

## EXECUTIVE NOTE

### THE NAPIER UNIVERSITY (SCOTLAND) ORDER OF COUNCIL 1993 AMENDMENT ORDER OF COUNCIL 2007 (SSI 2007/160)

The above instrument is made in exercise of the powers conferred upon the Privy Council by sections 45 and 60 of the Further and Higher Education (Scotland) Act 1992. The instrument is subject to negative resolution procedure.

#### Policy Objectives

Napier University has a Governance Order - the Napier University (Scotland) Order of Council 1993 (“the 1993 Order”), made by the Privy Council.

The purpose of this instrument is to make a number of changes to the 1993 Order to modernise the University’s governance framework. This follows a comprehensive review of governance effectiveness undertaken by the Napier University Court in 2005. The changes are in line with the Governance code of practice and general principles set out in the Committee of University Chairmen’s ‘Guide for Members of Higher Education Governing Bodies in the UK’, available on the internet at the following link: [http://www.hefce.ac.uk/pubs/hefce/2004/04\\_40/](http://www.hefce.ac.uk/pubs/hefce/2004/04_40/).

The Order amends the 1993 Order in the following ways:

- Article 2 (2) (a) reflects the fact that all permanent employees, whether full time or part time should be eligible to vote and to stand for election to serve as a member of the Court;
- Article 2 (2) (b) provides a new definition of ‘student’ to include those students holding positions as sabbatical officers of the Students’ Association;
- Article 3 (5) provides for the University to carry on any activity of any type in carrying out its objects without prejudice to any person on grounds of gender, race, age, disability, sexual orientation, religion or other belief;
- Article 3 (2) changes the maximum number of members of the Court from 27 to 25;
- Articles 3 (7), (8) and (9) reduces the aggregate time for which a member (who is not an *ex officio* member of the Court) may serve on the Court, from 12 to 9 years;
- Article 9 removes the age limitation in the 1993 Order on those who are eligible to take office as a member of the Court;
- Article 4 changes reference to the ‘Council’ of the Students’ Association to the ‘governing body’ in accordance with the present constitution of the Association;
- Article 5 removes reference to the Graduates’ Association since this association is to be disbanded;
- Article 7 makes provision in relation to the application of the free income of each of the prize funds under the control of the Court;
- Schedule 2 removes the age limitations on tenure of membership of the Academic Board and alters the composition of the Academic Board.

## **Consultation**

The Privy Council and Napier University have been consulted during the preparation of the instrument.

## **Financial Effects**

A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive  
Enterprise, Transport and Lifelong Learning Department  
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