of the College) which are of architectural or historic importance; and
- (b) the furniture, pictures and chattels of any description having historic or artistic interest connected with the College.

And whereas it is expedient to amend and enact new Statutes for the College

Now we, the Provost and Fellows of Eton College, do hereby in exercise of our powers under the Public Schools Act 1868 (as amended) and of all other powers enabling us in that behalf, enact as follows:

STATUTE I
THE CONSTITUTION OF THE COLLEGE

The Foundation of the College shall consist of the Provost and Fellows (one of whom shall be Vice-Provost), the Head Master, the Lower Master, the Bursar, the Master in Charge, the Conduct, the Precentor and the King's Scholars.

STATUTE II
GOVERNMENT OF THE COLLEGE

1. The Governing Body shall comprise the Provost and Fellows of the College and shall be called the "Provost and Fellows of Eton College".
2. The government of the College shall be vested in the Provost and Fellows who shall have all the powers necessary for and conducive to the maintenance of the College as a place of education, learning and religion and the advancement of such other purposes as are provided in its objects.
3. In pursuance of their general powers it shall be lawful for the Provost and Fellows from time to time and in such manner as shall be consistent with these Statutes:
 - (a) to make, alter or revoke regulations relating to the government and management of the College;
 - (b) to delegate such of their powers and responsibilities to committees of the Governing Body to deal with specific aspects of the College's business as may be required from time to time. The Provost and Fellows may appoint persons other than the Provost and Fellows to serve on any such committee and may revoke such appointment at any time; and
 - (c) to appoint such College Officers on such terms as they may from time to time think fit who shall be responsible to the Provost and Fellows for the proper performance of their duties.

4. The Provost and Fellows shall perform their duties as charity trustees gratuitously but may receive from the College, directly or indirectly:
 - (a) in the case of the Provost and Vice-Provost, proper and reasonable stipends, allowances and emoluments for the performance of their duties as employees of the College;
 - (b) payment for goods and services supplied to the College, provided always that:
 - (i) the amount of such payment is determined in accordance with a written agreement between the College and the Provost or Fellow concerned and is no more than is reasonable in the circumstances;
 - (ii) before entering into that written agreement, the Provost and Fellows are satisfied that it is in the best interests of the College for the goods or services to be supplied by the Provost or Fellow concerned on the terms of that written agreement; and
 - (iii) the total number of the Provost and Fellows in respect of whom such a written agreement is in force constitutes a minority of the Provost and Fellows.
5. The Provost and Fellows shall be responsible for the regulation and management of remuneration and other payments (including out of pocket expenses) to the Provost and Fellows and of potential conflicts of interest on the Governing Body and shall from time to time make regulations to set out the policy and procedures they shall follow in order to fulfil this responsibility.

STATUTE III MEETINGS OF THE PROVOST AND FELLOWS

1. Meetings of the Provost and Fellows shall be held at least once in each half on such days as the Provost shall appoint.
2. No business shall be transacted at any meeting of the Provost and Fellows unless at least four of their number are present.
3. The Provost shall be the Chairman of meetings of the Provost and Fellows, or in his absence the Vice-Provost or, in the Vice-Provost's absence, the Senior Fellow. Otherwise the meeting shall elect a chairman.
4. Except where otherwise provided by these Statutes every question at a meeting shall be determined by a majority of votes of the Provost and Fellows present and voting on the question, and in the case of an equality of votes the chairman shall have a second or casting vote.

5. Other procedures relating to the content and conduct of meetings of the Provost and Fellows shall be set out in regulations made by the Provost and Fellows from time to time.

STATUTE IV THE VISITOR

The Visitor of the College shall be the Bishop of Lincoln for the time being.

STATUTE V THE PROVOST

1. The Provost of the College shall be a member of the Church of England or any person who under the Canons of the Church of England in force at the date of his appointment is permitted to take Communion in that Church. He shall also be a graduate of the University of Oxford or Cambridge or the holder of another academic qualification deemed by the Crown to be comparable; or be otherwise suitably qualified in the opinion of the Crown by experience or attainment.
2. The appointment to the Provostship shall be vested in the Crown. Upon the occurrence of a vacancy in the Provostship the Fellows shall forthwith notify the same to the Crown. So soon as the appointment made by the Crown shall have been communicated to the Fellows, they shall thereupon admit the person so appointed to the office of Provost, having previously required him to make the following declaration :

“I, A.B., appointed Provost of the College of Eton, do solemnly profess and declare that I will observe all the provisions of the Charters, Statutes and Regulations of the College, and act in accordance with the same; and I will, to the utmost of my power, cause all other persons concerned in the government and administration of the College to conform to the said Charters, Statutes and Regulations and in case I should resign, or be removed by legitimate authority from the office of Provost, I will render up all the goods, property and possessions of the College which shall be in my charge, to the officers of the College.”

If the person appointed Provost is already a Fellow of the College, otherwise than in virtue of that office, he shall by accepting the Provostship vacate his former Fellowship. The Provostship shall not be tenable with the office of Head Master, Lower Master, or other master.

3. The Provost shall attend to the good government of the College and shall exercise a general superintendence over the property and affairs of the College; shall take care that all persons concerned in the administration or service of the College conform to the Charters, Statutes and Regulations of the College and perform the several duties assigned to them; and shall have the power, in all cases not provided for by the Charters, Statutes and Regulations of the College, or by any resolution of the Provost and

Fellows, to act as he shall think fit for the welfare of the College and shall forthwith report such action to the Fellows.

4. The Provost shall reside at the Lodge or such other residence within the precincts of the College as shall be assigned to him by the like majority of the Fellows. His residence shall be kept in tenantable repair at the expense of the College, and all rates and taxes on it shall be paid by the College.
5. The Provost may resign his office at any time with the consent of the Crown.
6. The Visitor may, if he is satisfied, (on the petition of the Fellows present at a meeting specially summoned for that purpose, at which at least eight Fellows shall concur in the vote) and after inquiry held by him, that the Provost has become incapable of performing the duties of his office, order that the Provostship shall be deemed vacant at a time to be fixed by such Order and the office of Provost shall at such time become vacant.
7. If a petition, signed by the majority of the whole number of Fellows at a meeting of the Fellows specially summoned for the purpose, shall be presented to the Visitor for the removal of the Provost on the ground that he is no longer permitted under the Canons of the Church of England then in force to take Communion in that Church, or has been guilty of negligence or misconduct in his office, or of conduct rendering his retention of office undesirable in the interest of the College, the Visitor shall proceed to inquire into the facts. Notice shall be given to the Provost of such inquiry and of the nature of the charge and he shall be entitled at such inquiry to attend in person and, if he wishes, to be represented by counsel or solicitors or to cross-examine witnesses called against him and to call evidence on his own behalf. If, after due inquiry, the Visitor shall be satisfied that the charge stated in the petition has been established, the Visitor shall deprive the Provost of his office; and the office of Provost shall thereupon become vacant.

STATUTE VI THE VICE-PROVOST

The Provost and Fellows shall elect at their pleasure some person who is serving or has served the College as a master in the school, or some other fit person, to fill the office of Vice-Provost. He shall reside in the College. His duties shall be to attend, under the Provost, to the good government of the College; to act as the Provost's Deputy in his absence; to observe and enforce on others the observance of the Charters, Statutes and Regulations of the College. He shall not be absent from the College during the half at the same time as the Provost except for some cause to be approved by the Provost or by the majority of the whole number of the Fellows.

STATUTE VII
THE FELLOWS

1. There shall be eleven Fellows of the College namely:
 - (1) The Provost of King's College, Cambridge.
 - (2) One Fellow to be elected by the Provost and Fellows, who is or has been a member of a faculty of, or a fellow of a college at, Oxford University.
 - (3) One Fellow, to be elected by the Provost and Fellows, who is or has been a member of a faculty of, or a fellow of a college at, Cambridge University.
 - (4) One Fellow to be nominated by the Royal Society following identification by the Provost & Fellows of a suitable candidate from amongst the Fellowship of the Royal Society.
 - (5) One Fellow to be nominated by the Lord Chief Justice of England for the time being.
 - (6) One Fellow to be elected by the Head Master, Lower Master and assistant masters; but not from amongst their number.
 - (7) The Vice-Provost.
 - (8) to (11) Four members to be elected by the Provost and Fellows themselves.
2. If the person elected Vice-Provost is already a Fellow of the College otherwise than in virtue of that office he shall by accepting the Vice-Provostship vacate his former Fellowship. If the person elected Vice-Provost is a master in the school, he shall by accepting the Vice-Provostship resign his position as a master.
3. No Fellowship shall be tenable with the office of Head Master, Lower Master, or other master.
4. The Provost of King's College, Cambridge, shall rank as Senior Fellow after the Vice-Provost, and the remaining Fellows shall have precedence in the order of their admission.
5. Upon the occurrence of any vacancy among the Fellows, the Provost shall forthwith notify the same to the person or Body in whom the appointment is vested. The Provost shall forthwith notify an appointment when made to the Fellows, and before entering on the duties of his office, the newly appointed Fellow shall, at a meeting of the Provost and Fellows make the following declaration:

“I, A.B. do solemnly profess and declare that I will be faithful to the College of Eton, and do nothing detrimental to it, but will, to the utmost of my power, maintain and support the interests of the same.”

6. In the event of a vacancy, the remaining Provost and Fellows not being fewer than four can assume the full responsibilities of the Governing Body, provided that meetings of the Provost and Fellows are quorate.
7. The criteria and procedural rules for the election of elected Fellows, and for the terms of office and procedures for removal from office of the Fellows, shall be set out in regulations made by the Provost and Fellows from time to time.

STATUTE VIII
HONORARY & NEW FOUNDATION FELLOWS

The Provost and Fellows may from time to time elect as an Honorary Fellow of the College any person who in their opinion has rendered outstanding service to the College. The Provost and Fellows may designate different categories of Honorary Fellow, including New Foundation Fellows, should they so decide. An Honorary Fellow shall not be included in the expressions “The Provost and Fellows” or “the Fellows” for the purposes of these Statutes and shall not be entitled to attend or vote at meetings of the Provost and Fellows or of the Fellows or to take part in the government of the College.

STATUTE IX
COLLEGE OFFICERS

1. The officers of the College shall be the following:
 - (a) Head Master;
 - (b) Lower Master;
 - (c) Bursar;
 - (d) Master in College;
 - (e) Conduct, Precentor and chaplains; and
 - (f) The holders of such other offices as the Provost and Fellows from time to time determine.

The Head Master

2. The Head Master shall be appointed by the Provost and Fellows.
3. The Head Master shall appoint all masters and other persons engaged in the teaching of the school, but the number, position, rank in the school, salaries and emoluments of such masters and other persons shall be subject to the approval of the Provost and Fellows.
4. The Head Master shall be charged with the general discipline, and shall superintend the instruction of all pupils admitted to the College and shall, in these and all other respects, be bound to carry into execution the Charters, Statutes and Regulations of the College.

5. Before he enters on his office he shall make the following declaration before the Provost and Fellows:-

“I, A.B., appointed Head Master of the College of Eton, do solemnly profess and declare that I will observe the provisions of the Charters, Statutes and Regulations of the College and will faithfully discharge the duties of my office.”

The Lower Master

6. The Lower Master shall be appointed by the Head Master. He shall rank immediately after the Head Master, and shall in his absence act as his deputy.

The Bursar

7. The Bursar shall be appointed by the Provost and Fellows. He shall have the care of the property and the expenditure of the College. No loan or temporary or other investment of the moneys of the College shall be made by him, unless under the authority of the Provost and Fellows.

The Master in College and chaplains

8. The Provost on the nomination of the Head Master shall appoint one of the masters or some other suitably qualified person to be the Master in College.
9. The Provost on the nomination of the Head Master shall appoint one or more of the masters to serve as chaplains.

The Conduct and Precentor

10. The Conduct shall be appointed by the Provost and Fellows and shall perform the daily service in the College Chapel according to such regulations and upon such terms as shall be made by the Provost and Fellows.
11. The Precentor shall be appointed by the Provost and Fellows and shall lead the singing at the services in the College Chapel according to such regulations and upon such terms as shall be made by the Provost and Fellows.

STATUTE X
PENSIONS AND OTHER EMPLOYMENT BENEFITS

The Provost and Fellows shall have the power out of the Funds of the College to make such provision as they shall think fit for pensions and other benefits in addition to salary, wages or other emoluments for employees of the College, including the College Officers, and shall have power to vary the amount of any such pension or benefit and the terms upon which they are granted subject to the rules of any relevant pension scheme or schemes.

STATUTE XI
SCHOLARSHIPS, EXHIBITIONS AND BURSARIES

King's Scholarships

1. There shall be such number (not being less than 70) of King's Scholars as the Provost and Fellows may from time to time determine.

Oppidan Scholarships

2. There shall be such Oppidan Scholarships and in such numbers as the Provost and Fellows may from time to time determine, to be tenable by pupils who are not King's Scholars.

Other Scholarships

3. There shall be such other scholarships at the College including Music Scholarships, New Foundation Scholarships and Sixth Form Scholarships, and in such numbers, as the Provost and Fellows may from time to time determine.

Exhibitions, prizes and bursaries

4. In addition to scholarships, the Provost and Fellows shall have power to establish, out of the Funds belonging to or held in trust by the College, exhibitions, bursaries and prizes and to vary the same from time to time.

Regulations as to scholarships, exhibitions and bursaries

5. The Provost and Fellows shall have power from time to time to make, vary or revoke in manner consistent with these Statutes, Regulations governing:
 - (a) The terms of each scholarship or other award including its duration;
 - (b) The eligibility criteria and mode of selection for each category of scholarship or award;
 - (c) The privileges attaching to each scholarship or award including any fee remission attaching to it;
 - (d) The subjects, time and mode of examination for all competitive scholarships, exhibitions and prizes (whether tenable at the College or after leaving the College); and
 - (e) The award of bursaries to enable pupils who could not otherwise afford to attend the College to take up (or retain) a place at the College.

STATUTE XII
SEAL OF THE COLLEGE AND EXECUTION OF CONTRACTS

1. The Seal of the College shall be kept in some secure place, and shall not be affixed to any writing or document required to be executed under Seal except with the signatures of the Provost or Bursar and two Fellows or with the signatures of the Provost and Bursar and one Fellow.
2. The Provost and Fellows may delegate the power to execute certain contracts (which do not require to be executed under Seal) on behalf of the College by regulations.

STATUTE XIII
INVESTMENT

1. The Provost and Fellows shall have the power to:
 - (a) invest any monies in the hands of the College (not being capital monies arising under the Universities and College Estates Acts 1925) and any monies held by the College in respect of any trust funds established in connection with the College (subject to any specific investment restrictions applicable to such trust funds) upon or in such securities, shares, stocks, funds or other investments (including land) in any part of the world and whether involving liability or not as they shall in their absolute discretion think fit;
 - (b) transpose such investments;

in the same unrestricted manner as if they were the beneficial owner thereof. Provided that such powers shall not at any time be exercised in respect of any trust fund of which the Provost and Fellows are not at the time when it is exercised the sole trustees except with the consent of the other trustee(s).
2. The Provost and Fellows may delegate upon such terms and with such remuneration as it shall think fit to professional investment managers ("the Managers") the exercise of the power of investment contained in this statute provided always that:
 - (a) the Managers shall be persons who are entitled to carry on investment business under the provisions of the Financial Services and Markets Act 2000 or any statutory modification or re-enactment of the same;
 - (b) the Provost and Fellows shall authorise the Managers to exercise such delegated power as aforesaid only within written investment policy guidelines laid down from time to time by the Provost and Fellows;
 - (c) the Managers shall be put under a duty to report promptly to the College any exercise of the power delegated as aforesaid and to report on the performance of any investments managed by them at intervals of no more than 3 months;

- (d) the Provost and Fellows shall at all times be free forthwith to review alter or determine such delegation and the terms thereof; and
- (e) the Provost and Fellows shall review such delegation at intervals not (in the absence of special reasons) exceeding 24 months but so that any failure by the Provost and Fellows to undertake such review within the said period of 24 months shall not invalidate the delegation.

STATUTE XIV
POWERS OF ACQUISITION AND DISPOSAL OF PROPERTY

1. The Provost and Fellows shall by virtue of this statute and in addition to any other powers they or the College may have in that regard under any other statute or by law (and in particular in addition to and separately from its powers under the Universities and Colleges Estates Act 1925) have all the powers of a natural person as to the acquisition for the College of property, both real and personal, and of any estate interest or right in or over property and all the powers of managing, improving, developing, charging, dealing with and disposing of property, both real and personal, and of any estate interest or right in or over property and of entering into and carrying out any transaction relating to the College's property or otherwise in connection with its affairs which an individual absolutely and beneficially entitled to the property estate interest or right would have, so that they may exercise any power and may enter into and carry out any kind of transaction without limitation.
2. The powers in section 1 of this Statute may be exercised at the absolute discretion of the Provost and Fellows but subject to the restrictions imposed by sections 117 to 121 and section 124 of the Charities Act 2011 which are not dis-applied by section 117(3)(a) or section 124(9) of the Charities Act 2011 (which do not apply to the powers in section 1 of this Statute).
3. Without prejudice to the generality of section 1 of this Statute or in any way limiting its scope or effect, the powers contained in that section include in particular:
 - a) powers to buy, take on lease (with or without the payment or taking of a premium or fine and whether involving waste or not) or in exchange (with or without a consideration paid in money for equality of exchange) or otherwise acquire any land or any estate or interest in or over land.
 - b) powers to sell, exchange (with or without a consideration paid in money for equality of exchange), mortgage, lease (with or without the payment or taking of a premium or fine and whether involving waste or not) or otherwise dispose of or create any estate, interest or right in or over any land or of in or over any estate interest or right in or over land (whether any such land, estate, interest or right as aforesaid be functional land, permanent endowment or held for the purposes of investment or otherwise).

- c) power to do all things conducive or incidental to the above including entering into contracts and granting or taking options whether at or for fixed prices or at or for valuations or otherwise.
4. The powers in section 1 of this Statute (inclusive as above) are not powers conferred by the Universities and College Estates Act 1925 or any statutory modification thereof and no consent or approval for their exercise is required of the Secretary of State for Environment Food and Rural Affairs either under or in accordance with that Act or any statutory modification thereof or otherwise.
5. The powers of delegation contained in Statutes II and XII shall apply to the powers in section 1 of this Statute (inclusive as above).

STATUTE XV IMPROVEMENT FUND

The capital assets of the fund known as the Improvement Fund in existence at the date of the enactment of these statutes shall form part of the permanent endowment of the College and any income held in the Fund at that date may be expended as part of the general funds of the College.

STATUTE XVI COMMUNITY WORK

In recognition of its position within its local community both of Eton and adjoining parishes, the College may further its objects and interests by engaging in such local initiatives for the benefit of that community as the Provost and Fellows see fit, including through the support of the work of separate charities which benefit that community.

STATUTE XVII ECCLESIASTICAL PATRONAGE

Benefices in the patronage of the College shall be in the gift of the Provost and Fellows.

STATUTE XVIII CONSTRUCTION

In these Statutes unless the contrary intention appears words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice versa.

If any question shall arise in regard to the construction of any of these Statutes, it shall be decided by the Provost and Fellows. But it shall be competent for any person named in Statute I, other than a King's Scholar, affected by their decision to refer the same to the Visitor, whose judgement thereon shall be final.

STATUTE XIX
REPEAL

The Statutes of the College in force immediately before the approval of these Statutes by Her Majesty the Queen in Council are hereby repealed, but without prejudice to anything previously done or suffered under the same.

In witness whereof We the said Provost and Fellows of Eton College have hereunto caused our Common Seal to be affixed the twenty fifth day of June Two thousand and sixteen.

The Common Seal of the Provost and College of Eton was hereunto affixed in the presence of:-

The Lord Waldegrave of North Hill
Provost

Dr Andrew Gailey
Vice-Provost, Fellow

Janet Walker
Bursar

