

STUDENT UNION AFFILIATION TO THE NATIONAL ABORTION CAMPAIGN (NAC) IS ILLEGAL

1. Education Act 1994. Guidance issued to student unions (1995)
2. Letter from the Legal Advisor of the NUS stating that it is illegal for the Student union to affiliate to the National Abortion Campaign
3. E-mail from the SCR officer at Edinburgh stating that affiliation to the NAC would be against the terms of the Education Act and would be ultra vires.
4. Letter to the Student union president in Kent stating that affiliation to the NAC is illegal
5. Reply from the student union president explaining that the SU is disaffiliating immediately from the NAC
6. Press Release: Kent student union disaffiliates from the NAC
7. Background information on the National Abortion Campaign
8. Student body rejects affiliation to the National Abortion Campaign

1. 1994 EDUCATION ACT: "Guidance on SUs issued by the Dept of Ed and Employment" (1995) relevant clauses cited only:

(6): "The officers are responsible for ensuring that union funds are only used for purposes that are permitted by the union's constitution and promote the charitable objects of the union. If funds are used improperly, the officers...may be personally liable to repay the money.."

(8)...no objection to students joining together to collect their own funds for any purpose for which union funds cannot be used...."

(13) "union funds cannot be used to promote or support campaigns or matters which may be of general interest or concern, but do not affect members of the union as students. Examples would be industrial disputes, general campaigning on environmental matters,....or the treatment of political prisoners.....A students' union cannot, for instance, pay for coaches that transport students to demonstrations on such issues"

"(14) Funds cannot be used to participate in party political demonstrations or to persuade members of the public to vote for or against a particular candidate or party"

2. LETTER FROM THE LEGAL ADVISOR TO THE NATIONAL UNION OF STUDENTS (dated 9th August 2001)

"Most student unions are charities because they exist to further the educational purposes of the universities or colleges to which they are attached. Student unions which are charities can only use their funds for the purposes which are permitted by the union's constitution and promote the charitable objects of the union.

Generally union funds can only be used for purposes which further the interests of the students in a way that assists in educational aims of the university or the college. Therefore the circumstances in which funds can be used for campaigning are limited. Union funds can not be used to promote or support campaigns on matters that might be of general interest or concern but which do not affect members of the union as students. The National Abortion Campaign would be one such campaign.

Students' union clubs and societies can only affiliate to particular campaigns for the purposes of obtaining educational material or information to assist in the discussion and expression of views. Any affiliation fee must be reasonable and in deciding if the fee is reasonable the amount being spent needs to be considered in relation to the benefit which the society will receive and the overall resources of the union.

A club or society affiliated to a students' union could therefore affiliate to the National Abortion Campaign, if the affiliation fee was small in regard to the resources of the union and in return for the fee the club receive sufficiently beneficial educational material, which will be used by the club to assist the members in the discussion and expression of views.

Charity law does not restrict students in their activities it merely prevents union's funds being used for purposes which are outside the union's charitable objects. There is no objection to students joining together outside the union to collect their own funds for any purpose for which union funds cannot be used.

Yours sincerely

Jocelyn O'Bey
Legal Advisor

3. E-MAIL CONFIRMING THAT AFFILIATION IS ULTRA VIRES

From Organization: Edinburgh University Students' Association
Date sent: Fri, 31 Aug 2001 11:49:38 +0100

Your query has been passed on to me. The short answer to your question is that Edinburgh University Students' Association is not affiliated to the National Abortion campaign. This would be against the terms of the 1994 Education Act and also would be deemed as ultra vires.

Yours sincerely,
Lorna Davidson
SRC Adviser :

"Lorna Davidson" <Lorna.Davidson@eusa.ed.ac.uk>

Lorna Davidson, SRC Adviser, EUSA, The Potterrow, 5/2 Bristo Square, Edinburgh
EH8 9AL Tel: +44 (0)131 650 2650 Fax: +44 (0)131 668 4177

4. LETTER TO THE STUDENT UNION PRESIDENT AT KENT UNIVERSITY (dated September 2001)

Dear Union President,

RE: Kent Student Union's affiliation to the National Abortion Campaign (NAC)

I am writing to you, as a member of Kent Union, concerning a matter of urgent importance. I have been in correspondence with the legal advisor to the National Union of Students (NUS) regarding Kent Union's affiliation to the political organisation, National Abortion Campaign (NAC). *I have written confirmation that this affiliation is not only in breach of the aims of the Student Union but is also illegal given the union's charitable status.*

Jocelyn O'Bey, NUS legal advisor, in paragraph two of her letter states:

'Generally union funds can only be used for purposes which further the interests of the students in a way that assists in educational aims of the university or college. Union funds cannot be used to promote or support campaigns on matters which may be of general interest or concern but which do not affect members of the union as students. The National Abortion Campaign would be such a campaign.'

Furthermore, other university student unions regard affiliation to the National Abortion Campaign as out of the question. For example, Lorna Davidson, SRC advisor at Edinburgh University students Association states 'Edinburgh University Students' Association is not affiliated to the National Abortion Campaign. *This would be against the terms of the 1994 Education Act and also would be deemed as ultra vires.*

I enclose a copy of the letters from the NUS legal department which I have also sent to the Vice-Chancellor.

As you can imagine I am eager to resolve this matter as soon as possible. I expect to hear from you within the next week, confirming that the student union has disaffiliated from the National Abortion Campaign. I would appreciate if a copy of the letter that is sent to the NAC could be sent to me.

Yours Sincerely

Piers Shepherd.
President Kent prolife society
cc Vice Chancellor, Kent University

5. REPLY FROM KENT STUDENT UNION PRESIDENT STATING THAT THE UNION HAS DISAFFILIATED

Dear Mr Shepherd,

I am writing in response to your letter dated 16 September 2001 concerning the Union's affiliation to the National Abortion Campaign (NAC). In your letter you stated that affiliating to NAC was, not only in breach of the aims of the Students' Union but (was) also illegal given the Union's charitable status, as advised by NUS's legal advisor Jocelyn O'Bey.

In light of this information the Union General Manager, Jim Gardner, contacted the *Deputy National Director of NUS*, Nick Gash, to clarify what the situation actually is concerning NAC. His advice to us (which is based on advice from NUS's Chief Legal Advisor Michael Mawle) is that *the Union affiliating to NAC could not be described as an issue that affects students as students and could there be deemed as ultra vires in this context*. However this letter goes on to state that under DfES guidelines, debate on all manner of political issues is legitimate and even encouraged in Union societies, and that DfES specifically states that it is acceptable for clubs to affiliate to relevant national organisations. In a society context therefore, affiliation to NAC would be acceptable and not be deemed as ultra vires.

This was brought up and discussed at the F&GPC meeting dated 24 September 2001 (for which minutes are available), and *the Charity Trustees took the decision to disaffiliate the Union as a whole from NAC because of the legal implications*, but to then make the relevant societies aware that they could individually affiliate if they wished, thus retaining the right to choose.

Thank you for making the Union aware of this issue and I hope that this letter now clarifies any confusion which has arisen.

Yours sincerely
Alix Wolverson
President of the Students Union

6. PRESS RELEASE FROM KENT PROLIFE SOCIETY (9th October 2001) KENT STUDENTS UNMASK STUDENT UNION'S ILLEGAL ACTIVITY

The Kent University Students Union has disaffiliated from an extreme pro-abortion group called the National Abortion Campaign (NAC), which supports abortion up to birth for any reason, on grounds that such an affiliation is illegal, as it breaches the Union's charitable status.

The affiliation, which involved a financial donation from the Union to the NAC, was established in November 2000 and was strongly opposed by many on both sides of the abortion debate on the grounds that such an affiliation was disrespectful to students freedom of conscience on a highly sensitive issue.

It has since been proved that charity law prevents charities, which include student unions, from affiliating to political organisations. When Piers Shepherd brought this to the attention of the student union president and cited the legal department of the National Union of Students (NUS), Kent Union was finally forced to disaffiliate from NAC.

"I welcome the news that the union has finally stopped giving students money illegally to this extremist group" said Piers Shepherd, Chairman of the University of Kent Pro-Life Society, a leading figure in the campaign against the affiliation. 'It is outrageous that a minority of ideologically motivated activists can push the Union into breaking the law so as to impose their views on all 10,000 students'

"One can only speculate over how the trustees could have allowed the union to break the law in the first place. Moreover, at the very same time as the union was giving students' money to this extremist organisation, they were preventing the prolife society from having a stall at freshers' fair. Despite being forced to stand outside, the prolife society gained over a hundred new members, which demonstrate the widespread interest in prolife issues."

"We call attention to the union's double standards, whereby they state in their letter of disaffiliation that "under DfES guidelines, debate on all manner of political issues is legitimate and even encouraged in Union societies," in order to push an extreme abortion group, while at the same time, they fail to recognise the legitimacy of prolife issues. We are appalled at their attempts to deny basic freedom of speech to the students they are supposed to represent."

"The illegal affiliation to the NAC is not only a serious misuse of student funds but indicative of clear discrimination and the union should be held accountable."

7. BACKGROUND ON THE NATIONAL ABORTION CAMPAIGN

source: <http://www.geocities.com/nacaffiliation/policy.htm>

What is the NAC? The NAC is primarily a political lobbying group which campaigns to change the current law on abortion. It has repeatedly stated its commitment to abortion up to birth:

"NAC's policy is that there should be no legal or medical restrictions to the availability of abortion. This means we are opposed to any upper time limit on abortion." Fiddy Jones, former NAC steering committee member.

The NAC would like to see:

- Abortion on demand and up until birth
- Abortions performed by staff other than fully qualified doctors
- No restrictions on embryo experimentation

"The National Abortion Campaign is not an advice service: it's not in our remit, and never has been. It is a campaigning group." Janet Mearns, NAC Secretary 1998.

– For the NAC, affiliation to trade and student unions is an important way of obtaining funds and strengthening their campaign:

"It is always helpful to have people affiliated. It makes our campaign stronger." Janet Mearns, 2000, quoted in TCS

Attitudes of the NAC

Most students would believe that human beings have inherent rights and dignity which should be protected regardless of external factors such as age, race, sex and wealth. Despite this, students' money and campaigning efforts are being used to support the National Abortion Campaign (NAC) which rejects such principles. Supporters of NAC have been known to work to destroy the rights of student union members even to discuss the contentious issue of abortion.

The following are some details of NAC policy, supported from quotations from documents produced by the NAC and its supporters:

The Right To Life

NAC exists to deprive a category of human beings (unborn children) of the basic human right to life on which all other rights depend. It calls for *"repeal of all laws relating to termination of pregnancy"* and the introduction of a law under which *"...the woman may request **anyone she chooses (e.g. doctor, nurse, another woman) to perform the abortion.**"* (Quotations from the NAC conference resolution, cited in NAC's The Abortion Law We Want)

NAC demands that abortion on demand should be legal up until birth:

"NAC believes that there should be no legal or medical restrictions on abortions, and this includes time limits." (Running Out Of Time – NAC booklet)

The Rights of the Disabled Unborn

The NAC strongly supports eugenic abortion to kill the disabled before birth:

"...unless routine screening is offered to all women, and abortion is also offered where tests are positive, then abortion will not 'catch' all foetal abnormality." (Ibid.)

Thus NAC welcomed the legislation introduced in 1990 of abortion up until birth to kill babies with disabilities (NAC letter to supporters, May 1990).

8. STUDENTS REJECT NAC – CAMBRIDGE UNIVERSITY REFERENDUM

Results of the Referendum Votes FOR the motion: 1827 (32%)

Votes AGAINST the motion: 3341 (59%)

Abstentions/spoiled papers: 472

Total turnout: 5640 (31% of student population)

PRESS RELEASE OVER 3000 CAMBRIDGE STUDENTS REJECT NATIONAL ABORTION CAMPAIGN [NAC]

Cambridge University Students Union (CUSU) voted against affiliation to the National Abortion Campaign by a two to one majority. A total of 5640 students voted with 3341 rejecting affiliation, 1827 voting for affiliation and 472 abstaining. This

massive turnout, four times greater than expected, indicates how strongly students object to affiliation to this extremist political organisation which is party to the "Voice for Choice" campaign.

"I am delighted that this attempt by the pro-abortion lobby to impose its views on all Cambridge students has been overwhelmingly defeated." (Beata Klepacka)
Universities of *East Anglia, York, and Warwick also recently voted against NAC* affiliation; it's time the National Union of Students (NUS) brought its policy into line with current student opinion by adopting a neutral policy on abortion.

"The debate during the run up to the referendum has raised awareness of the difficulties faced by pregnant students. No woman should feel forced to choose between her education and her unborn child. I hope that the CU pro-life society can now work with the Women's Campaign to help improve facilities for pregnant students" (Anna Wilkins).