

UNIVERSITIES (SCOTLAND) ACT 1858 (c. 83)

ARRANGEMENT OF SECTIONS

Section

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.
12. Powers of University courts.
13. Right of nomination to professorships vested in University courts.
18. Powers of Commissioners as to University of Aberdeen: To determine numbers of professors, and regulate course of study.
24. Rules, statutes, &c., when approved, to be entered in a book, and signed by the Commissioners.
25. Universities 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) (c. 83)

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. [2nd August 1858]

Short title given by Short Titles Act 1896 (c. 14)

*Act excluded by Universities (Scotland) Act 1966 (c. 13), s. 1 (1); power to exclude and amend Act conferred by *ibid.* s. 1 (4)*

Preamble omitted under authority of Statute Law Revision Act 1892 (c. 19)

1.¹

2. The Chancellor of each of the Universities of St. Andrews, 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. . .² 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.

3. 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. . .³

4. There shall be constituted in each of the said Universities a University court, which shall consist of the members and 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.

¹ This Section does not apply to the University of Edinburgh

² Words repealed by Statute Law Revision Act 1875 (c.66)

³ Words repealed by Statute Law Revision Act 1894 (c.56)

5. The senatus academicus of each of the said Universities shall consist of the principal or principals and whole professors in each University, and shall possess and exercise the powers heretofore belonging to a senatus academicus in so far as the same are not modified or altered by or in pursuance of the provisions of this Act, and shall superintend and regulate the teaching and discipline of the University, and administer its 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.

6. 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 . . .¹ has his name registered in a book to be kept for the purpose by each University, which shall be done on payment of such . . .¹ 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 still 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 with their deliverance thereon.

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

7.²

8-11.

¹ Words repealed by Universities (Scotland) Act 1966 (c.13), Sch.7 Pt. I

² This Section does not apply to the University of Edinburgh

12. 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:

4.¹

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: ²

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.

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

13. 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.

¹ Words repealed by Statute Law Revision Act 1875 (c.66), Sch.

² The provisions of the ordinance of the Commissioners appointed under the Education Reform Act 1988 have effect "in place of the relevant provisions of the Universities (Scotland) Acts 1858-1966"

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 Functions of town council of Edinburgh now exercisable by City of Edinburgh District Council: Local Government (Scotland) Act 1973 (c. 65) ss. 225 (3)

14-17.....

18.....¹

1.²

2-6.....¹

"Commissioners " means Commissioners appointed under s. 14

19-23.....

24. 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.

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

26.²

27. 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;

The following provisions have been omitted from the text for the reasons stated.-

ss. 8-11 repealed by Universities (Scotland) Act 1889 (c. 55), s. 5(4)

ss. 14-17 repealed by Statute Law Revision Act 1875 (c. 66)

s. 19 repealed by Statute Law Revision Act 1892 (c. 19)

s. 20 repealed by Statute Law Revision Act 1875 (c. 66)

s. 21 repealed by Statute Law Revision Act 1892 (c. 19)

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

¹ Words repealed by Statute Law Revision Act 1875 (c.66), Sch.

² This Section does not apply to the University of Edinburgh

³ The remainder of this Section does not apply to the University of Edinburgh

UNIVERSITIES (SCOTLAND) ACT 1889 (c. 55)

ARRANGEMENT OF SECTIONS

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

PART I

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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.

Universities Committee of Privy Council

9. Constitution of Scottish Universities Committee of Privy Council.

PART II

Powers of Commissioners

14. Powers of Commissioners.

Extension of Universities

15. Extension of Universities.

Transfer of Property

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

PART III

Redemption of Charges

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

SCHEDULE

UNIVERSITIES (SCOTLAND) ACT 1889 (c. 55)

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

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

Preamble omitted under authority of Statute Law Revision Act 1908 (c. 49)

Preliminary

1. This Act may be cited as the Universities (Scotland) Act 1889.
2. This Act shall, so far as is consistent with the tenor thereof, be read and construed along with ...¹ the Universities (Scotland) Act 1858.
3. "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.

¹ Words repealed by Statute Law Revision Act 1908(c.49)

"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.

Part I

Constitution of University Court

5. (1) The University Courts shall consist of-

(i)-(iv)¹
.....²

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) ...³ every ...³ rector and rector's assessor shall continue in office for three years, but in the event of the Chancellor or 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 Chancellor or rector and no longer . . .⁴ 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.

.....⁴

(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. . . .³

(4).....

(5).The rector, and in his absence a Vice-Chairman elected by the Court from among all its members⁵, 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.

(6)

¹ S.5(1) paras(i)-(iv) repealed by Universities (Scotland) Act 1966 (c.13), Sch 7 Pts.I,II

² S.5(1) proviso repealed by Universities (Scotland) Act 1966 (c.13), Sch.7 Pt.I

³ Words repealed by Statute Law Revision Act 1908 (c.49)

⁴ Words repealed by Statute Law Revision Act 1908 (c.49) and Universities (Scotland) Act 1966 (c.13), Sch.7 Pt.I

⁵ Words substituted by Self-Governing Schools, etc. (Scotland) Act 1989 (c.39), Sch.10,s.1

Powers of the University Court

6. The University Court, in addition to the powers conferred upon it by the Universities (Scotland) Act 1858, shall subject to any University 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 . . . ¹ 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 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: ²

(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:

¹ Words repealed by Universities (Scotland) Act 1966 (c.13), Sch.7 Pt I

² See footnote 2, p6

[. . .¹(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 [. . .² the Medical Act 1956:]

(10)³

Senatus Academicus

7. 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 Universities (Scotland) Act 1858, or by this Act and shall have power

(1) To regulate and superintend the teaching and discipline of the University [. . .⁴and 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.

8.

Universities Committee of Privy Council

9. 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 [. . .⁵First 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.

¹ S.6 para.(8) substituted by Universities (Scotland) Act 1966 (c.13), Sch.2 Pt.III para.3(a)
² Words substituted by virtue of Universities (Scotland) Act 1966 (c.13), Sch.2 Pt.III para.3(b)
³ S.6 para.(10) repealed by Statute Law Revision Act 1908 (c.49) and Universities (Scotland) Act 1966 (c.13), Sch 7.Pt.I.
⁴ Words inserted by Universities (Scotland) Act 1966 (c.13), s.8(1)
⁵ Words substituted by virtue of Secretaries of State Act 1926 (c.18), s.1(3)

PART II

10-13.

Powers of Commissioners

14. ¹ 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.

¹ By the Universities (Scotland) Act 1966, Section 3(1), the University Court was given power to fulfil, by Ordinance, the purposes mentioned in this and the next subsequent Sections

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 Universities (Scotland) Act 1858, as amended by this Act, to regulate the powers, duties, jurisdictions, and privileges of chancellors, rectors, assessors.....¹

(3).²

(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)-(11).³

(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), (14).⁴

(15) To fix the limits of time within which appeals may be lodged and representations may be made under section six, subsections two and three hereof:

(16).⁵

Extension of Universities

15. ⁶ 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 Words repealed by Universities (Scotland) Act 1966 (c.13). Sch. 7 Pt. I

² S. 14 para. (3) repealed by Universities (Scotland) Act 1966 (c.13). 13), Sch. 7 Pt. I

³ S. 14 paras. (5)-(11) repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I

⁴ 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

⁵ S.14para. (16) repealed by Universities (Scotland) Act 1966 (c.13), Sch.7 Pt.I

⁶ See footnote p.15

- (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)¹

16-21

Transfer of Property

22.....

23.²All 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 schedule³ 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.

24. . . .⁴ 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, without prejudice to the rights of Her Majesty as superior of the said garden and buildings, and to the rights of any subject superior in and to the said garden and buildings, 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.

Functions of Commissioners of Works under s. 24 now exercisable by Secretary of State

25-30

¹ S. 15(5) repealed by Statute Law Revision Act 1950 (c.6), Sch.1

² Words repealed by Statute Law Revision Act 1908 (c.49)

³ Schedule does not apply to the University of Edinburgh

⁴ Words repealed by Statute Law Revision Act 1908 (c. 49)

PART III

Redemption of Charges

31.

32.¹ 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 [⁶Crown 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 [²Crown 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.

¹ Preamble omitted under authority of Statute Law Revision Act 1908 (c.49)
² 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)

The following provisions have been omitted from the text for the reasons stated:-

- s. 4 repealed by Statute Law Revision Act 1908(c.49)
- s. 5(4) repealed by Statute Law Revision Act 1908 (c.49) and
Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I
- (6) repealed by University of St. Andrews Act 1953 (c.40), s. 15(5)
- s. 8 repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I
- ss. 10-13 repealed by Statute Law Revision Act 1908 (c. 49)
- s. 16 repealed by Statute Law Revision Act 1908 (c. 49) and
University of St. Andrews Act 1953 (c. 40), s. 15(5)
- ss. 17-19, 20 repealed by Statute Law Revision Act 1908 (c. 49)
- s. 21 repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I
- s. 22 repealed by Statute Law Revision Act 1908 (c. 49)
- ss. 25, 26 repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I
- s. 27 repealed by Statute Law Revision Act 1908 (c. 49)
- ss. 28-30 repealed by Universities (Scotland) Act 1966 (c. 13). Sch. 7 Pt. I
- s. 31 repealed by Statute Law Revision Act 1908 (c. 49)

EDINBURGH UNIVERSITY (TRANSFER OF PATRONAGE) ACT 1897 (c. 13)

An Act for transferring the right of Presentation to the Professorships of Botany and Natural History in the University of Edinburgh. [3rd June 1897]

1. . . .¹ The right of presentation to the Professorship of Natural History in the University of Edinburgh. . . .¹ shall . . .¹ be exercised by the curators of the said University appointed under the provisions of section thirteen of the Universities (Scotland) Act 1858; and the right of presentation to the Professorship of Botany in the said University . . .¹ shall . . .¹ be exercised by Her Majesty, Her heirs and successors, in right of Her Crown.

2. This Act may be cited as the Edinburgh University (Transfer of Patronage) Act 1897.

¹ Words repealed by Statute Law Revision Act 1908 (c.49)

UNIVERSITIES (SCOTLAND) ACT 1922 (c. 31)

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]

*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.

2. 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: ¹

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 Universities (Scotland) Act 1858, and the Universities (Scotland) Act 1889, and those Acts and this Act may be cited together as the Universities (Scotland) Acts, 1858 to 1922.

The following provision has been omitted from the text for the reason stated.-

S. 1... repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I

¹ S.2 proviso repealed by representation of the People Act 1948 (c.65) 2. 80(7), Sch.13

UNIVERSITIES (SCOTLAND) ACT 1932 (c. 26)

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]

*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. 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. (1) ¹The powers conferred on the University Court of each of the Scottish Universities . . . ², shall include power, . . . ², 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).³

(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;

¹ See Universities (Scotland) Act 1966, Sch.2 Pt.I para 3

² Words repealed by Universities (Scotland) Act 1966 (c.13), Sch.7 Pt.I

³ s.2(1) (b) repealed by Universities (Scotland) Act 1966 (c.13). Sch.7 Pt.I

(d)¹

(2)¹

(3).

(4)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 Churches (Scotland) Act 1905.

3. 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 Educational Endowments (Scotland) Act 1882, or in any order under the 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.

4. 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.

¹This sub-section or paragraph does not apply to the University of Edinburgh

5. 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 Protestant Religion and Presbyterian Church Act 1707.

6. 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. - (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).

The following provisions have been omitted from the text for the reasons stated..-

s. 2(3) repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I

s. 7(2) repealed by Statute Law Revision Act 1950 (c. 6), Sch. I

UNIVERSITIES (SCOTLAND) ACT 1966 (c.13)

ARRANGEMENT OF SECTIONS

PART I

PROVISION FOR FUTURE RECONSTITUTION OF OLDER UNIVERSITIES

Section

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 ¹

¹ Part III, Schedules 5 and 6, and those parts of Schedule 1 and 3 which do not apply to the University of Edinburgh, are omitted.

PART IV

SUPPLEMENTARY

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

16. Interpretation.

17. Citation and commencement.

SCHEDULES

Schedule 1-Composition of Courts of Older Universities.¹

Schedule 2-Powers of University Courts.

Schedule 3-Ordinances made under former enactments which may be varied or revoked only by ordinance made under this Act.¹

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.

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.

¹Schedule 6-Transfer of Property, Etc. to University of Dundee and other transitional provisions.¹

¹ Part III, Schedules 5 and 6, and those parts of Schedule 1 and 3 which do not apply to the University of Edinburgh, are omitted.

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]

PART I

PROVISION FOR FUTURE RECONSTITUTION OF OLDER UNIVERSITIES

1. (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 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.

PART II

AMENDMENT OF CONSTITUTIONS AND POWERS OF EXISTING BODIES, ETC.

University Courts

2. (1) Subject to the provisions of section 17 of this 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 I 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 a 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.

(6) The validity of any proceedings of such a University Court shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

3. (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 exerciseable 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. (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 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. (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

7. (1) The Senatus Academicus of each of the older Universities shall include a number of readers and lecturers of that University equal to not less than one-third of the number of persons who are members of that Senatus by virtue of section 5 of the Act of 1858.
- (2) The readers and lecturers to be included on a Senatus Academicus to which this section applies shall be elected in such manner and for such term of office as may be provided by the University Court by ordinance made in pursuance of paragraph 4 of Part I of Schedule 2 to this Act, but the only persons qualified to vote in the election of those readers and lecturers shall be the readers and lecturers of the University concerned.
- (3) The validity of any proceedings of a Senatus Academicus to which this section applies shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.
8. (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. (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 old 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 altered shall require to be sent to every member of the General Council, and the alteration shall take effect only after 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, to define the powers, and to determine the membership and quorum, of such committees.

10. (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. 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 I to this Act to co-opt a person holding such appointment.

12. (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.

(2) No person shall be qualified to be appointed as an auditor under this section unless he is a member of one or more of the following bodies:-

(a) the Institute of Chartered Accountants of Scotland;

(b) the Institute of Chartered Accountants in England and Wales;

(c) the Institute of Chartered Accountants in Ireland;

(d) the Association of Certified and Corporate Accountants;

(e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade; but a Scottish firm may be so appointed if each of the partners thereof is qualified to be so appointed.

(3) No person shall be qualified to be appointed as an auditor under this section who is, or any member of whose firm is, a member of the University Court or of the staff of the University concerned.

PART IV SUPPLEMENTARY

14.

15. The Statutory Instruments Act 1946 shall not apply to an Order in Council under this Act.

16. (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say-"the Act of 1858" means the Universities (Scotland) Act 1858;

"the Act of 1868" means the Representation of the People (Scotland) Act 1868;

"the Act of 1889" means the Universities (Scotland) Act 1889;

"the Act of 1932" means the Universities (Scotland) Act 1932;

"the Act of 1953" means the 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.

17. (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

COMPOSITION OF COURTS OF OLDER UNIVERSITIES

PART IV

Edinburgh ¹

- (a) the rector;
- (b) the principal;
- (c) six assessors elected from among its members by the senatus academicus, of whom at least two shall be professors and at least two readers or lecturers;
- (d) an assessor nominated by the rector;
- (e) an assessor nominated by the chancellor;
- (f) four assessors elected by the General Council;
- (g) an assessor nominated by the Edinburgh District Council who shall be a member of said council;
- (h) an assessor nominated by the Lothian Regional Council who shall be a member of said council;
- (i) an assessor elected by members of the non-teaching staff from amongst their own number;

Provided always that no person may serve as an assessor under sub-paragraphs (e) to (h) above whilst he is a matriculated student of the University;

- (j) the Senior President of the Students' Representative Council and two other full-time matriculated students nominated by the Students' Representative Council;
- (k) such persons, not exceeding five in number of whom not more than one may hold an appointment in the University of Edinburgh, as may be co-opted by the University Court.

¹ See Ordinances No 187 and No 192

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.
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.
4. To provide for the manner of election of readers and lecturers to the Senatus Academicus and their term of office.
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 therefore; 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 Medical Act 1886 there were substituted a reference to the Medical Act 1956.
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

	Aberdeen No.	Edinburgh No.	Glasgow No.	St. Andrews No.
1. Regulations for the Students' Representative Council	<-----60 (General No. 22)----->			
2. Election of rector...	399 (Aberdeen No. 77)	361 (Edinburgh No. 120)	380 (Glasgow No. 108)	484 (St. Andrews No. 82)
3. General Council: Regulations for election of chancellor and assessors: amendment of Ordinance No. 9 (General No. 4)	<-----278 (General No. 9)----->			
4. Admission of readers and lecturers to the Senatus Academicus	508 (Aberdeen No. 98)	360 (Edinburgh No. 112)	119 (Glasgow No. 32)	498 (St. Andrews No. 76) Section I I
5. Limitation of Time for Appeals and Representations	<-----No. 5 (General No. 2)----->			498 (St. Andrews No. 76) Section XI6.
Board of nomination for theological chairs	<-----284 (General No. 10)----->			
7. Use of Common Seal (Execution of Deeds)	432 (Aberdeen No. 85)	500 (Edinburgh No. 160)	<-----6 (General No. 3)----->	
8. Regulations as to qualifications for admission to the Scottish Universities for purposes of graduation	<-----356 (General No. 11)----->			

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 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 People Act 1918, so far as relating to the registration of members of the General Council.

SCHEDULE

.....

The following provisions have been omitted from the text for the reasons stated below..-

s. 14 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

Sch. 6 para. 18 ... repealed by Medical Act 1978 (c. 12), Sch. 7
20... amends Medical Act 1956 (c. 76), s. 11(1)(a)

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

STATUTORY INSTRUMENTS

1992 No. 2700

EDUCATION

The University Commissioners (Statute Modifications)
(University of Edinburgh) Order 1992

Made 28th October 1992

At the Court at Buckingham Palace, the 28th day of October 1992

Present,

The Queen's Most Excellent Majesty in Council

Whereas the University Commissioners, in exercise of the powers conferred on them by section 204 of the Education Reform Act 1988 (a), and having undertaken consultations as required by section 205 of the said Act, have duly made modifications, as set out in the Schedule to this Order, to the Statutes of the University of Edinburgh:

And whereas the said modifications have been to Her Majesty in Council for approval:

Now, therefore, Her Majesty, having taken the said modifications into consideration, is pleased by virtue and in exercise of powers conferred by the said section 204 or otherwise in Her Majesty vested, by and with the advice of her Privy Council, to approve the same.

G.I. de Deney

Clerk of the Privy Council

(a) 1988 c.40

SCHEDULE

UNIVERSITY COMMISSIONERS

MODIFICATIONS TO THE ORDINANCES OF THE UNIVERSITY OF EDINBURGH

MODIFICATIONS MADE BY THE UNIVERSITY COMMISSIONERS IN EXERCISE OF THE POWERS CONFERRED ON THEM BY SECTION 204 OF THE EDUCATION REFORM ACT 1988 IN RELATION TO THE UNIVERSITY OF EDINBURGH, COPIES HAVING BEEN DULY SENT TO EACH OF THE PERSONS SPECIFIED IN SECTION 205(2) AFFORDING THOSE PERSONS A REASONABLE OPPORTUNITY OF MAKING REPRESENTATIONS AS TO THE ISSUES ARISING, ARE NOW SUBMITTED FOR THE APPROVAL OF HER MAJESTY THE QUEEN IN COUNCIL.

WHEREAS we were appointed, under Section 202 of the Education Reform Act 1988 to be University Commissioners to exercise, in accordance with subsection (2) of the said Section, in relation to the University of Edinburgh, being a qualifying institution, the functions assigned to us by Sections 203 to 205 and 207 of the said Act;

AND WHEREAS in exercise of the powers conferred on us by subsection (8) of Section 203 of the said Act, we are enabled to designate, in relation to an institution, any regulations, ordinances or other instruments which, in our opinion, serve as statutes for the purposes of that institution;

AND WHEREAS it is our opinion ordinances made by the University of Edinburgh in relation to the said University under the Universities (Scotland) Acts 1858 to 1966 serve as statutes of the said University for the purposes of sections 203 to 205 of the Education Reform Act 1988;

NOW THEREFORE we, the University Commissioners, DESIGNATE the said ordinances as statutes for the purposes of the said Sections AND DO HEREBY MODIFY the Ordinances of the University of Edinburgh in the manner following, such modified provisions having effect in relation to the said University in place of the relevant provisions in the Universities (Scotland) Acts 1858 to 1966:

By adding the following ordinance as a new ordinance:

"ORDINANCE OF THE UNIVERSITY COMMISSIONERS ACADEMIC STAFF

PART I CONSTRUCTION, APPLICATION AND INTERPRETATION

Construction

1. This ordinance and any Regulation made or Resolution passed under this Ordinance shall be construed in every case to give effect to the following guiding principles, that is to say
 - (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;

(b) to enable the University to provide education, promote learning and engage in research efficiently and economically; and

(c) to apply the principles of justice and fairness.

Reasonableness of decisions

2. No provision in Part II or Part III shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member of the academic staff unless the reason for his dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissing him.

Application

3. (1) This Ordinance shall apply

(a) to the Professors, Readers, Senior Lecturers and Lecturers;

(b) to these members of the staff of the University who are paid on academic related scales and who have been recognised for the purposes of this ordinance in accordance with procedure prescribed by the University court; and

(c) to the Principal of the University (in this Ordinance referred to as "the Principal") to the extent and in the manner set out in the Annex to this Ordinance.

- (2) In this ordinance any reference to "academic staff" is a reference to persons to whom this ordinance applies.

Interpretation

Meaning of "dismissal"

4. In this ordinance "dismiss" and "dismissal" mean dismissal of a member of the academic staff and -

(a) include remove or, as the case may be, removal from office; and

(b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

Meaning of "good cause"

5. (1) For the purposes of this ordinance "good cause" in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means -

(a) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or employment as a member of the academic staff; or

(b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or

(c) conduct constituting failure or persistent refusal or neglect or inability to perform the or comply with the conditions of office; or

(d) physical or mental incapacity established under Part IV.

(2) In this paragraph -

(a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and

(b) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

Meaning of "redundancy"

6. For the purposes of this Ordinance dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to -

(a) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on the activity in the place in which the member concerned worked; or

(b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or for members of the academic staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

Incidental, supplementary and transitional matters

7. (1) In any case of conflict, the provisions of this Ordinance shall prevail over those of any other Ordinance and the provisions of any Regulations made under this Ordinance shall prevail over those of any other Regulations:

Provided that Part III of and the Annex to this Ordinance shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.

(2) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Ordinance concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause:

Provided that nothing in this sub-paragraph shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.

(3) Nothing in any other ordinance or Regulation made or Resolution passed thereunder shall authorise or require any person to sit as a member of any Committee, Tribunal or body appointed under this Ordinance or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.

(4) Nothing in any procedure prescribed by the University Court (in this Ordinance referred to as "the Court") in exercise of the powers mentioned in section 6 of the Universities (Scotland) Act 1889 as substituted by paragraph 3(a) of Part III of Schedule 2 to the Universities (Scotland) Act 1966 shall enable the Court to delegate its power to reach a decision under paragraph 10(2) of this Ordinance.

(5) In this Ordinance -

(a) references to numbered Parts, paragraphs, and sub-paragraphs are references to Parts, paragraphs, and sub-paragraphs so numbered in this Ordinance; and

(b) words importing the masculine shall include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.

PART II REDUNDANCY

Purpose of Part II

8. This Part enables the Court, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

Exclusion from Part II of persons appointed or promoted before 20th November 1987

9. (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless -
- (a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or
- (b) he is promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

The Appropriate Body

10. (1) The Court shall be the appropriate body for the purposes of this Part.
- (2) This paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff -
- (a) of the University as a whole; or
 - (b) of any faculty, school, department or other similar area of the University by way of redundancy.
11. (1) Where the appropriate body has reached a decision under paragraph 10(2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose
- (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
 - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise -
- (a) a Chairman; and
 - (b) two members of the Court, not being persons employed by the University; and
 - (c) two members of the academic staff nominated by the Senatus Academicus.

Notices of intended dismissal

12. (1) Where the appropriate body has approved a selection recommendation made under paragraph 11(1) it may authorise an officer of the University as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include -
- (a) a summary of the action taken by the appropriate body under this Part;
 - (b) an account of the selection processes used by the Redundancy Committee;

(c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and

(d) a statement as to when the intended dismissal is to take effect.

PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

Disciplinary Procedures

13. (1) Minor faults shall be dealt with informally.

(2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used -

Stage 1 - Oral Warning

If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal ORAL WARNING. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this paragraph. A brief note of the oral warning will be kept but it will be spent after 12 months, subject to satisfactory conduct and performance.

Stage 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the academic staff by the Head of the Department. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Secretary to the University seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 if there is no satisfactory improvement and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept by the Head of Department but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

Stage 3 - Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Secretary to the University within two weeks. A Vice-Principal designated by the Principal shall hear all such appeals and his decision shall be final.

Preliminary examination of serious disciplinary matters

14. (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Secretary to the University who shall bring it to the attention of the Principal of the University.

(2) To enable the Principal to deal fairly with any complaint brought to his attention under sub-paragraph (1) he shall institute such investigations or enquiries (if any) as appear to him to be necessary.

(3) If it appears to the Principal that a complaint brought to his attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or byelaws for which a standard penalty is normally imposed in the University or within the faculty, school, department or other relevant area, or is trivial or invalid he may dismiss it summarily, or decide not to proceed further under this Part.

(4) If the Principal does not dispose of a complaint under sub-paragraph (3) he shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he sees fit, he may suspend the member on full pay pending a final decision.

(5) Where the Principal proceeds further under this Part he shall write to the member of the academic staff concerned inviting comment in writing.

(6) As soon as may be following receipt of the comments (if any) the Principal shall consider the matter in the light of all the material then available and may -

(a) dismiss it himself; or

(b) refer it for consideration under paragraph 13; or

(c) deal with it informally himself if it appears to the Principal appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or

(d) direct the Secretary to the University to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.

(7) If no comment is received within 28 days the Principal may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

Institution of Charges

15. (1) In any case where the Principal has directed that a charge or charges be preferred under paragraph 14 (6) (d), he shall request the University Court to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.

(2) Where the Court has been requested to appoint a Tribunal under paragraph 16 the Secretary to the University or, if he is unable to act, his deputy shall take charge of the proceedings.

(3) The officer in charge of the Proceedings shall formulate, or arrange for the formulation of, the charge or charges and shall present, or arrange for the presentation of, the charge or charges before the Tribunal.

(4) It shall be the duty of the officer in charge of the proceedings

(a) to forward the charge or charges to the Tribunal and to the member of the academic staff concerned together with the other documents therein specified, and -

(b) to make any necessary arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Tribunal.

The Tribunal

16. A Tribunal appointed by the Court shall comprise:

(a) a Chairman; and

(b) one member of the Court, not being a person employed by the University; and

(c) one member of the academic staff nominated by the Senatus Academicus.

Provisions concerning Tribunal Procedure

17. (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in Regulations made under this paragraph.

(2) Without prejudice to the generality of the foregoing such Regulations shall ensure -

(a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;

(b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by him to represent him are entitled to be present;

(c) that the member of the academic staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against him is based; and

(d) that full and sufficient provision is made -

(i) for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Principal of the University for further consideration and for the correction of accidental errors; and

(ii) for appropriate time limits for each stage (including the hearing) to the intent that any charge thereunder shall be heard and determined by a Tribunal as expeditiously as reasonably practicable.

Notification of Tribunal decisions

18. (1) A Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and recommendations, if any, as to the appropriate penalty) to the Principal and to each party to the proceedings.
- (2) A Tribunal shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

Powers of the appropriate officer where charges are upheld by Tribunal

19. (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the academic staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the academic staff concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be
- (a) to discuss the issues raised with the member concerned; or
- (b) to advise the member concerned about his future conduct; or
- (c) to warn the member concerned; or
- (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable in all the circumstances of the case.

Appropriate Officers

20. (1) The Principal shall be the appropriate officer to exercise the powers conferred by paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.
- (2) Any action taken by the appropriate officer shall be confirmed in writing.

PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

21. (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.
- (2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the Principal or an officer acting as delegate to perform the relevant act.

(4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.

22. (1) Where it appears that the removal of a member of the academic staff on medical grounds would be justified, the appropriate officer -
- (a) shall inform the member accordingly; and
 - (b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.
- (2) If the member shares that view the University shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not share that view the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any medical evidence submitted by the member), to a Board comprising one person nominated by the Court; one person nominated by the member concerned or, in default of the latter nomination, by the Senatus Academicus; and a medically qualified chairman jointly agreed by the Court and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians of Edinburgh.
- (4) The Board may require the member concerned to undergo medical examination at the University's expense.

Termination of Employment

23. If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct the Secretary to the University or his delegate to terminate the employment of the member concerned on those medical grounds.

PART V APPEALS

Purpose of Part V

24. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

Application and Interpretation of Part V

25. (1) This Part applies -
- (a) to appeals against the decisions of the Court as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;

(b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under paragraph 13 (Appeals against disciplinary warnings);

(c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;

(d) to appeals against discipline otherwise than in pursuance of Part III; and

(e) to appeals against decisions reached under Part IV

and "appeal" and "appellant" shall be construed accordingly.

(2) No appeal shall however lie against -

(a) a decision of the appropriate body under paragraph 10(2);

(b) the findings of fact of a Tribunal under paragraph 18(1) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;

(c) any finding by a Board set up under paragraph 22 (3) .

(3) In this Part references to "the person appointed" are references to the person appointed by the Court under paragraph 28 to hear and determine the relevant appeal.

(4) The parties to an appeal shall be the appellant and the Secretary to the University and any other person added as a party at the direction of the person appointed.

Institution of Appeals

26. A member of the academic staff shall institute an appeal by serving on the Secretary to the University within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

Time for appealing and notices of appeal

27. (1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-paragraph (3).

(2) The Secretary to the University shall bring any notice of appeal received (and the date when it was served) to the attention of the Court and shall inform the appellant that he has done so.

(3) Where the notice of appeal was served on the Secretary to the University outside the 28 day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.

Persons appointed to hear and determine appeals

28. (1) Where an appeal is instituted under this Part the Court shall appoint a person described in sub-paragraph (2) to hear and determine that appeal.
- (2) The persons described in this sub-paragraph are persons, not employed by the University and not being members of the Court, who hold, or have held, judicial office or who are advocates or solicitors of at least ten years' standing.
- (3) The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting with two other persons.
- (4) The other persons who may sit with the person appointed shall be -
- (a) one member of the Court not being a person employed by the University; and
- (b) one member of the academic staff nominated by the Senatus Academicus.

Provisions concerning appeal procedures and powers

29. (1) The procedure to be followed in respect of the preparation, consolidation, hearing, and determination of appeals shall be that set out in Regulations made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such Regulations shall ensure -
- (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;
- (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
- (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
- (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may -
- (a) remit an appeal from a decision under Part II to the Court as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or

(b) remit an appeal arising under Part III for re-hearing by a differently constituted Tribunal to be appointed under that Part; or -

(c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or

(d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

Notification of decisions

30. The person appointed shall send the reasoned decision, including any decision reached in exercise of his powers under paragraph 29(3) (a) , (b) or (c) , on any appeal together with any findings of fact different from those come to by the Court as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Principal and to the parties to the appeal.

PART VI GRIEVANCE PROCEDURES

Purpose of Part VI

31. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the faculty, school, department or other relevant area by methods acceptable to all parties.

Application

32. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -
- (a) to matters affecting themselves as individuals; or
- (b) to matters affecting their personal dealings or relationships with other staff of the University, not being matters for which express provision is made elsewhere in this ordinance.

Exclusions and Informal Procedures

33. (1) If other remedies within the faculty, school, department or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the faculty, school, department or other relevant area.
- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Head of the faculty, school, department or other relevant area the member may apply in writing to the Principal for redress of the grievance.

(3) If it appears to the Principal that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Principal he shall inform the member and the Grievance Committee accordingly.

(4) If the Principal is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) -

- (a) a complaint under Part III;
- (b) a determination under Part IV; or
- (c) an appeal under Part V

he shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he shall notify the member and the Grievance Committee accordingly.

(5) If the Principal does not reject the complaint under sub-paragraph (3) or if he does not defer action upon it under sub-paragraph (4) he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.

Grievance Committee Procedure

34. If the grievance has not been disposed of informally under paragraph 33(5), the Principal shall refer the matter to the Grievance Committee for consideration.

35. The Grievance Committee to be appointed by the Court shall comprise -

- (a) a Chairman; and
- (b) one member of the Court not being a person employed by the University; and
- (c) one member of the academic staff nominated by the Senatus Academicus.

Procedure in connection with determinations; and right to representation

36. The procedure in connection with the consideration and determination of grievances shall be determined in Regulations in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

Notification of decisions

37. The Committee shall inform the Court whether the grievance is or is not well-founded and if it is well-founded the Committee shall make such proposals for the redress of the grievance as it sees fit.

ANNEX

PROVISIONS AS TO THE PRINCIPAL

1. The Court may request its Vice-Chairman to remove the Principal from office for good cause in accordance with the procedure described in the Annex.
 - (1) A complaint seeking the removal from office of the Principal for good cause may be made by not less than three members of the Court to the Vice-Chairman of the Court.
 - (2) If it appears to the Vice-Chairman of the Court on the material before him, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he shall request the Court to appoint a Tribunal to hear and determine the matter.
 - (3) If it appears to the Vice-Chairman of the Court that a complaint made to him under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid, he may recommend to the Court that no further action be taken upon it.
 - (4) When the Court has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
 - (5) A Tribunal appointed by the Court shall comprise:
 - (a) an independent Chairman; and
 - (b) one member of the Court, not being a person employed by the University; and
 - (c) one member of the academic staff.
 - (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.
 - (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Vice-Chairman of the Court and to the Principal drawing attention to the period of time within which any appeal should be made.
 - (8) Persons appointed to hear such an appeal shall be persons independent of the University who hold, or have held, judicial office or who are advocates or solicitors of at least ten years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
 - (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his recommendations, if any, as to the appropriate penalty, to the Principal and to the Vice-Chairman of the Court.

(10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Vice-Chairman of the Court shall decide whether or not to dismiss the Principal.

2. Where a complaint is to be referred to a Tribunal under this Ordinance, the Vice-Chairman of the Court may suspend the Principal from his duties and may exclude the Principal from the precincts of the University or any part thereof without loss of salary.

3. "Good cause" in this Annex has the same meaning as in paragraph 5 of this Ordinance.

4. For the purpose of the removal of the Principal for incapacity on medical grounds, Part IV of this Ordinance shall have effect subject to the following modifications: -

(a) for references to a member of the academic staff there shall be substituted references to the Principal;

(b) for any reference to the office of Principal there shall be substituted a reference to the office of Vice-Chairman of the Court;

(c) for paragraph 23 there shall be substituted.-

"23. If the Board determines that the Principal should be required to retire on medical grounds, it shall ask the Vice-Chairman of the Court, as the appropriate officer, to decide whether or not to terminate the appointment of the Principal on those medical grounds."

Signed by J D May

A T Gregory

J Munn

D G T Williams

University Commissioners

on 21st September 1992