



# Universities (Scotland) Act 1858

## ARRANGEMENT OF SECTIONS

1	King's College and Marischal College, Aberdeen, to be united under the title of "University of Aberdeen."
2	Appointment of Chancellors.
3	Offices of principal in Glasgow, Aberdeen, and Edinburgh not to be deemed "Chairs of Theology".
4	University courts to be constituted.
5	Powers of the senatus academicus and principal.
6	General councils of the Universities to be constituted.
7	General council of the University of Aberdeen to consist of persons herein named.
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18	Powers of Commissioners as to University of Aberdeen. To determine number of professors, and regulate course of study.
19	.....
20	.....
21	.....
22, 23	.....
24	Rules, statutes, &c., when approved, to be entered in a book, and signed by the Commissioners.
25	Ministers may sue and be sued under Titles herein named.
26	No distinction to be henceforward recognized among professors of Glasgow University.
27	Nothing in this Act to affect certain trusts.



# Universities (Scotland) Act 1858

1858 CHAPTER 83 21 and 22 Vict

An Act to make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen. [2d August 1858]

## Annotations:

### Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act excluded by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [s. 1 \(1\)](#); power to exclude and amend Act conferred by [ibid.](#), [s. 1 \(4\)](#)
- C3 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)

## 1 King's College and Marischal College, Aberdeen, to be united under the title of "University of Aberdeen."

This section does not apply to the University of Edinburgh.

## 2 Appointment of Chancellors.

The Chancellor of each of the Universities of St. Andrew's, Glasgow, and Aberdeen shall be elected by the other members of the general council herein-after mentioned; and in time coming there shall be a Chancellor of the University of Edinburgh, to be elected in like manner: . . . <sup>F1</sup> the Chancellor of each of the said Universities shall hold his office for life; the Chancellor in each University shall have power to appoint a

Vice-Chancellor, who may in the absence of the Chancellor discharge his office in so far as regards conferring degrees, but in no other respect.

**Annotations:**

**Amendments (Textual)**

**F1** Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**3 Offices of principal in Glasgow, Aberdeen, and Edinburgh not to be deemed “Chairs of Theology”.**

The principals in the Universities of Glasgow, Aberdeen, and Edinburgh, appointed in time to come, shall not, as such, be or be deemed professors of divinity, nor shall it be a valid objection to any person appointed to the office of principal in any of the said universities that he is a layman; . . . <sup>F2</sup>

**Annotations:**

**Amendments (Textual)**

**F2** Words repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

**4 University courts to be constituted.**

There shall be constituted in each of the said Universities a University court, which shall<sup>F3</sup>... possess and exercise the powers herein-after enacted, and of which the rector shall be the ordinary president, with a deliberative and a casting vote.

**Annotations:**

**Amendments (Textual)**

**F3** Words in s. 4 repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\), s. 26\(2\), sch. para. 1\(2\)](#); S.S.I. 2016/382, reg. 2(1)

**5 Powers of the senatus academicus and principal.**

The senatus academicus of each of the said Universities shall<sup>F4</sup>... administer [<sup>F5</sup>the University's property] and revenues, subject to the control and review of the University court, as herein-after provided; one third of the senatus shall be a quorum; and the principal, or the senior principal if more than one, shall be the ordinary president of the senatus academicus, with a deliberative and casting vote; and the principal shall be bound to undertake and perform such duties of teaching and lecturing as may be assigned to him by the Commissioners herein-after appointed during the continuance of their powers, and thereafter by the University court.

**Annotations:**

**Amendments (Textual)**

**F4** Words in s. 5 repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\), s. 26\(2\), sch. para. 1\(3\)\(a\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 6(4))

**F5** Words in s. 5 substituted (S.) (30.12.2016) by Higher Education Governance (Scotland) Act 2016 (asp 15), s. 26(2), **sch. para. 1(3)(b)**; S.S.I. 2016/382, reg. 2(1) (with reg. 6(4))

## **6 General councils of the Universities to be constituted.**

There shall be in each University a general council consisting of the Chancellor, of the members of the University court, from and after their first election, of the professors, of all masters of arts of the University, of all doctors of medicine of the University who shall have, as matriculated students of the University, given regular attendance on classes in any of the faculties in the University during four complete sessions, and also of all persons who within three years from and after the passing of this Act shall establish to the satisfaction of the Commissioners herein-after appointed that they have, as matriculated students, given regular attendance on the course of study in the University for four complete sessions, or such regular attendance for three complete sessions in the University, and regular attendance for one such complete session in any other Scottish University, the attendance for at least two of such sessions having been on the course of study in the faculty of arts: Provided that no person shall be a member of the general council until he . . . <sup>F6</sup> has his name registered in a book to be kept for the purpose by each University, which shall be done on payment of such . . . fee as shall be fixed by the said Commissioners; and provided also, that no person shall be a member of the general council while he is a student enrolled in any class of the University; and the said general council shall assemble twice every year, on such days as may be fixed by the Commissioners herein-after appointed, subject to alteration thereafter from time to time by resolution of the said council, with the approval of the University court; at the meetings of which council the Chancellor, and in his absence the rector, whom failing, the principal or senior principal, whom failing, the senior professor, shall preside, and shall have a deliberative and also a casting vote: It shall be competent to such council to take part in the election of office bearers of the University in manner herein provided, and also to take into their consideration all questions affecting the well-being and prosperity of the University, and to make representations from time to time, on such questions to the University court, who shall consider the same and return to the council their deliverance thereon.

### **Annotations:**

#### **Amendments (Textual)**

**F6** Words repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

#### **Modifications etc. (not altering text)**

**C4** [S. 6](#) excluded by section X of Ordinance No. 96 of the University Court of the University of St. Andrews dated 14.9.1967 and approved by Order in Council dated 20.12.1967

**C5** [S. 6](#) excluded by section 8(a) of Ordinance of the University Court of the University of Glasgow No. 183 dated 20.9.1978 and approved by Order in Council dated 14.3.1979

**C6** [S. 6](#) amended by [Representation of the People \(Scotland\) Act 1868 \(c. 48\)](#), **s. 28** and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), ss. 9, 10(2), **Sch. 4**

## **7 General council of the University of Aberdeen to consist of persons herein named.**

This section does not apply to the University of Edinburgh.

8—11. .... F7

**Annotations:**

**Amendments (Textual)**

F7 Ss. 8—11 repealed by [Universities \(Scotland\) Act 1889 \(c. 55\)](#), s. 5(4)

**12 Powers of University courts.**

The University court of each University shall, subject to the provisions of this Act, have the following powers; viz.,

- (1) To review all decisions of the senatus academicus, and to be a court of appeal from the senatus in every case except as herein otherwise provided for:
- (2) To effect improvements in the internal arrangements of the University, after due communication with the senatus academicus, and with the sanction of the Chancellor; provided that all such proposed improvements shall be submitted to the University council for their consideration:
- (3) To require due attention on the part of the professors to regulations as to the mode of teaching and other duties imposed on the professors:
- (4) ..... F8
- (5) Upon sufficient cause shown, and after due investigation, to censure a principal or professor, or to suspend him from his office and from the emoluments thereof, in whole or in part, for any period not exceeding one year, or to require him to retire from his office on a retiring allowance, or to deprive him of his office; and during the suspension of any professor to make due provision for the teaching of his class: Provided always, that no such sentence of censure, suspension, or deprivation, or requisition on a professor to retire from office, shall have any effect until it has been approved by her Majesty in Council:
- (6) To inquire into and control the administration by the senatus academicus or principal and professors of any college of the revenue, expenditure, and all the pecuniary concerns of the University and of any college therein, including funds mortified for bursaries and other purposes.

**Annotations:**

**Amendments (Textual)**

F8 S. 12 para. 4 repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), Sch. 7 Pt. I

**Modifications etc. (not altering text)**

C7 S. 12 amended by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), Sch. 2 Pt. III para 1

**13 Right of nomination to professorships vested in University courts.**

The right of nomination or presentation to any professorships within any of the said Universities in time past, and presently exercised by the senatus or faculty thereof, or by one or more of the professors therein, or by any member or other officer thereof, shall be transferred to and in all time coming be exercised, as regards each University by the University court thereof, to be established in manner herein-before provided; and the right of nomination or presentation to the office of principal and to all professorships in the University of Edinburgh in times past, and presently exercised by the town council of Edinburgh, or by one or more of the members thereof, either by themselves or conjointly with others, shall be transferred from the said town council or members thereof to and in all time coming be exercised by seven curators to be nominated as follows: Within two months from and after the date at which this Act shall come into operation, as herein-after provided, the town council shall nominate four curators, and the University court of the said University shall nominate the remaining three curators; and the curators shall continue in office for three years; and in the event of vacancies in the office of curator occurring from death, resignation, or any other cause, the vacancies shall, as respects the four nominations made by the town council, be filled up by the town council, and shall, as respects the other nominations, be filled up by the University court.

**Annotations:**

**Modifications etc. (not altering text)**

- C8** S. 13 amended by [Edinburgh University \(Transfer of Patronage\) Act 1897 \(c. 13\), s. 1](#) and [Universities \(Scotland\) Act 1966 \(c. 13\), Sch. 2 Pt. III](#), para. 2
- C9** Functions of town council of Edinburgh now exercisable by City of Edinburgh District Council: [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 225 \(3\)](#)

~~14~~ ..... F9  
17.

**Annotations:**

**Amendments (Textual)**

- F9** Ss. 14—17 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**18 Powers of Commissioners as to University of Aberdeen. To determine number of professors, and regulate course of study.**

..... F10

(1)

This section does not apply to the University of Edinburgh.

(2) ..... F11  
.....

**Annotations:**  
.....

**Amendments (Textual)**  
F10 Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#), [Sch.](#)  
F11 [S. 18 paras. 2—6](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**Modifications etc. (not altering text)**  
C10 "Commissioners" means Commissioners appointed under s. 14c

19 ..... F12

**Annotations:**  
.....

**Amendments (Textual)**  
F12 [S. 19](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

20 ..... F13

**Annotations:**  
.....

**Amendments (Textual)**  
F13 [S. 20](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

21 ..... F14

**Annotations:**  
.....

**Amendments (Textual)**  
F14 [S. 21](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

22, 23. .... F15

**Annotations:**

**Amendments (Textual)**

F15 Ss. 22, 23 repealed by Statute Law Revision Act 1875 (c. 66)

**24 Rules, statutes, &c., when approved, to be entered in a book, and signed by the Commissioners.**

All rules, statutes, and ordinances to be made by the Commissioners shall, when approved by Her Majesty as herein-before provided, be inserted in a book or books to be signed by the Commissioners or their quorum; and such book or books shall, on the expiration of the powers of the Commissioners, be lodged with Her Majesty's Clerk Register for Scotland, and shall be preserved among the public records; and a duplicate shall be sent to each of the said Universities of the rules, statutes, and ordinances applicable thereto; and such rules, statutes, and ordinances shall be observed until the same be altered in manner herein-before provided.

**Annotations:**

**Modifications etc. (not altering text)**

C11 "Commissioners" means Commissioners appointed under s. 14.

**25 Ministers may sue and be sued under Titles herein named.**

The said Universities may sue and be sued under the style and title of "The University of St. Andrew's," "The University of Glasgow," "The University of Aberdeen," and "The University of Edinburgh," respectively.

**26 No distinction to be henceforward recognized among professors of Glasgow University.**

This section does not apply to the University of Edinburgh.

**27 Nothing in this Act to affect certain trusts.**

Nothing in this Act contained shall be construed to affect any trusts now vested in and administered by the senatus academicus of any University or college, or in the principal and professors, or any of them, for purposes unconnected with such University or college; ....This Section does not apply to the University of Edinburgh.





# Universities (Scotland) Act 1889

## ARRANGEMENT OF SECTIONS

### PRELIMINARY

- 1 Short title.
- 2 Construction of Act.
- 3 Definitions.
- 4 .....

### PART I

#### *Constitution of University Court*

- 5 University Courts. Election and term of office of assessors.  
Incorporation of University Court. President of meetings of Courts.

#### *Powers of the University Court*

- 6 Powers of University Court.

#### *Senatus Academicus*

- 7 Powers of Senatus Academicus.
- 8 .....

#### *Universities Committee of Privy Council*

- 9 Constitution of Scottish Universities Committee of Privy Council.

**PART II**

10—13 .....

*Powers of Commissioners*

14 Powers of Commissioners.

*Extension of Universities*

15 Extension of Universities.

16 .....

17—20 .....

21 .....

*Transfer of Property*

22 .....

23 Vesting thereof.

24 Transfer of Crown rights in Edinburgh Botanic Garden to  
Commissioners of Works.

25, 26 .....

27 .....

28—30 .....

**PART III**

*Redemption of Charges*

31 .....

32 Purchase by the Universities of certain casualties due to the Crown.





# Universities (Scotland) Act 1889

1889 CHAPTER 55 52 and 53 Vict

An Act for the better Administration and Endowment of the Universities of Scotland. [30th August 1889]

## Annotations:

### Modifications etc. (not altering text)

- C1 Act excluded by [Universities \(Scotland\) Act 1966 \(c. 13\), s. 1\(1\)](#); power to amend and exclude Act conferred by [ibid. s. 1\(4\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1908 \(c. 49\)](#)

## PRELIMINARY

### 1 Short title.

This Act may be cited as the Universities (Scotland) Act 1889.

### 2 Construction of Act.

This Act shall, so far as is consistent with the tenor thereof, be read and construed along with . . . <sup>F1</sup> the <sup>M1</sup>Universities (Scotland) Act 1858.

## Annotations:

### Amendments (Textual)

- F1 Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

### Marginal Citations

- M1 [1858 c. 83.](#)

**3 Definitions.**

“Public moneys” means “moneys provided by Parliament,” or “moneys issuing out of the Consolidated Fund.”

“Universities Committee” means the Scottish Universities Committee of the Privy Council, constituted by this Act.

“University” means Scottish University.

“Affiliation” for the purposes of this Act means such a connexion between an existing University and a college as shall be entered into by their mutual consent, under conditions approved by the Commissioners, or, after the determination of their powers, by the Universities Committee.

“The Commissioners” means the Commissioners appointed under this Act.

“College,” where by the context it does not apply to a college presently forming part of any University, means any institution established on a permanent footing for the purpose of teaching the higher branches of education which shall be sufficiently endowed in the opinion of the Commissioners, and after the expiry of their powers of the Universities Committee.

“Governing body” means a body constituted on a permanent footing, and charged, by Act of Parliament, Royal Charter, deed of endowment and trust, or otherwise, with the management and administration of any fund devoted to higher education.

“Students representative council” means a students representative council in any University, constituted in such manner as shall be fixed by the Commissioners under this Act.

4 ..... F2

**Annotations:**

**Amendments (Textual)**

F2 S. 4 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

**PART I**

*Constitution of University Court*

**5 University Courts. Election and term of office of assessors. Incorporation of University Court. President of meetings of Courts.**

(1) <sup>F3</sup> ...

Seven members of each University Court shall be a quorum.

The rector may, before he appoints his assessor, confer with the students representative council.

(2) <sup>F4</sup> ... every ... rector and rector’s assessor shall continue in office for three years, but in the event of the <sup>F5</sup> ... rector ceasing to hold office his assessor shall continue to be a member of the University Court until an assessor is nominated by the new ... rector

and no longer <sup>F6</sup> ... No member of the Senatus Academicus of any University shall be entitled to vote or take part in the election of any assessor of the general council of that University ...

- (3) The University Court shall be a body corporate with perpetual succession and a common seal, which shall be judicially noticed, and all the property, heritable and moveable, belonging to the University, or to any existing college forming part of the University at the passing of this Act, whether the title to such property has been taken in the name of the University or such college, or in name of any person or persons in trust for or on behalf of the University or such college, shall be and is hereby vested in the University Court ...

<sup>F7</sup>(4) .....

- (5) The rector, and in his absence [<sup>F8</sup>the senior lay member] shall preside at meetings of the University Court, and in the absence of both of them a chairman for the time shall be elected by the meeting. The person presiding at any meeting of the University Court shall have a deliberative vote, and also a casting vote in case of equality.

[<sup>F9</sup>(5A) In subsection (5), “senior lay member” means the person appointed to the position by virtue of section 8 of the Higher Education Governance (Scotland) Act 2016.]

<sup>F10</sup>(6) .....

#### Annotations:

##### Amendments (Textual)

- F3** Words in s. 5(1) repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(a\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F4** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)
- F5** Words in s. 5(2) repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(b\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F6** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F7** S. 5(4) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F8** Words in s. 5(5) substituted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(c\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F9** S. 5(5A) inserted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(d\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F10** S. 5(6) repealed by [University of St. Andrews Act 1953 \(c. 40\)](#), [s. 15\(5\)](#)

### *Powers of the University Court*

## 6 Powers of University Court.

The University Court, in addition to the powers conferred upon it by the <sup>M2</sup>Universities (Scotland) Act 1858, shall subject to any ordinances made by the Commissioners, have power—

- (1) To administer and manage the whole revenue and property of the University, and the college or colleges thereof existing at the passing of this Act, . . . <sup>F11</sup>, and also including funds mortified for bursaries and other purposes, and to appoint factors or collectors,

to grant leases, to draw rents, and generally to have all the powers necessary for the management and administration of the said revenue and property:

- (2) To review any decision of the Senatus Academicus on a matter within its competency which may be appealed against by a member of the Senatus, or other member of the University having an interest in the decision, within such time as may be fixed by the Commissioners, and to take into consideration all representations and reports made to it by the Senatus Academicus and by the general council:
- (3) To review, on representation made by any of its members or by any member of the Senatus Academicus, within such time as may be fixed by the Commissioners, any decision which the Senatus Academicus may come to in the exercise of its powers under section seven, subsection one: Provided always, that the University Court shall not review any decision of the Senatus Academicus in a matter of discipline, except upon appeal taken either by a member of the Senatus or by a member of the University directly affected by such decision:
- (4) To appoint professors whose chairs are, or may come to be, in the patronage of the University; to appoint examiners and lecturers; and to grant recognition to the teaching of any college or individual teacher for the purposes of graduation, under any regulations on the subject laid down by the Commissioners, which regulations after the expiration of their powers may from time to time be modified or altered by the Universities Committee:
- (5) To define on application by any member of the Senatus Academicus the nature and limits of a professor's duties under his commission, subject to appeal to the Universities Committee:
- (6) To take proceedings against a principal or professor, University lecturer, assistant, recognised teacher or examiner, or any other person employed in teaching or examining under section twelve, sub-section five, of the <sup>M3</sup>Universities (Scotland) Act 1858, without the necessity of any one not a member of the Court appearing as prosecutor, and for the purposes of such proceedings to call before it any member of the University to give evidence, and to require the production of documents, and also to institute and conduct any such inquiries as it may deem necessary:
- (7) To appoint from among members of the University or others, not being members of the Senatus Academicus, one third of the members of any standing committee or committees charged, by ordinance of the Commissioners under this Act, with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University and college or colleges thereof existing at the passing of this Act, and on representation made by any of its members, or by any member of the Senatus Academicus, to review any decision which the Senatus Academicus, in the exercise of its powers, may come to in respect of the recommendations of such committee or committees:
- [<sup>F12</sup>(8) To appoint committees of its own number or others, and to define their powers, and to determine the membership and the quorum, of such committees.]
- (9) To elect the representative of the University on the General Medical Council, under [<sup>F13</sup>the <sup>M4</sup>Medical Act 1956:]
- (10) . . . <sup>F14</sup>

**Annotations:**

**Amendments (Textual)**

- F11** Words repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**
- F12** [S. 6 para. \(8\)](#) substituted by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 2 Pt. III para. 3 (a)**
- F13** Words substituted by virtue of [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 2 Pt. III para. 3 (b)**
- F14** [S. 6 para. \(10\)](#) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

**Marginal Citations**

- M2** [1858 c. 83](#).
- M3** [1858 c. 83](#).
- M4** [1956 c. 76](#).

*Senatus Academicus*

**7 Powers of Senatus Academicus.**

The Senatus Academicus shall continue to possess and exercise the powers hitherto possessed by it so far as they are not modified or altered by the <sup>M5</sup>Universities (Scotland) Act 1858, or by this Act, and shall have power—

- (1) To regulate and superintend the teaching and discipline of the University [<sup>F15</sup>and to promote research]:
- (2) To appoint two-thirds of the members of any standing committee or committees charged by ordinance of the Commissioners with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University and college or colleges thereof existing at the passing of this Act; and to receive in the first instance all reports by such committee or committees, and subject to the review of the University Court, to confirm, modify, or reject the recommendations in such reports.

**Annotations:**

**Amendments (Textual)**

- F15** Words inserted by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **s. 8 (1)**

**Marginal Citations**

- M5** [1858 c. 83](#).

**8** ..... <sup>F16</sup>

**Annotations:**

**Amendments (Textual)**

- F16** [S. 8](#) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

*Universities Committee of Privy Council*

**9 Constitution of Scottish Universities Committee of Privy Council.**

There shall be a Committee of Her Majesty's Privy Council styled the Scottish Universities Committee of the Privy Council.

The Universities Committee shall consist of the Lord President of the Privy Council, the [<sup>F17</sup>First Minister], the Lord Justice General, if a member of the Privy Council, the Lord Justice Clerk, if a member of the Privy Council, the Lord Advocate, if a member of the Privy Council, the Chancellor of each of the Universities, if a member of the Privy Council, the Lord Rector of each of the Universities, if a member of the Privy Council, one member at least of the Judicial Committee of the Privy Council, and such other member or members of the Privy Council as Her Majesty may from time to time think fit to appoint.

The powers and duties of the Universities Committee may, subject to any rules or regulations which may from time to time be passed by Her Majesty in Council, be exercised and discharged by any three or more of the members of the Committee, one of whom shall be a member of the Judicial Committee of the Privy Council or one of Her Majesty's Senators of the College of Justice in Scotland.

**Annotations:**

**Amendments (Textual)**

**F17** Words in s. 9 substituted (1.7.1999 as specified by S.I. 1998/3178, **art. 3**) by virtue of S.I. 1999/1820, **art. 4, Sch. 2 Pt. I para. 7**

**PART II**

**10—** ..... <sup>F18</sup>  
**13.**

**Annotations:**

**Amendments (Textual)**

**F18** Ss. 10–13 repealed by Statute Law Revision Act 1908 (c. 49)

*Powers of Commissioners*

**14 Powers of Commissioners.**

The Commissioners shall have power to call before them the principals, professors, University lecturers, assistants, recognised teachers, students, and examiners, or any other person employed in teaching or examining, or bearing office in or otherwise connected with the Universities or colleges thereof existing at the passing of this Act, and such other persons as they may think proper, and to examine them as to all rules and ordinances now in force in the Universities or colleges, and to require the production of all documents and accounts relating thereto, and after making due



inquiry to make ordinances for all or any of the following purposes, as shall to them seem expedient:—

- (1) To regulate the foundations, mortifications, gifts, endowments and bursaries, held by any of the Universities or colleges thereof existing at the passing of this Act, or by any person in trust for or on behalf of the same, or for the benefit of any professors, students, or others therein, which have taken effect for more than twenty-five years previously to the passing of this Act, or if given within less than twenty-five years, are wholly or partially inoperative or dormant, or which they may be asked to revise and regulate by the Senatus Academicus and the founder of the trust conjointly, with the approval of the University Court, and in particular—
  - (a) To alter the conditions or directions affecting the same, if it shall appear to the Commissioners that the interests of learning and the main design of the donor, so far as is consistent with the promotion of such interests, may be better advanced by such alteration;
  - (b) To combine or divide bursaries, and to establish bursary funds;
  - (c) Where it shall seem requisite to frame regulations under which the patronage of existing bursaries vested in private individuals, or corporate or other bodies, shall be exercised;
  - (d) To transfer the patronage of professorships now vested in private individuals or corporate or other bodies, other than the Curators of the University of Edinburgh, to the University Court:

Provided always, that where a professorship, the patronage of which is so transferred, shall have been maintained, or partially maintained, by funds provided annually or periodically by any corporate or other body, in which, or in the governing body of which, such patronage shall, in consideration of such annual or other periodical payment, have been vested, it shall upon such transfer be in the option of such corporate or other body to cease making such annual or other periodical payments.

Provided also, that nothing in this sub-section shall apply to any bursary or endowment granted by any incorporation or society whose funds, capital, or revenue have been and are contributed and paid by the members of such incorporation or society by way of entry moneys or other fixed or stated contributions.

Provided also, that in all cases where competition for bursaries and other endowments is at present restricted to the holders of certain degrees, the Commissioners shall have power to extend it to the holders of such other degrees as they may consider to constitute, in the circumstances, an equivalent standard of merit.

Provided also, that in framing such regulations or making such alterations the Commissioners shall take care not to diminish the advantages provided for poor students by such foundations, mortifications, gifts, endowments, or bursaries aforesaid;

- (e) To prepare a scheme by which a detailed and reasoned report on the qualifications of candidates for chairs may be submitted to the patrons, including the Crown, so as to assist them in the discharge of their patronage:
- (2) Subject to the provisions of the <sup>M6</sup>Universities (Scotland) Act 1858, as amended by this Act, to regulate the powers, duties, jurisdictions, and privileges of chancellors, rectors, assessors, . . . <sup>F19</sup>

- (3) . . . <sup>F20</sup>
- (4) To regulate the time, place, and manner of presenting and electing University officers, with power to ordain that in the election of the rectors of the Universities of Glasgow and Aberdeen the election shall be determined by the majority of the votes of all the students voting whenever the votes of the nations shall be equally divided:
- (5) . . . <sup>F21</sup>
- (12) To lay down regulations for the constitution and functions of a students representative council in each University, and to frame regulations under which that council shall be entitled to make representations to the University Court:
- (13) . . . <sup>F22</sup>
- (15) To fix the limits of time within which appeals may be lodged and representations may be made under section six, sub-sections two and three hereof:
- (16) . . . <sup>F23</sup>

**Annotations:**

**Amendments (Textual)**

- F19** Words repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**
- F20** [S. 14](#) para. (3) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**
- F21** [S. 14](#) paras. (5)–(11) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**
- F22** [S. 14](#) paras. (13) (14) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**
- F23** [S. 14](#) para. (16) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

**Marginal Citations**

- M6** [1858 c. 83](#).

*Extension of Universities*

**15 Extension of Universities.**

The Commissioners may, if they think fit, make ordinances to extend any of the Universities, by affiliating new colleges to them, and after the expiration of their powers the University Court may make similar ordinances, under regulations to be laid down by the Commissioners, or after the expiry of their powers by the Universities Committee, subject to the following conditions:—

- (1) The University Court and college shall be consenting parties.
- (2) In cases arising after the expiration of the powers of the Commissioners the approval of the Universities Committee shall have been signified.
- (3) The University Court, or any college which under this Act shall have been affiliated to the University, may respectively at any time thereafter resolve that such college shall cease to be affiliated to such University; and, upon such resolution being passed by the University Court, or notified to the University Court by such college, the University Court shall, subject to the approval of the Universities Committee, rescind the ordinance by which such college was affiliated to such University.

(4) The Commissioners, and after the expiry of their powers the Universities Committee, shall make arrangements, where it seems desirable, for the due representation of the University Court on the governing bodies of affiliated colleges, and of the governing bodies of affiliated colleges in the University Court, having regard to the circumstances of each particular case, to the relative numbers in the University and the college of the teaching staffs and of students proceeding to graduation, to the nature of the connexion proposed to be established, and to the purposes for which such representation is desirable. Provided always that these arrangements may include a limitation of the right of the persons so representing the University Court or the affiliated college, as the case may be, to sit and vote while any particular subject or subjects are under consideration.

(5) . . . <sup>F24</sup>

**Annotations:**

**Amendments (Textual)**

**F24** S. 15(5) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), **Sch. 1**

16 . . . . . <sup>F25</sup>

**Annotations:**

**Amendments (Textual)**

**F25** S. 16 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [University of St. Andrews Act 1953 \(c. 40\)](#), **s. 15(5)**

17— . . . . . <sup>F26</sup>  
20.

**Annotations:**

**Amendments (Textual)**

**F26** Ss. 17–20 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

21 . . . . . <sup>F27</sup>

**Annotations:**

**Amendments (Textual)**

**F27** S. 21 repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

*Transfer of Property*

22 . . . . . <sup>F28</sup>

**Annotations:**

**Amendments (Textual)**

**F28** s. 22 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

**23 Vesting thereof.**

...<sup>F29</sup> All the right, title, and interest of Her Majesty, in right of Her Crown in each of the properties described in the second column of the schedule hereto shall be vested in the authority set opposite the description of such property in the first column of the said schedule hereto, subject nevertheless to any burdens, liabilities, or rights affecting the same.

**Annotations:**

**Amendments (Textual)**

**F29** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

**24 Transfer of Crown rights in Edinburgh Botanic Garden to Commissioners of Works.**

<sup>F30</sup> ... All the right, title, and interest of Her Majesty, in right of Her Crown as proprietor of the Edinburgh Botanic Garden and all buildings therein, shall be vested in the Commissioners of Works, for behoof of the public<sup>F31</sup> ... the said garden and buildings to be held by the said Commissioners of Works upon the conditions subject to which the said garden and buildings were acquired by or on behalf of His late Majesty King George the Fourth.

**Annotations:**

**Amendments (Textual)**

**F30** Words in s. 24 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

**F31** Words in s. 24 repealed (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

**Modifications etc. (not altering text)**

**C3** Functions of Commissioners of Works under s. 24 now exercisable by Secretary of State S.R. & O. 1945/991 (Rev. XV, p. 232: 1945 I, p. 1414), art. 1, [S.I. 1962/1549](#), **art. 2** and [S.I. 1969/383](#), art. 2, **Sch.**

**25, 26.** .....<sup>F32</sup>

**Annotations:**

**Amendments (Textual)**

**F32** [Ss. 25, 26](#) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

27 ..... F33

**Annotations:**

**Amendments (Textual)**

F33 S. 27 repealed by Statute Law Revision Act 1908 (c. 49)

28 ..... F34  
30.

**Annotations:**

**Amendments (Textual)**

F34 Ss. 28–30 repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I

**PART III**

*Redemption of Charges*

31 ..... F35

**Annotations:**

**Amendments (Textual)**

F35 S. 31 repealed by Statute Law Revision Act 1908 (c. 49)

**32 Purchase by the Universities of certain casualties due to the Crown.**

...<sup>F36</sup> Whenever any teind, feu, retour, or other duty or casualty shall be found to be due to the Crown from one of the Universities of Saint Andrews, Glasgow, Aberdeen, or Edinburgh, the [<sup>F37</sup>Crown Estate Commissioners] shall give notice in writing to the principal of the University requiring the University Court of the University to purchase the same from the Crown, and the University Court of the University shall purchase, and such Commissioners shall sell the same, and such sale shall be made in all respects as sales of a like nature in Scotland by the [<sup>F37</sup>Crown Estate Commissioners] may for the time being be by law directed to be made, and upon such terms as may for the time being be in operation with reference to the redemption of charges of a like nature forming part of the land revenues of the Crown.

[<sup>F38</sup>In relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, references in this section to the Crown Estate Commissioners are to be read as references to the person who manages the property, rights or interests concerned.]

**Annotations:**

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**Amendments (Textual)**

- F36** Preamble omitted under authority of [Statute Law Revision Act 1908 \(c. 49\)](#)
- F37** Words substituted by virtue of S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), art. 1, [Crown Estate Act 1956 \(c. 73\), s. 1\(7\)](#) and [Crown Estate Act 1961 \(c. 55\), Sch. 2 para. 4\(1\)](#)
- F38** Words in s. 32 inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 2](#)



# Edinburgh University (Transfer of Patronage) Act 1897

1897 CHAPTER 13 60 and 61 Vict

## 1 Transfer of presentation to professorships.

.....<sup>F1</sup> The right of presentation to the Professorship of Natural History in the University of Edinburgh. .... shall. .... be exercised by the curators of the said University appointed under the provisions of section thirteen of the <sup>M1</sup>Universities (Scotland) Act 1858; and the right of presentation to the Professorship of Botany in the said University. .... shall. .... be exercised by Her Majesty, Her heirs and successors, in right of Her Crown.

### Annotations:

#### Amendments (Textual)

F1 Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

#### Marginal Citations

M1 [1858 c. 83.](#)



# Universities (Scotland) Act 1922

1922 CHAPTER 31 12 and 13 Geo 5

An Act to extend the powers of the Courts of the Universities of Scotland in the making of Ordinances for the superannuation and pensioning of Principals and Professors, and for the admission of Lecturers and Readers to the Senatus Academicus, and to provide for the admission of Lecturers and Readers to membership of the General Councils of those Universities. [20th July 1922]

**Annotations:**

**Modifications etc. (not altering text)**

C1 Act excluded by [Universities \(Scotland\) Act 1966 \(c. 13\), s. 1\(1\)](#); power to amend and exclude Act conferred by [ibid.](#), s. 1(4)

1 .....<sup>F1</sup>

**Annotations:**

**Amendments (Textual)**

F1 [S. 1](#) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\), Sch. 7 Pt. 1](#)

**2 Lecturers and readers to be members of general councils.**

A lecturer or reader appointed by the university court of a Scottish university who has held the office of lecturer or reader therein for one year shall thenceforward, during his tenure of that office, be a member of the general council of that university and entitled to all the rights and privileges of a member of council although his name is not entered in the register of the council: . . .<sup>F2</sup>

**Annotations:**

**Amendments (Textual)**

F2 [S. 2](#) proviso repealed by [Representation of the People Act 1948 \(c. 65\), s. 80\(7\), Sch. 13](#)



**Modifications etc. (not altering text)**

- C2** S. 2 excluded by section X(1)(iii) of Ordinance No. 96 of the University Court of the University of St. Andrews dated 14.9.1967 and approved by Order in Council dated 20.12.1967
- C3** S. 2 excluded by section 8(c) of Ordinance of the University Court of the University of Glasgow No. 183 dated 20.9.1978 and approved by Order in Council dated 14.3.1979

**3 Citation and construction.**

This Act may be cited as the Universities (Scotland) Act 1922, and shall, so far as is consistent with the tenor thereof, be read and construed along with the <sup>M1</sup>Universities (Scotland) Act 1858, and the <sup>M2</sup>Universities (Scotland) Act 1889, and those Acts and this Act may be cited together as the Universities (Scotland) Acts, 1858 to 1922.

**Annotations:**

**Marginal Citations**

- M1** 1858 c. 83.  
**M2** 1889 c. 55.



# Universities (Scotland) Act 1932

## ARRANGEMENT OF SECTIONS

- 1 Transfer of right of appointment to theological chairs in the Scottish Universities.
  - 2 Extension of powers of University Courts to make ordinances.
  - 3 Provision regarding bursaries or scholarships in United Free Church of Scotland.
  - 4 Agreements for admission of teachers of theology to university status.
  - 5 Declaration in Act of Queen Anne not to be required of principals of or professors in Scottish Universities.
  - 6 Interpretation.
  - 7 †Extent, short title and repeal.
-



# Universities (Scotland) Act 1932

1932 CHAPTER 26 22 and 23 Geo 5

An Act to transfer to the University Courts the right of presentation or appointment to certain chairs or professorships in the faculties of divinity or theology in the universities of Scotland; to remove restrictions as regards appointment to chairs or professorships in the said universities; to extend the powers of the University Courts of the said universities with regard to the making of ordinances, and for purposes connected therewith. [16th June 1932]

## Annotations:

### Modifications etc. (not altering text)

- C1 Act excluded by [Universities \(Scotland\) Act 1966 \(c. 13\), s. 1\(1\)](#); power to amend and exclude Act conferred by [ibid.](#), s. 1(4)

## 1 Transfer of right of appointment to theological chairs in the Scottish Universities.

The right of presentation or appointment to any theological chair in any of the Scottish Universities which, according to the law existing immediately prior to the passing of this Act, was vested in His Majesty or in any body or person other than the University Court shall, subject to the provisions of the immediately succeeding section, be transferred to and vested in the University Court of the university to which the chair belongs.

## 2 Extension of powers of University Courts to make ordinances.

- (1) The powers conferred on the University Court of each of the Scottish Universities . . .<sup>F1</sup>, shall include power, . . . , to make and to alter or revoke such ordinances as the University Court think fit:—
- (a) constituting a board of nomination composed of representatives elected in equal numbers by the University Court and by or under the authority of the General Assembly or otherwise in such manner as may be agreed on by the University Court and the General Assembly, and ordaining that a vacancy in

any theological chair founded prior to the passing of this Act shall be filled by the appointment by the University Court of a person nominated by the aforesaid board if such nomination is agreed to by two-thirds of the whole number of the members of the board, and is intimated to the University Court within twelve months after the occurrence of the vacancy, and that failing such intimation within the said period the University Court may proceed to make an appointment without further consultation with the Board of Nomination;

- (b) .....<sup>F2</sup>
- (c) altering, with the consent of the General Assembly or of any commission, board, or other body to which the General Assembly may delegate the power so to consent, the name of any chair founded in pursuance of this section, or the scope of teaching, duties, and conditions of appointment of the professor, or, with the consent of the General Assembly, abolishing such chair, provided that no such ordinance shall authorise such alteration or abolition, except on the occurrence of a vacancy, or with the consent of the holder of the chair for the time being;
- (d) in the case of the University of St. Andrews, separating the Principalship of St. Mary's College in that University from the Primarius Professorship of Divinity in the said College, and making such division of the emoluments attached to the said Principalship and Professorship conjointly prior to such separation, as the University Court may think fit.

(2) Any ordinance made by the University Court of the University of Aberdeen under paragraph (a) of subsection (1) of this section may provide that the nomination board constituted under such ordinance may, in the case of a nomination for the Chair of Systematic Theology in the said University, follow the procedure established by the deed of erection relating to such Chair.

(3) .....<sup>F3</sup>

(4) When an ordinance under paragraph (d) of subsection (1) of this section separating the principalship from the professorship therein referred to has come into operation, the right of presentation or appointment to the said principalship and to the said professorship shall be vested in the University Court, subject in the case of the professorship to the provisions of paragraph (a) of the said subsection (1).

(5) Nothing in the foregoing provisions of this section, or of any ordinance made thereunder, shall prejudice any rights reserved to the Free Church of Scotland by the Order entitled "Assembly Records, Libraries, &c.," and dated the twenty-ninth day of November, nineteen hundred and nine, made by the Commissioners under the<sup>M1</sup>Churches (Scotland) Act 1905.

**Annotations:**

**Amendments (Textual)**

- F1** Words repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F2** s. 2(1) (b) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F3** S. 2(3) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)

**Marginal Citations**

- M1** 1905 c. 12.

### **3 Provision regarding bursaries or scholarships in United Free Church of Scotland.**

Notwithstanding anything contained in any deed of foundation establishing bursaries or scholarships tenable by students of theology in the former United Free Church Colleges or in any scheme made or approved by the Court of Session or in any scheme under the <sup>M2</sup>Educational Endowments (Scotland) Act 1882, or in any order under the <sup>M3</sup>Churches (Scotland) Act 1905, regarding such bursaries or scholarships, it shall be lawful for the trustees, patrons or administrators under such deed of foundation or under such scheme or order to provide and declare by deed of declaration under their hands that such bursaries or scholarships shall be tenable by students of theology preparing for the Ministry of the Church of Scotland or of the United Free Church of Scotland (Continuing) and attending any Scottish University or a specified Scottish University and such provision and declaration shall be of the like force and effect as if it had been contained in the deed of foundation or in such a scheme or order as aforesaid: Provided that, where by the terms of the deed of foundation or of any such scheme or order as aforesaid any such bursary or scholarship is tenable only by students attending a specified former United Free Church College, no deed of declaration under this section shall, except with the consent of the Church of Scotland given in such way as the General Assembly may appoint, provide or declare that such bursary or scholarship shall be tenable at any university other than that in the burgh in which such college is situated:

Provided also that, where any bursary or scholarship which, in pursuance of a deed of declaration under this section is tenable at a Scottish university, is awarded to a student of theology preparing for the ministry of the United Free Church of Scotland (Continuing), any period not exceeding one year during such student's tenure of the bursary or scholarship which he may spend as a student in the College of the United Free Church of Scotland (Continuing) shall, for the purposes of the said deed of declaration, be deemed to be spent at the university.

#### **Annotations:**

#### **Marginal Citations**

**M2** 1882 c. 59.

**M3** 1905 c. 12.

### **4 Agreements for admission of teachers of theology to university status.**

Nothing in this Act contained shall restrict any University Court from entering into agreements with any Christian Church or Association of Christians whereby teachers of theology may be admitted to university status or privileges.

### **5 Declaration in Act of Queen Anne not to be required of principals of or professors in Scottish Universities.**

It shall not be necessary for any person who shall have been, or shall be, elected, presented or provided to the office of principal, professor, regent, master or other office in any of the universities or colleges in Scotland to make and subscribe the acknowledgement or declaration mentioned in the <sup>M4</sup>Protestant Religion and Presbyterian Church Act 1707.

**Annotations:**

**Marginal Citations**

M4 1707 c. 6.

**6 Interpretation.**

In this Act, unless the context otherwise requires:—

“General Assembly” means the General Assembly of the Church of Scotland;

“Theological chair” means the chair of any professor who for the time being is included as a professor in the faculty of theology or divinity in any of the Scottish Universities;

“Former United Free Church College” means a college which, prior to the Union of the United Free Church and the Church of Scotland on the second day of October, nineteen hundred and twenty-nine, belonged to and was administered by the United Free Church of Scotland or which was associated with that church, and which since that date has belonged to and been administered by the Church of Scotland or has been associated with that church; and other expressions shall have the like meaning as in the Universities (Scotland) Acts 1858 to 1922.

**7 †Extent, short title and repeal.**

(1) This Act shall extend to Scotland only and may be cited as the Universities (Scotland) Act 1932, and the Universities (Scotland) Acts 1858 to 1922, and this Act may be cited together as the Universities (Scotland) Acts 1858 to 1932.

(2) ..... F4

**Annotations:**

**Amendments (Textual)**

F4 S. 7(2), Sch. repealed by Statute Law Revision Act 1950 (c. 6), Sch. 1

**Modifications etc. (not altering text)**

C2 Unreliable marginal note



# Universities (Scotland) Act 1966

## CHAPTER 13

### ARRANGEMENT OF SECTIONS

#### PART I

##### PROVISION FOR FUTURE RECONSTITUTION OF OLDER UNIVERSITIES

- 1 Reconstitution of older Universities.

#### PART II

##### AMENDMENT OF CONSTITUTIONS AND POWERS OF EXISTING BODIES, ETC.

##### *University Courts*

- 2 Constitution of University Courts.
- 3 Powers of University Courts.
- 4 Making of ordinances.
- 5 Ordinances made under former enactments.
- 6 Passing of resolutions.

##### *Senates*

- 7 Constitution of Senates.
- 8 Powers of Senates.

##### *General Councils*

- 9 Powers of General Councils.
- 10 General Council register.

*Miscellaneous*

- 11 University staff ineligible to become rector, or assessor on Court except in certain circumstances.
- 12 Annual reports and financial statements.

**PART III**

PROVISIONS CONSEQUENTIAL ON FOUNDATION OF UNIVERSITY OF DUNDEE

- 13 Consequential provisions.

**PART IV**

SUPPLEMENTARY

- 14 .....
- 15 Statutory Instruments Act 1946 not to apply to Orders in Council.
- 16 Interpretation.
- 17 Citation and commencement.

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**SCHEDULES**

SCHEDULE 1 — Composition of Courts of Older Universitites  
Part I

*St. Andrews*

- (a) the rector; (b) the principal; (c) the master of...
- Part II

- .....
- Part III

*Aberdeen*

- (a) the rector; (b) the principal; (c) an assessor nominated...
- Part IV

*Edinburgh*

- (a) the rector; (b) the principal; (c) six assessors elected...

SCHEDULE 2 — Powers of University Courts  
Part I

*Powers exerciseable by ordinance*

- 1 To amend the composition, powers and functions of the University...
  - 2 To amend the composition of any other body set up...
  - 3 To fulfil the purposes which are mentioned in sections 14...
  - 4 To provide for— (a) the term of office of members...
  - 5 To prescribe the conditions under which the register of members...
  - 6 To vary or revoke any of the ordinances set out...
- Part II



*Powers exercisable by resolution*

- 1 On the recommendation of the Senatus Academicus, to regulate and...
  - 2 On the recommendation of the Senatus Academicus, to institute new...
  - 3 On the recommendation of the Senatus Academicus, to prescribe the...
  - 4 On the recommendation of the Senatus Academicus, to prescribe the...
  - 5 After consultation with the Senatus Academicus, to found professorships and...
  - 6 After consultation with the Senatus Academicus, to make regulations for...
  - 7 After consultation with the Senatus Academicus and without prejudice to...
  - 8 To regulate such other matters, not being matters which fall...
- Part III

*Powers exercisable in accordance with procedure prescribed by the University Court*

- 1 The powers mentioned in section 12 of the Act of...
- 2 The powers mentioned in section 13 of the Act of...
- 3 The powers mentioned in section 6 of the Act of...
- 3A The power of appointing the principals of the Universities of...
- 4 To regulate the salaries of the principal, professors, readers, lecturers...
- 5 After consultation with the Senatus Academicus, to regulate the qualifications,...
- 6 To appoint such administrative staff as may be deemed necessary...
- 7 To determine the conditions and the scale on which pensions...
- 8 To regulate the amount, manner of payment, and appropriation of...
- 9 To make provision to enable the Senatus Academicus and the...
- 10 In this Part of this Schedule the expression “officers” includes...

SCHEDULE 3 — Ordinances made under former enactments which may be varied or revoked only by ordinance made under this Act

SCHEDULE 4 — List of Enactments Ceasing to have Effect on the Approval by Her Majesty in Council of an Ordinance Mentioned in Section 10 of this Act

The following enactments are those mentioned in section 10(2) of...

SCHEDULE 5 — Provisions applicable by virtue of section 13 of this Act to the University of St. Andrews after the foundation of the University of Dundee

SCHEDULE 6 - Transfer of Property, Etc. to University of Dundee and other transitional provisions.



# Universities (Scotland) Act 1966

## 1966 CHAPTER 13

An Act to amend the law relating to the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh; to make provisions consequential on the foundation of a University of Dundee; and for purposes connected therewith. [10th March 1966]

### Annotations:

#### Commencement Information

**II** Act partly in force at Royal Assent see [s. 17\(2\)](#); Act wholly in force at 1.8.1967 see [s. 13](#).

## PART I

### PROVISION FOR FUTURE RECONSTITUTION OF OLDER UNIVERSITIES

#### **1 Reconstitution of older Universities.**

- (1) Subject to the next following subsection, the University Court of any of the older Universities may apply to Her Majesty in Council for the grant of a royal charter making fresh provision for the constitution of that University and, notwithstanding anything in the Universities (Scotland) Acts 1858 to 1932, section 28 of the Act of 1868, the Act of 1953 or this Act, Her Majesty in Council may grant a charter accordingly.
- (2) Before making an application under this section, a University Court shall obtain the concurrence of the Senatus Academicus and shall consult the General Council, the Students' Representative Council and such body or bodies as appear to the University Court to be representative of the academic staff of the University.
- (3) The <sup>M1</sup>College Charter Act 1871 shall apply to an application under this section as it applies to an application for a charter for the foundation of a new University.
- (4) If Her Majesty in Council is pleased to grant in respect of any of the older Universities a charter such as is described in subsection (1) of this section, then, on such day as may be appointed in that behalf by Her Majesty by Order in Council, the enactments

mentioned in the said subsection (1) in so far as they apply to that University shall cease to have effect; and any Order in Council made under this subsection may make such amendments to the said enactments as appear to Her Majesty in Council to be consequential on the application of this subsection in relation to that University.

**Annotations:**

**Marginal Citations**

**M1** 1871 c. 63.

**PART II**

AMENDMENT OF CONSTITUTIONS AND POWERS OF EXISTING BODIES, ETC.

*University Courts*

**2 Constitution of University Courts.**

- (1) Subject to the provisions of section 17 of this Act [<sup>F1</sup>and Chapter 1 of Part 1 of the 2016 Act], the University Courts of the older Universities shall consist of the persons specified in Parts I, II, III and IV respectively of Schedule 1 to this Act.
- (2) Except as provided in section 5(2) of the Act of 1889, subsections (3) and (4) of this section and paragraphs (g) and (h) of Part I of Schedule 1 to this Act, the term of office of all assessors on a University Court to which this section applies shall be four years.
- (3) The term of office of assessors elected by the Senatus Academicus or by the General Council to such a University Court, or of members co-opted by such a University Court, shall be four years or such lesser period as may at the time of election or, as the case may be, co-option be determined by the University Court, and different periods may be prescribed for different persons.
- (4) In the event of a casual vacancy among the assessors elected by the Senatus Academicus or by the General Council to such a University Court, the person elected to fill such vacancy shall demit office at the date when the person whom he succeeded would have retired.
- (5) All assessors on such a University Court shall be eligible for further nomination or, as the case may be, re-election; and all members co-opted by such a University Court shall be eligible for further co-option.

<sup>F2</sup>(6) .....

**Annotations:**

**Amendments (Textual)**

- F1** Words in s. 2(1) inserted (S.) (30.12.2016) by Higher Education Governance (Scotland) Act 2016 (asp 15), s. 26(2), **sch. para. 3(2)(a)**; S.S.I. 2016/382, reg. 2(1)
- F2** S. 2(6) repealed (S.) (30.12.2016) by Higher Education Governance (Scotland) Act 2016 (asp 15), s. 26(2), **sch. para. 3(2)(b)**; S.S.I. 2016/382, reg. 2(1)

### **3 Powers of University Courts.**

- (1) The University Courts of each of the older Universities shall have the powers specified in Schedule 2 to this Act.
- (2) The powers specified in Part I of the said Schedule shall be exercisable by ordinance made in accordance with section 4 of this Act; the powers specified in Part II of that Schedule shall be exercisable by resolution passed in accordance with section 6 of this Act; and the powers specified in Part III thereof shall be exercisable in accordance with procedure prescribed by the University Court.
- (3) The power conferred by the last foregoing subsection to make an ordinance or pass a resolution shall include a power to vary or revoke the ordinance or resolution by subsequent ordinance or, as the case may be, by subsequent resolution made or, as the case may be, passed in the like manner and subject to the like conditions.

### **4 Making of ordinances.**

- (1) The procedure for the making of ordinances as prescribed in section 21 of the Act of 1889 shall cease to have effect, but, subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the making of an ordinance under section 3 of this Act, that is to say—
  - (a) a draft of the ordinance shall be sent to the Senatus Academicus and to the General Council;
  - (b) throughout the period of eight weeks from the sending of the draft of the ordinance to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University;
  - (c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest concerning the ordinance if received by them within the period mentioned in the last foregoing paragraph;
  - (d) in computing the said period, the months of August and September shall be left out of account;
  - (e) no ordinance shall come into operation until it has been approved by Her Majesty in Council, and the University Court may submit the ordinance to Her Majesty in Council for approval as soon as may be after the end of the said period;
  - (f) Her Majesty in Council may refer the ordinance to the Universities Committee, who shall report to Her Majesty thereon;
  - (g) as soon as may be after the ordinance has been approved by Her Majesty in Council, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period;
  - (h) without prejudice to the other provisions of this section, the University Court shall not proceed with the making of any ordinance which relates to the purposes mentioned in section 2 of the Act of 1932 until after consultation with the General Assembly.
- (2) Before proceeding to make an ordinance, the University Court may determine that on the ground of urgency the foregoing subsection shall apply in relation to that ordinance

as if every reference to period, except in paragraph (g), were construed as a reference to the period of one month; and forthwith notices to that effect shall be sent to the Senatus Academicus and to the General Council and shall be displayed publicly within the University.

## **5 Ordinances made under former enactments.**

Ordinances made under the Universities (Scotland) Acts 1858 to 1932 or the Act of 1953, which were in force immediately before the passing of this Act, shall remain in force until varied or revoked—

- (a) in the case of the ordinances listed in Schedule 3 to this Act, by ordinance made in pursuance of paragraph 6 of Part I of Schedule 2 to this Act;
- (b) in the case of ordinances relating to any of the matters mentioned in paragraphs 1 to 3 and 5 to 7 of Part II of Schedule 2 to this Act, by resolution passed in accordance with section 6 of this Act; and
- (c) in the case of any other ordinance, by such of the methods mentioned in section 3(2) of this Act as the University Court thinks fit.

## **6 Passing of resolutions.**

(1) Subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the passing of a resolution under section 3 of this Act, that is to say—

- (a) a draft of the resolution shall be sent to the Senatus Academicus and to the General Council;
- (b) throughout the period of one month from the sending of the draft of the resolution to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University;
- (c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest, concerning the resolution if received by them within the period mentioned in the last foregoing paragraph;
- (d) in computing the said period the months of August and September shall be left out of account;
- (e) the resolution may be passed by the University Court as soon as may be after the end of the said period, and it shall come into effect on a date fixed therein;
- (f) after the resolution has been passed, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period.

(2) In the case of a resolution relating to matters mentioned in paragraph 2 or paragraph 5 of Part II of Schedule 2 to this Act, the University Court may at a meeting by a majority of not less than three-fourths of the members of the University Court present and voting determine that on the ground of extreme urgency the procedure set out in paragraphs (a) to (e) of the foregoing subsection in relation to that resolution should be dispensed with, and where the University Court so determine the resolution may be passed forthwith.

## Senates

### F37 Constitution of Senates.

#### Annotations:

#### Amendments (Textual)

- F3** S. 7 repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 3\(3\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 6(4))

### 8 Powers of Senates.

- (1) The Senatus Academicus of each of the older Universities shall have power to promote research; and accordingly section 7(1) of the Act of 1889 shall have effect as if at the end thereof there were inserted the words “and to promote research”.
- (2) Without prejudice to the said section 7, the Senatus Academicus as aforesaid shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

## General Councils

### 9 Powers of General Councils.

- (1) In addition to the meetings prescribed by section 6 of the Act of 1858, special meetings of the General Council of each of the older Universities may be held at any time in accordance with such procedure as the General Council may by rules determine.
- (2) The quorum of the General Council of each of the older Universities shall be fifty, but any such General Council may resolve that its quorum shall be altered to such number as it may determine:

Provided that a notice stating that the quorum has been so altered shall require to be sent to every member of the General Council, and the alteration shall take effect only after the expiry of three months from the sending of the notice.

- (3) The General Council of each of the older Universities shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

### 10 General Council register.

- (1) The University Court of each of the older Universities shall cause to be maintained a register of members of the General Council in accordance with conditions prescribed by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act.
- (2) On the approval by Her Majesty in Council of any such ordinance as is mentioned in the foregoing subsection, the enactments set out in Schedule 4 to this Act shall cease to have effect in relation to the University to which the ordinance applies.

*Miscellaneous*

**11 University staff ineligible to become rector, or assessor on Court except in certain circumstances.**

No person holding an appointment in any of the older Universities shall be eligible to be—

- (a) elected as rector of that University, or
- (b) nominated or elected as an assessor on the University Court by any other person or body than the Senatus Academicus:

Provided that nothing in paragraph (b) of this section shall prejudice the right of the University Court as provided for in Schedule 1 to this Act to co-opt a person holding such an appointment [<sup>F4</sup>or the right of a person to be appointed in accordance with section 10(1)(b) to (d) of the 2016 Act] .

**Annotations:**

**Amendments (Textual)**

- F4** Words in s. 11 inserted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 3\(4\)](#); S.S.I. 2016/382, reg. 2(1) (with regs. 5(4), 6(4))

**12 Annual reports and financial statements.**

(1) The University Court of each of the older Universities shall lay before the General Council annually—

- (a) a report of the work and activities of the University, and
- (b) a financial statement of the University which shall be audited by auditors appointed by the University Court.

[<sup>F5</sup>(2) No person shall be appointed as an auditor under this section unless he is eligible for appointment as a [<sup>F6</sup>statutory auditor under Part 42 of the Companies Act 2006].

(3) No person shall be appointed as an auditor under this section if he, or where the person in question is a partnership or a body corporate, any partner in the partnership or any director or officer of the body corporate, is a member of the University Court or of the staff of the University concerned.]

**Annotations:**

**Amendments (Textual)**

- F5** S. 12(2)(3) substituted (1.10.1991) by [S.I. 1991/1997](#) reg. 2, Sch., para.15 (with reg. 4).
- F6** Words in s. 12(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), [Sch. 1 para. 1\(g\)](#) (with arts. 6, 11, 12)

### PART III

#### PROVISIONS CONSEQUENTIAL ON FOUNDATION OF UNIVERSITY OF DUNDEE

- 13** This section does not apply to the University of Edinburgh.

**Annotations:**

**Modifications etc. (not altering text)**

- C1** Power of appointment conferred by s. 13 fully exercised: 1.8.1967 appointed by Order in Council dated 28.7.1967

### PART IV

#### SUPPLEMENTARY

- 14** .....<sup>F7</sup>

**Annotations:**

**Amendments (Textual)**

- F7** S. 14 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

- 15** **Statutory Instruments Act 1946 not to apply to Orders in Council.**

The <sup>M2</sup>Statutory Instruments Act 1946 shall not apply to an Order in Council under this Act.



**Annotations:**

**Marginal Citations**

**M2** 1946 c. 36.

**16 Interpretation.**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

[<sup>F8</sup>“the 2016 Act” means the Higher Education Governance (Scotland) Act 2016;]

“the Act of 1858” means the <sup>M3</sup>Universities (Scotland) Act 1858;

“the Act of 1868” means the Representation of the <sup>M4</sup>People (Scotland) Act 1868;

“the Act of 1889” means the <sup>M5</sup>Universities (Scotland) Act 1889;

“the Act of 1932” means the <sup>M6</sup>Universities (Scotland) Act 1932;

“the Act of 1953” means the <sup>M7</sup>University of St. Andrews Act 1953;

“the appointed day” means the day appointed by Her Majesty by Order in Council as mentioned in section 13 of this Act;

“the older Universities” means the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh;

“functions” includes powers and duties;

and other expressions shall have the like meaning as in the Universities (Scotland) Acts 1858 to 1932.

- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by, or by virtue of, any subsequent enactment including this Act.

**Annotations:**

**Amendments (Textual)**

**F8** Words in s. 16(1) inserted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016](#) (asp 15), s. 26(2), **sch. para. 3(5)**; S.S.I. 2016/382, reg. 2(1)

**Marginal Citations**

**M3** 1858 c. 83.

**M4** 1868 c. 48.

**M5** 1889 c. 55.

**M6** 1932 c. 26.

**M7** 1953 c. 40.

**17 Citation and commencement.**

- (1) This Act may be cited as the Universities (Scotland) Act 1966, and the Universities (Scotland) Acts 1858 to 1932 and this Act may be cited together as the Universities (Scotland) Acts 1858 to 1966.

- (2) The following provisions of this Act shall come into operation on the appointed day, that is to say—
- (a) section 2 so far as relating to the University of St. Andrews.
  - (b) section 14(a) and Part I of Schedule 7 so far as those provisions repeal part of section 5(2) of the Act of 1889 in relation to the University of St. Andrews,
  - (c) section 14(b) and Part II of Schedule 7,
  - (d) Part I of Schedule 1,
  - (e) Schedule 5,
  - (f) Schedule 6.

## SCHEDULES

### SCHEDULE 1

Section 2.

#### COMPOSITION OF COURTS OF OLDER UNIVERSITIES

**Annotations:**

**Modifications etc. (not altering text)**

- C2** Any power with respect to an educational endowment vested immediately before 16.5.1975 in a local authority, or the holder of an office connected with an authority, transferred by [Local Government Scotland Act 1973 \(c. 65\), s. 128](#)

### PART I

Parts I-III refer to the Universities of St Andrews, Glasgow and Aberdeen.

## SCHEDULE 2

### POWERS OF UNIVERSITY COURTS

#### **PART I**

##### *Powers exercisable by ordinance*

- 1 To amend the composition, powers and functions of the University Court, the Senatus Academicus, and the General Council, as set out in the Universities (Scotland) Acts 1858 to 1932, the Act of 1953 and this Act, and in the ordinances made under the said Acts of 1858 to 1932 and of 1953 as set out in Schedule 3 to this Act; and to amend the composition of the General Council as set out in section 28 of the Act of 1868.

**Annotations:**

**Modifications etc. (not altering text)**

- C3** Sch. 2 Pt. I para. 1: power exercised by section 1 of Ordinance of the University Court of the University of Glasgow No. 182 dated 23.5.1979 and approved by Order in Council dated 19.12.1979 and by section 1 of Ordinance of the University Court of the University of Glasgow No. 188 made 30.9.1982 and approved by Order in Council dated 11.2.1983

- 2 To amend the composition of any other body set up under the Acts of 1858 and 1889 to which the University Court nominates or appoints members:

Provided that before proceeding to the exercise of the powers herein contained the Court shall have regard to any recommendation made by the body concerned.

- 3 To fulfil the purposes which are mentioned in sections 14 and 15 of the Act of 1889, and section 2 of the Act of 1932.

- [<sup>F184</sup> To provide for—  
(a) the term of office of members of the Senatus Academicus,  
(b) the manner of election of members of the Senatus Academicus, except those elected in accordance with rules made under section 16(2) of the 2016 Act.]

**Annotations:**

**Amendments (Textual)**

- F18** Sch. 2 Pt. I para. 4 substituted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016](#) (asp 15), s. 26(2), [sch. para. 3\(6\)](#); S.S.I. 2016/382, [reg. 2\(1\)](#)

- 5 To prescribe the conditions under which the register of members of the General Council is to be maintained.

- 6 To vary or revoke any of the ordinances set out in Schedule 3 to this Act.

## PART II

### *Powers exercisable by resolution*

- 1 On the recommendation of the Senatus Academicus, to regulate and alter the constitution, composition, and number of the faculties and boards of studies, and to create new bodies of the same kind.

- 2 On the recommendation of the Senatus Academicus, to institute new degrees and to approve regulations made by the Senatus Academicus therefor; to approve any additions or amendments to the regulations for existing degrees and to regulate the length of the academic session.

- 3 On the recommendation of the Senatus Academicus, to prescribe the conditions under which students may be admitted to the University:

Provided that the power mentioned in this paragraph shall not become exercisable by the University Court of any of the older Universities until the ordinance mentioned in paragraph 8 of Schedule 3 to this Act has been revoked in relation to that University.

- 4 On the recommendation of the Senatus Academicus, to prescribe the procedure to be followed in the case of alleged breaches of discipline within the University where the alleged breach is one which might be punishable by expulsion or rustication.
- 5 After consultation with the Senatus Academicus, to found professorships and readerships in either case carrying the responsibility of a department and, without prejudice to the provisions of section 2 of the Act of 1932, on the occasion of a vacancy and with the consent of the patrons, if any, to abolish or alter the title of existing professorships and readerships carrying the responsibility of a department and with the consent of the incumbent and patrons, if any, to alter the title of existing professorships.
- 6 After consultation with the Senatus Academicus, to make regulations for the granting of recognition to the teaching of any college or individual teacher for the purposes of graduation.
- 7 After consultation with the Senatus Academicus and without prejudice to the provisions of section 2 of the Act of 1932, to prescribe the limitations in respect of age on the tenure of office of the principal or a professor:
- Provided that, in the case of the principalship or a professorship the nomination or appointment whereto is reserved to or exercised by the Crown, the consent of Her Majesty to any such limitation on the tenure thereof shall have been signified by the Secretary of State; and provided also that no resolution prescribing such limitation shall apply to the principal or a professor holding office at the date when the resolution is passed, unless the principal or that professor shall have consented to such application, or is by the terms of his appointment subject to such limitation.
- 8 To regulate such other matters, not being matters which fall within the scope of Part I of this Schedule, as the University Court may think fit to regulate by resolution.

### PART III

#### *Powers exercisable in accordance with procedure prescribed by the University Court*

- 1 The powers mentioned in section 12 of the Act of 1858 but as if paragraph 4 thereof were omitted.
- 2 The powers mentioned in section 13 of the Act of 1858, but subject to the provisions of paragraph 2 of Part I of this Schedule.
- 3 The powers mentioned in section 6 of the Act of 1889 but as if—
- (a) for paragraph (8) thereof there were substituted the following paragraph:—
- “(8) To appoint committees of its own number or others, and to define their powers, and to determine the membership and the quorum, of such committees.”and,
- (b) in paragraph (9) thereof for the reference to the <sup>M8</sup>Medical Act 1886 there were substituted a reference to the <sup>M9</sup>Medical Act 1956.

#### **Annotations:**

#### **Marginal Citations**

**M8** 1886 c. 48.

**M9** 1956 c. 76.

[<sup>F19</sup>3A The power of appointing the principals of the Universities of St. Andrews, Glasgow and Aberdeen.]

**Annotations:**

**Amendments (Textual)**

**F19** Sch. 2 Pt. III para. 3A inserted by [Education \(Scotland\) Act 1981 \(c. 58, SIF 41:2\)](#), s. 18(2)

- 4 To regulate the salaries of the principal, professors, readers, lecturers and other University officers.
- 5 After consultation with the Senatus Academicus, to regulate the qualifications, appointment and number of examiners; and to determine the amount and manner of the remuneration of examiners.
- 6 To appoint such administrative staff as may be deemed necessary for the efficient functioning of the University.
- 7 To determine the conditions and the scale on which pensions may be granted to the principal, professors, readers, lecturers and other University officers.
- 8 To regulate the amount, manner of payment, and appropriation of fees and other payments made by students.
- 9 To make provision to enable the Senatus Academicus and the General Council to discharge their duties.
- 10 In this Part of this Schedule the expression “officers” includes “servants”.

### SCHEDULE 3

ORDINANCES MADE UNDER FORMER ENACTMENTS WHICH MAY BE  
VARIED OR REVOKED ONLY BY ORDINANCE MADE UNDER THIS ACT

### SCHEDULE 4

Section 10(2).

LIST OF ENACTMENTS CEASING TO HAVE EFFECT ON THE APPROVAL BY HER  
MAJESTY IN COUNCIL OF AN ORDINANCE MENTIONED IN SECTION 10 OF THIS ACT

The following enactments are those mentioned in section 10(2) of this Act, that is to say—

- (a) section 6 of the Act of 1858, so far as relating to the registration of members of the General Council,
- (b) section 28 of the Act of 1868, so far as relating to the registration of members of the General Council,
- (c) section 29 of the Act of 1868 (registration book),
- (d) section 32 of the Act of 1868 (power to inspect registration book, etc),
- (e) section 33 of the Act of 1868 (appeal against omissions),
- (f) section 34 of the Act of 1868 (quorum of University Court for purposes of that Act),

- (g) section 35 of the Act of 1868 (new registers to be made up annually),
- (h) Schedules E and F to the Act of 1868 (forms), and
- (i) the last paragraph of section 19, and section 43, of the Representation of the <sup>M10</sup>People Act 1918, so far as relating to the registration of members of the General Council.

**Annotations:**

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**Marginal Citations**

**M10** 1918 c. 64 (7 & 8 Geo. 5).

**Annotations:**

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**Marginal Citations**

**M10** 1918 c. 64 (7 & 8 Geo. 5).



<sup>F23</sup>SCHEDULE 7

**Annotations:**

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**Amendments (Textual)**

**F23** Sch. 7 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

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# Higher Education Governance (Scotland) Act 2016 2016 asp 15

## ARRANGEMENT OF SECTIONS

### PART 1

#### GOVERNANCE ARRANGEMENTS

#### CHAPTER 1

#### GOVERNING BODIES

##### *Senior lay member of governing body*

- 1 Position of senior lay member
- 2 Interaction with role of rector
- 3 Relevant criteria and process
- 4 Advertisement and application
- 5 Interview of certain applicants
- 6 When election to be arranged
- 7 Election franchise and result
- 8 Appointment and tenure
- 9 Remuneration and conditions

##### *Membership of governing body*

- 10 Composition of governing body
- 11 Elections to governing body
- 12 Nominations to governing body
- 13 Resignation or removal from body
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## CHAPTER 2

### ACADEMIC BOARDS

- 15 Composition of academic board
- 16 Elections to academic board
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## CHAPTER 3

### KEY DEFINITIONS

- 18 Meaning of higher education institution
- 19 Meaning of governing document
- 20 Meaning of governing body
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- 22 References to students

## PART 2

### ACADEMIC FREEDOM

- 23 Upholding academic freedom

## PART 3

### GENERAL PROVISIONS

#### *Ancillary and consequential*

- 24 Ancillary regulations
- 25 Consequential modifications

#### *Commencement and short title*

- 26 Commencement
- 27 Short title

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## SCHEDULE — CONSEQUENTIAL MODIFICATIONS

### *The Universities (Scotland) Act 1858*

- 1 (1) The Universities (Scotland) Act 1858 is amended as follows....

### *The Universities (Scotland) Act 1889*

- 2 (1) The Universities (Scotland) Act 1889 is amended as follows....

### *The Universities (Scotland) Act 1966*

- 3 (1) The Universities (Scotland) Act 1966 is amended as follows....



# Higher Education Governance (Scotland) Act 2016

2016 asp 15

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 8th March 2016 and received Royal Assent on 13th April 2016**

An Act of the Scottish Parliament to make provision about the composition of and appointment to the governing bodies and academic boards of higher education institutions; and to revise provision about the academic freedom of various persons carrying out activities at higher education and certain other institutions.

## PART 1

### GOVERNANCE ARRANGEMENTS

#### CHAPTER 1

##### GOVERNING BODIES

###### Annotations:

###### Modifications etc. (not altering text)

- C1 Pt. 1 Ch. 1 applied by [S.I. 1993/557](#), art. 3(2)(2A), Sch. 1 Pt. B paras. (6), (7) (as substituted (15.9.2018) by [The Edinburgh Napier University Amendment Order of Council 2018 \(S.I. 2018/170\)](#), [arts. 1, 4\(a\), 6\(a\)\(b\)](#) (with art. 8))

*Senior lay member of governing body*

#### 1 Position of senior lay member

- (1) The governing body of a higher education institution is to include the position of senior lay member (however the institution chooses to name the position).
- (2) The senior lay member of the governing body of a higher education institution has—
  - (a) the duty to preside at meetings of the governing body,

- (b) a deliberative and a casting vote at such meetings,
  - (c) responsibility for—
    - (i) the leadership and effectiveness of the governing body,
    - (ii) ensuring that there is an appropriate balance of authority between the governing body and the principal of the institution.
- (3) Another member of the governing body of a higher education institution may be selected by the governing body to exercise any of the functions mentioned in subsection (2) in the absence of the senior lay member or while the position is vacant.
- (4) Subsections (2) and (3) are subject to section 2.

**Annotations:**

**Commencement Information**

**I1** S. 1 in force at 30.12.2016 by [S.S.I. 2016/382](#), **reg. 2(1)**

## **2 Interaction with role of rector**

- (1) Subsection (2) applies in the case of a higher education institution at which there is a rector who has functions under section 4 of the 1858 Act and section 5(5) of the 1889 Act (each of which contains provision relating to the role of the rector at an older university).
- (2) Paragraphs (a) and (b) of subsection (2) of section 1 and subsection (3) of that section so far as relating to those paragraphs are of no effect in relation to the institution (but see section 5(5) of the 1889 Act (which also contains provision about who is to preside at certain meetings in the absence of the rector)).
- (3) In this section—  
“the 1858 Act” means the Universities (Scotland) Act 1858,  
“the 1889 Act” means the Universities (Scotland) Act 1889.

**Annotations:**

**Commencement Information**

**I2** S. 2 in force at 30.12.2016 by [S.S.I. 2016/382](#), **reg. 2(1)**

## **3 Relevant criteria and process**

- (1) Whenever a vacancy arises in the position of senior lay member of the governing body of a higher education institution, the governing body must delegate to a committee the responsibility of—
  - (a) devising the relevant criteria with respect to the position,
  - (b) ensuring the efficiency and fairness of the process for filling the position.
- (2) The relevant criteria include the availability, skills and knowledge considered by the committee to be necessary or desirable to—
  - (a) exercise the functions of the senior lay member,
  - (b) command the trust and respect of—
    - (i) the other members of the governing body,

- (ii) the academic board of the institution,
  - (iii) the staff and students of the institution.
- (3) Each time the process for filling the position is undertaken, the committee must make publically available a report indicating by way of overview (and without disclosing individual identities or confidential information)—
  - (a) the number of applicants for the position,
  - (b) so far as consent to disclosure has been received by the committee from the applicants, the characteristics listed in section 149(7) of the Equality Act 2010 with respect to—
    - (i) the applicants,
    - (ii) the applicants invited to an interview for the position,
    - (iii) the applicants entitled to stand as candidates in an election for the position following such an interview.
- (4) The membership of the committee must include at least one person from each of these categories—
  - (a) the staff of the institution,
  - (b) the students of the institution.
- (5) Rules made by the governing body of the institution may contain provision about the process for filling the position of senior lay member of the governing body (subject to sections 4 to 8).

**Annotations:**

**Commencement Information**

**I3** S. 3 in force at 30.6.2017 by [S.S.I. 2016/382](#), [reg. 2\(2\)](#) (with [reg. 3](#))

#### **4 Advertisement and application**

- (1) A current or upcoming vacancy in the position of senior lay member of the governing body of a higher education institution is to be advertised widely by the governing body, in a manner suitable for bringing the vacancy to the attention of a broad range of persons.
- (2) The committee mentioned in section 3(1) is to ensure that the advertisement—
  - (a) sets out the functions exercisable by the senior lay member of the governing body under section 1(2),
  - (b) summarises the relevant criteria with respect to the position and states how more information about the relevant criteria can be obtained,
  - (c) explains—
    - (i) the process for filling the position,
    - (ii) how the application form in relation to the position can be obtained,
    - (iii) that reimbursement is offered of expenses incurred in connection with attending an interview or campaigning in an election for the position,
    - (iv) that remuneration and allowances are available in connection with the holding of the position.

**Annotations:**

**Commencement Information**

**I4** S. 4 in force at 30.6.2017 by S.S.I. 2016/382, **reg. 2(2)** (with **reg. 3**)

**5 Interview of certain applicants**

- (1) If—
  - (a) an application for the position of senior lay member of the governing body of a higher education institution is made in the correct form in response to an advertisement under section 4(1), and
  - (b) the application appears to the committee mentioned in section 3(1) to show that the applicant meets the relevant criteria with respect to the position,  
the applicant must be invited to an interview conducted by the committee.
- (2) If the applicant satisfies the committee at such an interview that the applicant meets the relevant criteria, the applicant is entitled to stand as a candidate in an election for the position.
- (3) The governing body of the institution is to offer every applicant for the position reimbursement of reasonable expenses that are incurred by the applicant in attending such an interview.

**Annotations:**

**Commencement Information**

**I5** S. 5 in force at 30.6.2017 by S.S.I. 2016/382, **reg. 2(2)** (with **regs. 3, 4**)

**6 When election to be arranged**

- (1) An election for the position of senior lay member of the governing body of a higher education institution must be arranged by the governing body if more than one applicant—
  - (a) is entitled under section 5(2) to stand as a candidate in the election, and
  - (b) confirms an intention to stand as a candidate in the election.
- (2) If the number of candidates in the election subsequently falls to below two—
  - (a) the election is to be postponed until the election can be held with more than one candidate standing (and the vacancy must be advertised under section 4(1) again),
  - (b) the remaining candidate (if there is one) continues to be entitled to stand as a candidate in the election.
- (3) The governing body of the institution is to offer every candidate in the election reimbursement of reasonable expenses that are incurred by the candidate in campaigning in the election (up to the limit per candidate that is fixed by the governing body).

**Annotations:**

**Commencement Information**

**I6** S. 6 in force at 30.6.2017 by [S.S.I. 2016/382](#), [reg. 2\(2\)](#) (with [reg. 3](#))

**7 Election franchise and result**

- (1) These persons are entitled to vote in an election under section 6 for the position of senior lay member of the governing body of a higher education institution—
  - (a) the members of the governing body,
  - (b) the staff of the institution,
  - (c) the students of the institution.
- (2) No individual is entitled to cast more than one vote in the election.
- (3) Each vote cast in the election carries equal weight.
- (4) The election is won by the candidate who secures a simple majority of the total number of votes cast.
- (5) In the event of a tie between two or more candidates for the highest number of votes cast, the election is won by whichever of them is deemed to be the winner in accordance with rules made by the governing body of the institution.

**Annotations:**

**Commencement Information**

**I7** S. 7 in force at 30.6.2017 by [S.S.I. 2016/382](#), [reg. 2\(2\)](#) (with [reg. 3](#))

**8 Appointment and tenure**

- (1) The winning candidate in an election under section 6 for the position of senior lay member of the governing body of a higher education institution is to be appointed to the position by the governing body.
- (2) An appointment to the position is for the period specified in rules made by the governing body, but the period of such an appointment may be extended in accordance with the rules.
- (3) The position cannot be filled otherwise than by an appointment made by virtue of this section.

**Annotations:**

**Commencement Information**

**I8** S. 8 in force at 30.6.2017 by [S.S.I. 2016/382](#), [reg. 2\(2\)](#) (with [reg. 3](#))

**9 Remuneration and conditions**

- (1) The governing body of a higher education institution is, on the request of a person appointed to the position of senior lay member of the governing body, to pay such



remuneration and allowances to the person as the governing body considers to be reasonable (which are to be commensurate with the nature and amount of the work done by the person in the capacity as senior lay member).

- (2) A person appointed to the position may not be a student of, or one of the staff of, the institution during the period of the person's appointment.
- (3) The holding by a person of the position is in all other respects subject to such terms and conditions as are specified by the governing body.

**Annotations:**

**Commencement Information**

**I9** S. 9 in force at 30.6.2017 by [S.S.I. 2016/382](#), [reg. 2\(2\)](#) (with [reg. 3](#))

*Membership of governing body*

**10 Composition of governing body**

- (1) The membership of the governing body of a higher education institution is to be composed of—
  - (a) the person appointed to the position of senior lay member by virtue of section 8,
  - (b) 2 persons appointed by being elected by the staff of the institution from among their own number,
  - (c) 1 person appointed by being nominated by a trade union from among the academic staff of the institution who are members of a branch of a trade union that has a connection with the institution,
  - (d) 1 person appointed by being nominated by a trade union from among the support staff of the institution who are members of a branch of a trade union that has a connection with the institution,
  - (e) 2 persons appointed by being nominated by a students' association of the institution from among the students of the institution,
  - (f) such other persons as are appointed—
    - (i) by virtue of an enactment, or
    - (ii) in accordance with the governing document of the institution.
- (2) For the purposes of paragraphs (c) and (d) of subsection (1), a trade union nominating a person from among a category of staff must be one that—
  - (a) is recognised by the institution in relation to the category of staff, as described in section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992, or
  - (b) otherwise appears to the institution to be representative of the category of staff, having regard to all relevant factors.

**Annotations:**

**Commencement Information**

**I10** S. 10 in force at 30.12.2016 by [S.S.I. 2016/382](#), [reg. 2\(1\)](#) (with [reg. 5](#))

## 11 Elections to governing body

- (1) This section applies in relation to an election of members to the governing body of a higher education institution for the purpose of paragraph (b) of section 10(1).
- (2) The election process is to be conducted in accordance with rules made by the governing body of the institution.
- (3) Rules under subsection (2) may include (in particular)—
  - (a) different provision for different vacancies,
  - (b) provision defining “staff” for section 10(1)(b) as—
    - (i) academic staff,
    - (ii) support staff, or
    - (iii) all staff.
- (4) Where the number of eligible candidates in a category is equal to or fewer than the number of vacancies in that category, those candidates are deemed to be elected.

### Annotations:

#### Commencement Information

I11 S. 11 in force at 30.12.2016 by [S.S.I. 2016/382](#), [reg. 2\(1\)](#)

## 12 Nominations to governing body

- (1) This section applies in relation to a nomination of members to the governing body of a higher education institution for the purpose of each of paragraphs (c) to (e) of section 10(1).
- (2) The nomination process is to be conducted in accordance with rules made by the governing body of the institution.
- (3) Rules under subsection (2) may include (in particular)—
  - (a) provision specifying who may exercise the rights of nomination (whether individually or jointly),
  - (b) different provision for different vacancies.
- (4) Before making or modifying rules under subsection (2), the governing body must consult the representatives of anyone—
  - (a) with a right of nomination under the proposed rules, and
  - (b) affected by the proposed rules or (as the case may be) modification.

### Annotations:

#### Commencement Information

I12 S. 12 in force at 30.12.2016 by [S.S.I. 2016/382](#), [reg. 2\(1\)](#)

## 13 Resignation or removal from body

- (1) Rules made by the governing body of a higher education institution may contain provision about the procedure for the resignation or removal of—

- (a) the person appointed to the position of senior lay member of the governing body,
  - (b) the other persons within the membership of the governing body.
- (2) Provision as to removal is to (in particular)—
- (a) prescribe grounds for removal, for example—
    - (i) inability to exercise the senior lay member's functions or (as the case may be) the functions of membership generally,
    - (ii) misconduct (whether or not in the capacity as member),
  - (b) ensure that removal can be effected only by a resolution based on the grounds and passed by a specified majority of the members of the governing body,
  - (c) allow the person who is the subject of the resolution, if the resolution is so passed, to seek a review in order to have the resolution reconsidered or quashed.
- (3) For the purpose of subsection (2)(b)—
- (a) a specified majority may be a majority of any particular size,
  - (b) the person who is the subject of the resolution does not count in any calculation arising (and the person is not eligible to vote on the resolution).
- (4) Provision under subsection (1)(a) need not be the same as provision under subsection (1)(b).

**Annotations:**

**Commencement Information**

**I13** S. 13 in force at 30.12.2016 by [S.S.I. 2016/382](#), **reg. 2(1)**

**14 Validity of body's proceedings**

The validity of any proceedings of the governing body is not affected by any—

- (a) vacancy in membership (or category of membership),
- (b) defect in the appointment of a member.

**Annotations:**

**Commencement Information**

**I14** S. 14 in force at 30.12.2016 by [S.S.I. 2016/382](#), **reg. 2(1)**

## CHAPTER 2

### ACADEMIC BOARDS

#### Annotations:

#### Modifications etc. (not altering text)

- C2** Pt. 1 Ch. 2 applied by [S.I. 1993/557, art. 6\(1\)](#), [Sch. 1](#) Pt. B para. (10) (as substituted (15.9.2018) by [The Edinburgh Napier University Amendment Order of Council 2018 \(S.S.I. 2018/170\)](#), [arts. 1, 5\(a\), 6\(c\)](#))

### 15 Composition of academic board

- (1) The membership of the academic board of a higher education institution is to be composed of—
- (a) the principal of the institution,
  - (b) the heads of school of the institution,
  - (c) persons appointed by being elected by the academic staff of the institution from among their own number,
  - (d) persons appointed by being elected by the students of the institution from among the students of the institution,
  - (e) such other persons as are appointed—
    - (i) by virtue of an enactment,
    - (ii) in accordance with the governing document of the institution, or
    - (iii) in accordance with a decision of the governing body of the institution.
- (2) The academic board is to be constituted in such a way that—
- (a) more than 50% of its members fall within subsection (1)(c) or (d),
  - (b) at least 10% of its members fall within subsection (1)(d).
- (3) Despite subsection (2)(b), the academic board is not required to have more than 30 members who fall within subsection (1)(d).

#### Annotations:

#### Commencement Information

- I15** S. 15 in force at 30.12.2016 by [S.S.I. 2016/382, reg. 2\(1\)](#) (with [reg. 6](#))

### 16 Elections to academic board

- (1) This section applies in relation to an election of members to the academic board of a higher education institution for the purpose of each of paragraphs (c) and (d) of section 15(1).
- (2) The election process is to be conducted in accordance with rules made by the governing body of the institution.
- (3) Rules under subsection (2) may include (in particular)—
- (a) provision specifying the number of appointments to be made,
  - (b) different provision for different vacancies.

- (4) Where the number of eligible candidates in a category is equal to or fewer than the number of vacancies in that category, those candidates are deemed to be elected.

**Annotations:**

**Commencement Information**

**I16** S. 16 in force at 30.12.2016 by [S.S.I. 2016/382, reg. 2\(1\)](#)

**17 Validity of board's proceedings**

The validity of any proceedings of the academic board is not affected by any—

- (a) vacancy in membership (or category of membership),
- (b) defect in the appointment of a member.

**Annotations:**

**Commencement Information**

**I17** S. 17 in force at 30.12.2016 by [S.S.I. 2016/382, reg. 2\(1\)](#)

**CHAPTER 3**

KEY DEFINITIONS

**18 Meaning of higher education institution**

- (1) In this Part, “higher education institution” has the same meaning as in the Further and Higher Education (Scotland) Act 2005 except that it—
- (a) includes an institution only if the institution is listed in schedule 2 (fundable bodies) to that Act,
  - (b) excludes The Open University.
- (2) The Scottish Ministers may by regulations modify the definition in subsection (1) so as to exclude a particular institution.
- (3) Regulations under subsection (2) are subject to the negative procedure.

**Annotations:**

**Commencement Information**

**I18** S. 18 in force at 30.12.2016 by [S.S.I. 2016/382, reg. 2\(1\)](#)

**19 Meaning of governing document**

- (1) In this Part, “governing document”—
- (a) in the case of an older university, means its ordinances made under the Universities (Scotland) Acts 1858 to 1966,
  - (b) in the case of an institution established by royal charter, means its charters together with the statutes (if any) made under them,

- (c) in the case of a designated institution—
  - (i) if it is a registered company and no orders of the Privy Council are in force with respect to it, means its articles of association,
  - (ii) otherwise, means the orders of the Privy Council that are in force with respect to it,
- (d) in any other case, means the instruments that establish the higher education institution or govern the composition of its governing body or academic board.

(2) In this section—

“designated institution” has the same meaning as in Part II of the Further and Higher Education (Scotland) Act 1992,

“older university” is to be construed in accordance with section 16(1) of the Universities (Scotland) Act 1966,

“registered company” means a company registered under the Companies Acts as defined in section 2 of the Companies Act 2006.

**Annotations:**

**Commencement Information**

**I19** S. 19 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

## 20 Meaning of governing body

In this Part, “governing body” has the same meaning as in Part II of the Further and Higher Education (Scotland) Act 1992.

**Annotations:**

**Commencement Information**

**I20** S. 20 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

## 21 Meaning of academic board

- (1) In this Part, “academic board” in relation to an institution means the body which—
- (a) is responsible for the overall planning, co-ordination, development and supervision of the academic work of the institution, and
  - (b) discharges that responsibility subject to the general control and direction of the governing body of the institution.

(2) For the avoidance of doubt, the body described by subsection (1) is the one sometimes known as the Senate, Senatus or Senatus Academicus.

**Annotations:**

**Commencement Information**

**I21** S. 21 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

## 22 References to students

In this Act, a reference to the students of a higher education institution includes all persons holding sabbatical office in a students' association of the institution (whether or not they remain as students of the institution during their period of office).

### Annotations:

#### Commencement Information

I22 S. 22 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

## PART 2

### ACADEMIC FREEDOM

## 23 Upholding academic freedom

- (1) The Further and Higher Education (Scotland) Act 2005 is amended as follows.
- (2) For section 26 (academic freedom) there is substituted—

### “26 Academic freedom

- (1) A post-16 education body must aim to—
  - (a) uphold (so far as the body considers reasonable) the academic freedom of all relevant persons, and
  - (b) ensure (so far as the body considers reasonable) that the matters mentioned in subsection (2) are not adversely affected by the exercise of academic freedom by any relevant persons.
- (2) The matters are—
  - (a) appointments held or sought, and
  - (b) entitlements or privileges enjoyed,at the post-16 education body by those relevant persons.
- (3) In this section, “relevant persons” in relation to a post-16 education body means persons engaged in—
  - (a) teaching, or the provision of learning, at the body, or
  - (b) research at the body.
- (4) For the purposes of this section, “academic freedom” in relation to relevant persons includes their freedom within the law to do the following things—
  - (a) hold and express opinions,
  - (b) question and test established ideas or received wisdom,
  - (c) develop and advance new ideas or innovative proposals,
  - (d) present controversial or unpopular points of view.”

**Annotations:**

**Commencement Information**

**I23** S. 23 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

## PART 3

### GENERAL PROVISIONS

#### *Ancillary and consequential*

#### **24 Ancillary regulations**

- (1) The Scottish Ministers may by regulations make such supplemental, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of or in connection with this Act.
- (2) Regulations under this section—
  - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act (including this Act),
  - (b) otherwise, are subject to the negative procedure.

**Annotations:**

**Commencement Information**

**I24** S. 24 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

#### **25 Consequential modifications**

The schedule makes consequential modifications.

**Annotations:**

**Commencement Information**

**I25** S. 25 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

#### *Commencement and short title*

#### **26 Commencement**

- (1) This section and section 27 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
  - (a) appoint different days for different purposes,
  - (b) include transitional, transitory or saving provision.



**27 Short title**

The short title of this Act is the Higher Education Governance (Scotland) Act 2016.

SCHEDULE  
(introduced by section 25)  
CONSEQUENTIAL MODIFICATIONS

*The Universities (Scotland) Act 1858*

- 1 (1) The Universities (Scotland) Act 1858 is amended as follows.
- (2) In section 4 (university courts to be constituted), the words “consist of the members and” are repealed.
- (3) In section 5 (powers of the senatus academicus and principal)—
- (a) the words from “consist of” to “discipline of the University, and” are repealed,
  - (b) for the words “its property” there is substituted “ the University's property ”.

**Annotations:**

**Commencement Information**

**I26** Sch. para. 1 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1) (with reg. 6(4))

*The Universities (Scotland) Act 1889*

- 2 (1) The Universities (Scotland) Act 1889 is amended as follows.
- (2) In section 5 (which makes provision about University Courts)—
- (a) in subsection (1), the words before “Seven” are repealed,
  - (b) in subsection (2), the words “Chancellor or” are repealed in each place where they occur,
  - (c) in subsection (5), for the words “a vice-chairman elected by the Court from among all its members” there is substituted “ the senior lay member ”,
  - (d) after subsection (5) there is inserted—
- “(5A) In subsection (5), “senior lay member” means the person appointed to the position by virtue of section 8 of the Higher Education Governance (Scotland) Act 2016.”.

**Annotations:**

**Commencement Information**

**I27** Sch. para. 2 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

*The Universities (Scotland) Act 1966*

- 3 (1) The Universities (Scotland) Act 1966 is amended as follows.
- (2) In section 2 (constitution of university courts)—
- (a) in subsection (1), after the words “Subject to the provisions of section 17 of this Act” there is inserted “ and Chapter 1 of Part 1 of the 2016 Act ”,
  - (b) subsection (6) is repealed.

- (3) Section 7 (constitution of senates) is repealed.
- (4) In section 11 (university staff ineligible to become rector, or assessor on court except in certain circumstances), at the end of the proviso following paragraph (b) there is inserted “or the right of a person to be appointed in accordance with section 10(1) (b) to (d) of the 2016 Act”.
- (5) In section 16 (interpretation), at the beginning of the list of defined expressions in subsection (1) there is inserted—
- ““the 2016 Act” means the Higher Education Governance (Scotland) Act 2016;”.
- (6) In Part I (powers exercisable by ordinance) of Schedule 2, for paragraph 4 there is substituted—
- “4 To provide for—
- (a) the term of office of members of the Senatus Academicus,
- (b) the manner of election of members of the Senatus Academicus, except those elected in accordance with rules made under section 16(2) of the 2016 Act.”.

**Annotations:**

**Commencement Information**

**I28** Sch. para. 3 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1) (with regs. 5(4), 6(4))

