

**St David's College, Lampeter v Ministry of Education 1951**  
**Chancery Division**

**JUDGMENT-1:**

VAISEY, J.: The claim in this action is that I should declare that the plaintiffs constitute a university and are providing university education. The history of the plaintiff foundation, which is commonly known as St. David's College, Lampeter, is interesting. It was founded in 1822, and one of its earliest benefactors was George IV. It was incorporated by the first of its royal charters in 1829, and it is regulated by that charter and by further royal charters of 1853, 1865, and 1896. It was originally, I think, exclusively a theological institution, but it later acquired wider powers and extended its activities over a wider range, and, undoubtedly, it now affords instruction in many subjects -- Greek, Latin, mathematics, Hebrew, and also chemistry, botany and zoology, of which subjects there is a professor on the staff. The number of students at present is about 170. Perhaps four-fifths of the number are destined for holy orders in the church in Wales, but there are students there who are not contemplating taking holy orders, and there is no doubt that those who resort there for instruction obtain a general education. It is not for me to depreciate in any way the excellence of the instruction which is afforded there. Indeed, the defendants have never suggested, so far as I know, that the instruction or the educational facilities at St. David's College are otherwise than of the first class. The plaintiffs ask me to say whether or no they are a university. Although it has been suggested that that kind of declaration is not really within the spirit of the rules, I proposed to accede to their invitation and to say whether or not I do consider that they are and can properly be described as a university.

In my judgment, the word "university" is not a word of art, and, although for the most part one can identify a university when one sees it, it is, perhaps, not easy to define it in precise and accurate language. There are obviously universities which are such by common consent, the status of which as such no man could deny. That applies not only to the two ancient universities -- Oxford and Cambridge -- but to others which have since been founded (I think nearly all of them not earlier than the nineteenth century). There is no question that such institutions as the universities of London, Durham, Manchester and so forth, are universities in the fullest and most proper sense. St. David's College, Lampeter, is admittedly a borderline institution. One of the witnesses described it as in its nature unique, and I ventured to use a phrase of, perhaps, identical meaning and to call it *sui generis*, i.e., it is an institution which stands in a class by itself. The question which falls for me to decide is: Is that class within the ambit of the definition and proper understanding of the word "university" or is it not?

Counsel for the plaintiffs has enumerated what he regards as the essential qualities which justify an institution being described as a university, and I do not think that there is much doubt that essentially, with exceptions which I will mention, St. David's possesses those qualifications. He said, in the first place, that it must be incorporated by the highest authority, i.e., by the sovereign power, succeeding, no doubt, to the Papal privilege which was exercised in Christendom in the middle ages by the proper, and, indeed, only, body which could incorporate and give authority to a great teaching institution. There is no

doubt that St. David's College was incorporated and re-incorporated and that its incorporation was confirmed and strengthened by acts of the sovereign power, that is to say, by royal charter. Secondly, it is suggested that, to be a university, an institution must be open to receive students from any part of the world. There, again, there is no suggestion that there is any kind of bar to students from any locality at St. David's College. It is said further that there must be a plurality of masters, i.e., that there cannot be a university with only one teacher. It is clear from the charters that those who teach in this college are numerous. Again, it was suggested that a university, to be such, must be an institution in which at least one of the higher faculties is taught, those higher faculties being, of course, theology -- the queen of sciences -- law or philosophy, which in some definitions are regarded as identical, and, thirdly, medicine. Then it is said that there cannot be a university without residents either in its own buildings or near at hand. It is said that residence is a necessary qualification. I have left until last what is stated to be the most obvious and most essential quality of a university, that is, that it must have power to grant its own degrees. Here we find the very curious situation that the royal prerogative of granting degrees in the various faculties and branches of knowledge has been granted to this particular institution subject to a very strict limitation. It is only entitled to grant the degrees of bachelor of arts and bachelor of divinity. It has not of its own essential power any right to grant degrees, but to that limited extent the royal privilege has been acceded to it by royal concession.

That being the position, I have no doubt that St. David's College possesses (I will come back to the question of degrees) most of the necessary ingredients that go to make a foundation or institution a university, but, if the word "university" is not one of art, I have to try to see what it means, regard being had to those particular qualities which I have enumerated. I have to see whether or not, in accordance with the ordinary language of mankind, this small college, doing admirable work, is properly to be described as and ought to be regarded as a university. I think that it is very difficult, when you are dealing with a word of general import like this, to lay down the precise criteria, but I ask myself what the ordinary man would say if he were asked whether this college was a university. I am not referring to the man in the street -- a man who, perhaps, has had no university education or no experience of what a university is -- but to the ordinary man who does know what a university is or who has received his education at a university. I cannot bring myself to believe that such a man would say that St. David's College, Lampeter, was a university. It does not, I think, follow that, if it possesses all or most of the qualities of a university, it necessarily follows that it is a university. I am inclined to think that the onus must lie on this institution, which has never been called a university in any of its charters. It is true it is included among the universities in, for instance, such a well known reference book as CROCKFORD'S CLERICAL DIRECTORY, and it may for some purposes count as a university or be considered as equivalent to a university, or, to use another phrase, to rank as a university or to provide instruction of university standard. I cannot bring myself to think that that is enough. I cannot help feeling that this extraordinarily limited power of granting degrees, which has throughout been regarded during the arguments as being really the test for the solution of this problem, is an indication that this institution falls short of a university properly so called. It was suggested to me that weight must be given to the fact that, in the charters on which its

existence depends and by which it was founded, though there are possible slight indications the other way, care is taken not to call this institution a university. It was never incorporated as a university, and, although the word may not have any technical significance and one can imagine a case in which a teaching institution is given such plenary powers of instruction and so forth as would lead irresistibly to the conclusion that the Crown intended to make it a university, I do not think that this is such an institution. Although I must not be supposed for one moment to think that a university has to be judged by its size or the number of its pupils or by the range of instruction which it gives, still, size is a matter of some consideration. I cannot believe that this one single college, this one single educational establishment, with all its merits and the good work which it does and all the advantages which it gives to those who resort to it for instruction, in any ordinary sense of the word could properly be described as a university.

I agree that since the foundation of the University of Wales with its four constituent colleges there has been some confusion. A great many people, I think, might ignorantly be led to believe that St. David's College was part of the University of Wales. It is nothing of the kind; it is an entirely separate and older foundation. In a sense it might be regarded as a rival and complement of the University of Wales, but the question which I have to decide is whether or not it stands on the same footing and is of the same character and quality as the University of Wales which was incorporated as a university. It has never called itself a university and, although included with the universities in certain books of reference, I have had no evidence to show that anybody has ever referred to it as a university. It may in certain ways be said to give a university education, that its standards are those of a university, and that its teaching is of the quality which is to be found in a university, but there still remains the gap to be bridged, the doubt whether, however closely it approximates in its aims, character, activities and merits to a university, this college can properly be described as a university. Judging the matter both on broad principles and on the narrow principles of its limited powers and the absence of any express intention of making it a university by the sovereign power, I think that the plaintiffs have not discharged the onus of satisfying me that the college ought to be called and to be considered, in accordance with the proper meaning of the English language, a university.

I am also asked to declare that the foundation is providing university education. I do not propose to do that, but I would like to say, though I do not think it is a matter to be put in the form of an order, that it is providing education of the same type and class as is to be found in universities and the teaching is of the highest class, and that I do not wish anything that I have said to limit in any way the high reputation which this college is enjoying.