
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 163

The Abertay University (Scotland) Order of Council 2019

PART 3

The University Court

Powers and functions of the University Court

5.—(1) The University Court is to conduct the affairs of the University and carry out and promote the objects of the University.

(2) The University Court has all the rights, powers and privileges necessary and expedient for the purposes of, or in connection with, the furtherance of the objects of the University, and in particular has the powers and functions set out in schedule 1.

Delegation of powers, functions and duties of the University Court

6.—(1) Subject to paragraph (2), the University Court may delegate any of its powers, functions or duties to any person or body according to a scheme made by the University Court.

(2) The University Court is not to delegate—

- (a) the approval of the strategic direction of the University,
- (b) the appointment of the Chancellor under article 16,
- (c) the appointment of the Principal under article 17,
- (d) the appointment of any Vice-Principal under article 18,
- (e) the appointment of the Secretary to the University Court under article 19,
- (f) the consideration of any amendment or revocation of this Order,
- (g) the approval of the annual budget and financial forecasts,
- (h) the approval of the annual report and financial statements for the University,
- (i) approval of the standing orders of the University Court.

Financial arrangements

7.—(1) Subject to the following paragraphs, the University Court is to make such arrangements that it considers appropriate and that it thinks fit for the conduct of the financial affairs of the University.

(2) The University Court is to keep such accounts (including capital and revenue accounts) and funds as are necessary for the proper and efficient conduct of its business.

(3) The University Court may intromit with the whole funds under its control in any way not inconsistent with statute or common law or the conditions attached to the payment of such funds to the University Court.

(4) The University Court is to invest monies which it holds and which are not immediately required for the purposes of its activities in any accounts, investments and securities and may dispose of and vary any accounts, investments and securities that it considers necessary or desirable in any manner that may from time to time be considered by the University Court to be advantageous.

Composition of the University Court

8. The membership of the University Court is to be composed of—
- (a) the Chair of Court, being the person appointed by the University Court to the position of senior lay member by virtue of section 8 of the 2016 Act,
 - (b) the Principal,
 - (c) one or two Vice-Principals, appointed by being nominated by the Principal,
 - (d) two persons appointed by being elected by the staff of the University from among their own number,
 - (e) one person appointed by being nominated by a trade union from among the academic staff of the University who are members of a branch of a trade union that has a connection with the University, in accordance with section 10(2) of the 2016 Act,
 - (f) one person appointed by being nominated by a trade union from among the support staff of the University who are members of a branch of a trade union that has a connection with the University, in accordance with section 10(2) of the 2016 Act,
 - (g) two persons appointed by being nominated by the students' association of the University from among the students of the University,
 - (h) one person appointed by being nominated by the Senate from among its members,
 - (i) 10 to 14 other persons appointed by the University from time to time, in accordance with its rules and procedures, with the aim of the membership having the skills and experience that the University Court determines to be relevant, and who may not be members of staff or students of the University.

Appointment of Chair of Court

9.—(1) The Chair of Court is to be appointed in accordance with sections 3 to 8 of the 2016 Act and an appointment process prescribed by the University Court.

(2) Subject to article 13, the University Court is to prescribe the duties, responsibilities and terms and conditions of the Chair of Court, which may include such remuneration and allowances as the University Court considers to be reasonable in accordance with section 9 of the 2016 Act.

Appointment and role of Vice-Chair

10.—(1) The University Court is to make rules for the appointment of a Vice-Chair from among the members appointed under article 8(i).

(2) The Vice-Chair is to preside at meetings of the University Court and is to exercise the functions of the Chair of Court in the absence of the Chair of Court or while the position is vacant.

(3) In the absence of both the Chair of Court and the Vice-Chair at any meeting, the University Court may appoint a chair from among the members appointed under article 8(i) who are present at the meeting.

Elections to University Court

11.—(1) The members of the University Court referred to in article 8(d) are to be elected in accordance with rules made by the University Court in accordance with section 11 of the 2016 Act.

(2) Before making or modifying rules under paragraph (1), the University Court is to consult the staff of the University.

Nominations to University Court

12.—(1) The members of the University Court referred to in article 8(c) are to be nominated in accordance with rules made by the University Court.

(2) The members of the University Court referred to in article 8(e), (f) and (g) are to be nominated in accordance with rules made by the University Court in accordance with section 12 of the 2016 Act.

(3) Before making or modifying rules under paragraph (2), the University Court must consult the representatives of anyone with a right of nomination under and affected by the proposed rules or (as the case may be) modification.

(4) The member of the University Court referred to in article 8(h) is to be nominated in accordance with rules made by the Senate and approved by the University Court.

Term of office of members

13.—(1) The University Court is to make rules relating to the term of office of members appointed under article 8 and the rules may make different provision for different categories of member.

(2) Rules made under paragraph (1) are to prescribe (in particular)—

- (a) the term of office, but no term is to be longer than 4 years,
- (b) eligibility for re-appointment,
- (c) the maximum term of office when aggregated with any previous term of office, but the term of office—
 - (i) is to include any term served before the coming into force of this Order, and
 - (ii) is not to include any term of office served by a member under article 8(b) or (c).

Resignation and removal of members from office

14. The University Court may make rules about the procedure for the resignation and removal of its members in accordance with section 13 of the 2016 Act.

Conflicts of interest

15. The University Court may make rules in relation to identifying and managing conflicts of interests of its members and of the members of its committees.