

1972 No. 1753 (S.135)

EDUCATION, SCOTLAND

The Central Institutions (Scotland) Regulations 1972

Made - - - - 15th November 1972

Laid before Parliament 28th November 1972

Coming into Operation 1st January 1973

In exercise of the powers conferred on me by sections 76(1), 81(1) and (4) and 144(5) of the Education (Scotland) Act 1962(a) as said section 81 is set out in section 15 of the Education (Scotland) Act 1969(b) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Central Institutions (Scotland) Regulations 1972 and shall come into operation on 1st January 1973.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“academic council”, in relation to a central institution, means the body of persons appointed for that institution in accordance with regulations 4(1) and 8(a) of these regulations;

“the Act” means the Education (Scotland) Act 1962;

“central institution” has the meaning assigned to it by regulation 3 of these regulations;

“governing body”, in relation to a central institution, means the governing body or other body of persons responsible for the management of the institution; and

“principal”, in relation to a central institution, means the principal or the director or any person authorised, whether for the purposes of these regulations or otherwise, for the time being to act as principal, as the case may be, of the institution and “vice-principal” shall be construed accordingly.

(2) In these regulations any reference to any enactment shall be construed as a reference to that enactment as amended or extended, and as including a reference thereto as applied by or under any other enactment.

(a) 1962 c. 47.

(b) 1969 c. 49.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Application of regulations

3. These regulations shall apply to any central institution within the meaning of section 145(10) of the Act, the governing body of which are for the time being receiving grant in respect of that institution under section 75(c) of the Act; and in these regulations the expression "central institution" shall be construed accordingly.

Academic councils

4.—(1) The governing body of each central institution shall delegate such of their functions as are specified in paragraph (2) of this regulation to the academic council of the institution, being the body of persons to be appointed under regulation 8(a) of these regulations in the manner specified in Part I of the Schedule to these regulations and whose proceedings shall be regulated in accordance with Part II of that Schedule.

(2) In pursuance of paragraph (1) of this regulation the academic council of a central institution shall discharge the following functions—

- (a) the functions of the governing body relating to the over-all planning, co-ordination, development and supervision of the academic work of the institution; and
- (b) such other functions of the governing body as may be assigned to the academic council by the governing body:

Provided that the functions specified in head (a) of this paragraph shall be discharged by the academic council subject to the general control and direction of the governing body.

(3) In discharging the functions specified in paragraph (2) of this regulation, the academic council shall have all the powers and duties of the governing body in relation to those functions and shall have the power to make any recommendation to the governing body on such matters relating to those functions as the academic council may think fit.

(4) The governing body of each central institution shall make arrangements to secure that the academic council of the institution shall discharge the functions imposed on them by or under paragraph (2) of this regulation.

Administrative arrangements

5.—(1) The governing body of each central institution shall make arrangements to secure that such of their functions as are specified in paragraph (2) of this regulation shall be discharged on their behalf by the principal of the institution.

(2) In pursuance of arrangements made under paragraph (1) of this regulation the principal of a central institution shall discharge the functions of the governing body (other than those delegated to the academic council of the

institution by virtue of regulation 4(1) of these regulations) relating to the organisation and management of the institution and to the discipline therein.

(3) In discharging the functions specified in paragraph (2) of this regulation, the principal of the institution shall be subject to the general control and direction of the governing body but otherwise the principal shall have all the powers and duties of the governing body in relation to those functions.

Pensions, allowances and gratuities for staff

6.—(1) Subject to the following provisions of this regulation, the governing body of any central institution shall have power to pay such sum or sums by way of pension, allowance or gratuity as they may think fit to—

- (a) any member of the staff of the institution, on his retirement, through age or permanent incapacity, from the employment of the governing body; or
- (b) the surviving spouse or any dependant of any such member in the event of the death of the member in the employment of the governing body,

in respect of any period of such member's service in the employment of the governing body:

Provided that the award of a pension, allowance or gratuity shall not be competent, and no payment thereof shall be made under this regulation unless the Secretary of State has given his consent in writing to that award.

In this paragraph the reference to the permanent incapacity of a member of the staff of a central institution is a reference to a disability of mind or body of such a nature or to such an extent as, in the opinion of the governing body of that institution, renders that member permanently incapable of continuing to serve efficiently in their employment.

(2) A pension, allowance or gratuity under this regulation shall not be payable in respect of any period of service which is reckoned for the purpose of any other pension, allowance, gratuity, or other like benefit, payable—

- (a) out of any superannuation scheme or fund established by or under any enactment; or
- (b) directly or indirectly out of moneys provided by Parliament or raised by a rate.

In this paragraph "benefit" includes a return of contributions but does not include a benefit within the meaning of section 17 of the National Insurance Act 1965(a).

Condition of grant

7. It shall be a condition of the payment of any grant under section 75(c) of the Act to the governing body of any central institution that the governing body of that institution shall comply with the requirements imposed on them by these regulations.

Implementation of regulations

8. As soon as may be after the coming into operation of these regulations, it shall be the duty of the governing body of each central institution—

- (a) to appoint a body of persons for the institution for the purposes of regulation 4 of these regulations and in the manner referred to in paragraph (1) of that regulation;
- (b) to make, in relation to the institution, the arrangements referred to in regulations 4(4) and 5(1) of these regulations:

Provided that in relation to the central institution known as the Dundee Institute of Art and Technology, the duty imposed on the governing body thereof by virtue of this regulation shall not fall to be discharged until such day as may be appointed for the purpose by regulations under section 81 of the Act.

Amendment of the Regulations of 1959

9. In regulation 14 of the Further Education (Scotland) Regulations 1959(a) as amended (b) after the word "Part" there shall be inserted the words "of these regulations or by the Central Institutions (Scotland) Regulations 1972".

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
15th November 1972.

Regulations 4(1) and 8

SCHEDULE

ACADEMIC COUNCILS

PART I

Manner of Appointment

1. The academic council of each central institution (hereafter called "the council") shall be appointed in such manner as to ensure that the council consists of—

- (a) the holders of the following posts in the institution, namely the posts of principal, vice-principal (if any), head of department and chief librarian (however designated) *ex officio* (hereafter called "members *ex officio* of council");
- (b) such number of members of the full-time academic staff of the institution as may be determined in accordance with paragraph 2 of this Schedule (hereafter called "elected members of council"); and
- (c) such number of persons, not exceeding 4, as have been co-opted by the council (hereafter called "co-opted members of council").

(a) S.I. 1959/477 (1959 I, p. 1068)

(b) The amending regulations are not relevant to the subject matter of these regulations.

In this paragraph the expression "head of department" includes any associate head of department or any Dean of a School and, in relation to a central institution having the post of head of school, means the holder of that post.

2. The elected members of council shall—

- (a) consist of such a number of persons as may be determined by the governing body of the institution, being not less than one-third and not more than two-thirds of the aggregate of members *ex officio* of council;
- (b) be elected by, and from among, members of the full-time academic staff of the institution who are not members *ex officio* or co-opted members of council;
- (c) be so elected in accordance with arrangements made by the persons holding office as members of the council immediately prior to the election and approved by the governing body;
- (d) hold office for such a period, not exceeding 4 years, as may be determined by the governing body; and
- (e) subject to the foregoing provisions of this paragraph, be eligible for re-election after the lapse of such period of time (not being less than one year) following the expiry of a period of office as may be determined by the governing body.

3. The co-opted members of council shall hold office for such a period, not exceeding 4 years, as may be determined by the governing body of the institution and shall be eligible to be co-opted again on the expiry of a period of office.

4. The principal of the institution shall be the chairman of the council.

PART II

Proceedings

5. The proceedings of the council shall be regulated by a scheme made by the council and approved by the governing body of the institution and the said scheme may provide for—

- (a) the appointment by the council of such committees, as they consider appropriate;
- (b) the co-option, subject to paragraph 1(c) of this Schedule, by the council of additional members (including, where they consider it appropriate, representatives of the students in attendance at the institution) of council, or of any committee thereof, for specific purposes; and
- (c) any other matters connected with the functions of the council.

6. Any scheme made and approved under paragraph 5 of this Schedule shall include provision for—

- (a) the appointment of a vice-chairman of the council; and
- (b) a minimum number of meetings of the council in each year.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to central institutions the governing bodies of which are grant-aided under section 75(c) of the Education (Scotland) Act 1962 and provide—

- (a) for the delegation by the governing bodies of such of their functions as are prescribed in the Regulations to academic councils;
- (b) for the appointment and regulation of the procedure of the councils;
- (c) for the discharge of prescribed functions of the governing bodies by the principals of the institutions;
- (d) for the payment by the governing bodies of pensions etc. to any member of staff who does not otherwise qualify for such pensions etc.;
- (e) for the implementation of the Regulations by the governing bodies;
- (f) for the amendment of conditions of grant under said section 75(c) and a consequential amendment to the Further Education (Scotland) Regulations 1959, as amended.

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