
STATUTORY INSTRUMENTS

1993 No. 558 (S.77)

EDUCATION, SCOTLAND

The University of Paisley (Scotland) Order of Council 1993

<i>Made</i>	- - - -	<i>8th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

At the Council Chamber, Whitehall

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships, in exercise of the powers conferred upon Them by sections 45 and 60 of the Further and Higher Education (Scotland) Act 1992(1) and all other powers enabling Them in that behalf, are pleased to order, and it is hereby ordered, as follows:

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. This Order may be cited as the University of Paisley (Scotland) Order of Council 1993 and shall come into force on 1st April 1993.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:

“the Act” means the Further and Higher Education (Scotland) Act 1992;

“the University” means the University of Paisley, being renamed as narrated in article 3 and being an institution designated under section 44 of the Act;

“the Court” means the governing body of the University constituted and incorporated by the Paisley College of Technology Scheme 1954(2), and renamed as narrated in articles 3 and 4;

“the governor” means a member of the Court of the University;

“the principal” means the principal and vice-chancellor or any person authorised, whether for the purposes of this Order or otherwise, for the time being to act as principal and vice-chancellor of the University and “vice-principal” shall be construed accordingly;

“the 1988 Regulations” means the Central Institutions (Scotland) Regulations 1988(3);

“the 1992 Regulations” means the Paisley College of Technology Scheme (Amendment) Regulations 1992(4); and

“the Senate” means the body of persons appointed in accordance with article 12.

(2) In this Order, unless the context otherwise requires, any reference to a numbered article, Part or Schedule shall be construed as a reference to the article, Part or Schedule, as the case may be, which bears that number in this Order, and any reference to a numbered paragraph in an article of, or Schedule to, the Order is to be construed as a reference to the paragraph bearing that number in that article or, as the case may be, that Schedule.

PART II

NAME

Name

3.—(1) The name of the institution, previously “Paisley College of Technology”, shall be “University of Paisley”(5).

(2) Accordingly, any reference in any agreement, deed, bond, instrument or other writing, operative or effective immediately before the effective date of this Order, to Paisley College of Technology or to The Governors of the Paisley College of Technology shall be read as a reference to the University of Paisley or, in accordance with article 4, to the Court of the University of Paisley, respectively, and any like reference to the College or to the Governors shall be construed accordingly; and no rights, interests, obligations or liabilities of any person shall be affected by the change of name of the institution or its governing body.

PART III

THE COURT

Name

4. The governing body, previously called “The Governors of the Paisley College of Technology”, shall be known as the “Court of the University of Paisley”.

(2) The 1954 Scheme was framed and confirmed by the Secretary of State and approved by Order in Council on 19th October 1954 under section 123 of the Education (Scotland) Act 1946 (c. 72) and relevant amendments are S.I. 1973/1811, S.I. 1988/1715 and S.I. 1992/1093.

(3) S.I. 1988/1715.

(4) S.I. 1992/1093.

(5) The name of the institution was changed in accordance with section 49 of the Act by resolution of the governing body on 10th March 1992 and consent of the Privy Council on 12th June 1992 with effect for any and all purposes from the commencement of this Order.

Functions

5.—(1) The general functions of the Court are to manage, administer and conduct the University for the objects of providing education, undertaking and carrying out research, promoting teaching, scholarship and research, and in furtherance of the foregoing functions:

- (a) to provide research, design, development, testing, laboratory, consultancy and other services by way of extension of or in connection with any of the objects of the University; and
- (b) to carry on any trade or business whatsoever calculated to carry out the objects of or to be for the well-being of the University,

in each case, in such manner and on such terms and conditions as it may determine.

(2) The Court shall carry out these functions without prejudice to any person on grounds of gender, race, religion or other belief and in a manner that promotes academic freedom.

Membership

6.—(1) Subject to article 15(2), the Court shall consist of the following:

- (a) *Ex Officiis governors*
 - (i) the principal and vice-chancellor;
 - (ii) the vice-principal; and
 - (iii) the president of the Students' Association.
- (b) *Appointed governors*
 - (i) Two governors appointed by the Senate from among the members of the full-time academic staff of the University who are members of the Senate;
 - (ii) one governor appointed by the Students' Association from among the matriculated students who are office-bearers of the Association;
 - (iii) not less than two and not more than four governors appointed by the Court including at least one person having experience of local government and at least one person having experience in the provision of education; and
 - (iv) such other governors being not less than eleven and not more than thirteen, as determined in accordance with paragraph (2), appointed by the Court from among persons appearing to them to have experience of, and to have shown capacity in, industrial, commercial or employment matters or the practice of any profession.
But no member of staff or matriculated student of the University shall be eligible to be appointed under paragraphs b(iii) and b(iv).
- (c) *Elected governors*
 - (i) One governor who shall be elected by the full-time academic staff of the University from among such staff; and
 - (ii) one governor who shall be elected by the full-time non-academic staff of the University from among such staff.

(2) The Court shall from time to time by resolution determine, subject to the limits stated in paragraph (1)(b)(iv), and to their remaining in an overall majority in the Court, the number of governors to be appointed under that paragraph. No such determination shall be effective unless made by a two-thirds majority of the whole Court.

(3) A resolution under paragraph (2) shall not have effect so as to terminate the appointment of any person who is a governor at the time when it takes effect.

(4) The Court shall make rules for the election of governors under paragraph (1)(c) which may be revoked and replaced or varied by further rules made by the Court.

(5) The Court shall appoint a chairman and a vice-chairman from among the governors appointed under paragraphs (b)(iii) and (b)(iv) only and for such times as it shall determine and for such duties as it shall prescribe.

(6) No failure or defect in the appointment of any governor and no vacancy in the office of governor shall prevent the Court from acting in the execution of its functions, nor shall any act or proceeding of the Court or of any committee appointed by it be invalidated or be illegal by reason of or in consequence of any such vacancy or of any such defect in the appointment of any one or more governors.

Period of office

7.—(1) No person other than an *ex officio* governor shall be appointed to the Court for a term of office of more than 4 years; and no person other than an *ex officio* governor shall be appointed to the Court where his term of office, if aggregated with any previous terms of office, whether served before or after the coming into force of this Order, would cause him to serve for more than 12 years in the Court.

(2) A person who has attained the age of 70 years shall not thereafter be eligible to take office, whether for a first or subsequent term, as a governor; provided that nothing in this article shall prohibit a person who attains the said age during a term of office as a governor from continuing as a governor until the expiry of that term.

(3) A governor shall be deemed to have vacated his office as governor, and the Court of which he was a member shall declare his place vacant, where he intimates in writing to the Court his resignation as a governor, or where the Court deems that his continuation would bring discredit upon the name of the University or in such other circumstances as the Court may determine and record in a standing order.

Powers

8. The powers of the Court shall be as set out in Schedule 1.

Reserved areas of Business

9. Where any meeting of the Court or of any committee of the Court is to consider the salary, conditions of service, appointment, promotion, suspension or dismissal of any member of staff of the University, any governors appointed under article 6(1)(a)(iii) and 6(1)(b)(ii) shall withdraw from the meeting or that part of the meeting, as the case may be, at which any such matters are to be considered unless invited to remain by virtue of a resolution of the other members of the Court or committee present at the meeting.

PART IV

CHANCELLOR, PRINCIPAL AND SENATE

Chancellor

10. There shall be a Chancellor, appointed by the Court for such a period or periods of office as it shall determine, who shall be the titular head of the University and who shall confer degrees, diplomas and other academic distinctions.

Principal and Vice-chancellor

11.—(1) There shall be a principal and vice-chancellor who shall be the chief academic and administrative officer and who shall have powers, in the absence of or during any vacancy in the office of Chancellor, to confer degrees, diplomas and other academic distinctions, and to appoint a deputy who shall have all powers of conferment in the absence of both the Chancellor and vice-chancellor.

(2) The principal shall be appointed by the Court in a manner to be determined by the Court from time to time.

(3) The Court shall make arrangements to secure that save as provided in paragraph (4) the functions of the Court, so far as relating to the organisation and management of the University and the discipline therein, shall be discharged on its behalf by the principal.

(4) The principal shall discharge the functions of the Court other than those which are delegated to the Senate by virtue of article 12 (4).

(5) In discharging the functions specified in paragraph (3), the principal shall be subject to the general control and direction of the Court but otherwise the principal shall have all the powers and duties of the Court in relation to those functions.

Senate

12.—(1) Subject to paragraph 2, the Court shall appoint, and maintain by further appointment, a Senate in the manner specified in Schedule 2, Part I.

(2) The proceedings of the Senate shall be regulated in accordance with Part II of Schedule 2.

(3) The Court shall make arrangements to secure that the Senate shall discharge the functions imposed on it by or under paragraph (4).

(4) The Court shall delegate to the Senate the functions of the Court relating to the overall planning, co-ordination, development and supervision of the academic work of the University, particularly those functions relating to the powers set out in Schedule 1 B(2), (3) and (8), and such other functions of the Court as the Court may determine, provided that all functions so delegated shall be discharged by the Senate subject to the general control and direction of the Court.

(5) In discharging the functions specified in paragraph (4), the Senate shall have all the powers and duties of the Court in relation to those functions and shall have the power to make any recommendation to the Court on such matters relating to those functions as the Senate may think fit.

PART V

VARIATIONS, REVOCATIONS, TRANSITIONAL PROVISIONS AND SAVINGS

Variations and revocations of provisions of the Paisley College of Technology Scheme 1954

13. The provisions of the Paisley College of Technology Scheme 1954 being, by virtue of article 14(4), the provisions of that Scheme as originally made, subject to the amendments made by the Paisley College of Technology (Amendment) Scheme 1973(6), are hereby varied or revoked, as the case may be, to the extent specified in Schedule 3.

Partial revocation of the 1988 Regulations

14.—(1) The 1988 Regulations shall cease to have effect insofar as they apply to the University.

(6) S.I. 1973/1811.

(2) In Schedule 2 to the 1988 Regulations, paragraph 10 relating to the Paisley College of Technology Scheme 1954 is hereby revoked.

(3) The 1992 Regulations are hereby revoked.

(4) The variations and revocations of provisions of the Paisley College of Technology Scheme 1954 effected by regulation 20 of the 1988 Regulations and the said paragraph 10 of Schedule 2 to those Regulations, and by the 1992 Regulations, shall cease to have effect and the provisions of that Scheme as originally made shall be restored subject to the amendments made by the Paisley College of Technology (Amendment) Scheme 1973 and subject to any variation or revocation effected by article 13.

(5) Nothing in this article shall have the effect of reviving any variation or revocation of provisions of the Paisley College of Technology Scheme 1954 which ceased to have effect in accordance with Regulation 21 of the 1988 Regulations.

Savings and transitional provisions

15.—(1) For the avoidance of doubt, nothing in this Order shall be taken to affect the continuance of the governing body as a body corporate in accordance with the Paisley College of Technology Scheme 1954.

(2) The determination of the number of governors to be appointed to the governing body made by the Secretary of State on 1st January 1989 shall have the like effect for the purposes of this Order as a determination by the Court under article 6(2).

(3) Any governors in office at the commencement of this Order in accordance with any provision of the 1988 Regulations shall continue as governors for the remainder of their period of office as if they had become governors in accordance with the corresponding provision of this Order.

(4) Any members of the Academic Council established under the 1988 Regulations in office at the commencement of this Order shall continue as members of the Senate established under article 12 for the remainder of their period of office.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE 1

Article 8

POWERS OF THE COURT

Without prejudice to the generality of its powers in the overall management of the University the Court shall have the following powers.

Administration of the Court

A.—(1) To determine the dates, times and places of its meetings, provided always that the Court shall hold at least four ordinary meetings per year and that at all the meetings of the Court nine members shall constitute a quorum.

(2) To draw up a scheme of standing orders to regulate the conduct of business, the notification of meetings, the transmission of agenda and minutes, and the rules for calling extraordinary meetings.

(3) To make such other regulations, byelaws and standing orders as it thinks fit for the exercise of any of its functions.

(4) To determine the form, custody and use of the common seal of the University.

(5) To determine the arrangements to be made for the execution and custody of all deeds and other documents belonging to it, for the deposit of money and the drawing of cheques.

(6) To make provision concerning vacation of the office of governor, to appoint and remove governors from time to time and to determine the method of appointment and removal from the Court.

(7) To appoint, from time to time, such committees of their own number as it deems expedient and to co-opt from outwith the Court to such committees, to regulate the business of the same, and to discharge and discontinue any committee so appointed.

(8) To delegate to any such committees such of its functions as it may consider expedient from time to time.

Academic

B.—(1) To admit students, and to prescribe the conditions for their admission, to all courses whether or not leading to the award of a degree or other academic distinction.

(2) To grant all such degrees, diplomas, certificates and such other academic awards or distinctions as may be granted by the University pursuant to section 48 of the Act and as the Court deems appropriate and to prescribe the conditions of their receipt.

(3) Subject to consultation with the Senate, to grant honorary degrees, fellowships and such other honorary academic distinctions including the titles of emeritus professor, honorary professor, honorary reader and honorary lecturer as it deems appropriate to such persons as fulfil the conditions which it may prescribe for the receipt of such awards.

(4) Subject to consultation with the Senate, to deprive a recipient of a degree, diploma, or any other academic distinction previously conferred by the University.

(5) To publish, print and provide for publication of any results of or other matter arising from or in connection with research and scholarship, to sell or otherwise supply or provide books, stationery and other goods as it deems appropriate.

(6) To institute, maintain and award fellowships, scholarships, studentships, prizes and other aids and encouragements to teaching and research, and to discontinue all such awards, provided that the name of William Bow shall be associated with one or more such awards.

(7) To frame such codes of discipline and regulations as are necessary or desirable for maintaining good order among the students of the University.

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(8) To frame such regulations as are necessary or desirable to maintain the academic freedom of staff and students in the University.

Affiliation

C.—(1) To merge with or to form relationships, associations or affiliations with other educational institutions and such other bodies both public and private as may be for the benefit of the University or necessary or desirable to carry out or further the objects of the University.

(2) To initiate, establish or acquire companies, whether charitable or commercial, alone or in association with any other persons or entities for the purpose of or in connection with any of the objects of the University or the functions of the Court.

Financial

D.—(1) To do any of the acts set forth in section 4 of the Trusts (Scotland) Act 1921(7) in so far as the said acts are not at variance with the functions of the Court.

(2) To invest in terms of the powers of investment conferred upon trustees by statute and the common law, provided always that it shall be in the power of the Court to continue to hold for such time as it thinks fit any or all of the property or investments transferred to it by section 9 of the Paisley College of Technology Scheme 1954, or which may be received by it, notwithstanding that the said property or investments may be outwith the said powers of investment.

(3) To receive donations, legacies, annuities, subscriptions and other gifts for the furtherance of its functions provided such donations, legacies, annuities, subscriptions and other gifts shall be applied in accordance with the directions of the respective testators or donors and in the absence of any specific direction relating thereto it shall be in the power of the Court to add any donation, legacy, annuity, subscription or other gift in whole or in part to the capital of the endowment or to apply the said donation, legacy, annuity, subscription or other gift in whole or in part towards defraying the expenditure of the Court in executing its functions.

(4) To receive and expend recurrent and capital funds, to lend money (with or without security), to borrow or raise money and to guarantee and give security for the payment of money or performance of any contract or obligation by the University, by the Court or by any other person, firm, company or body corporate (including any such person or entity associated with the University or the Court); and in exercising this power the Court shall cause accounts to be kept of income and expenditure and shall appoint auditors annually to audit the same.

(5) To levy and receive fees for all services, including the provision of courses (whether or not leading to a degree or other academic distinction) and each and any of the services referred to in article 5(1).

(6) To pay any of its members such financial loss, travelling and subsistence allowances as it thinks fit.

(7) To establish and maintain pension or superannuation schemes or funds for the benefit of, and to give or procure the giving of pensions, allowances, gratuities or emoluments to, any persons who are or were in the employment or service of the University or in whose welfare the University is or has been interested and the husbands, wives, widowers, widows, families, or dependants of, or others designated by, any such persons.

Organisational

E.—(1) To appoint a Chancellor, a principal, a vice-principal and such deputies as may be required from time to time.

(7) 1921 c. 58.

(2) To set up such departments, schools, faculties and other units of organisation for teaching and non-teaching staff and to attach thereto such functions, duties and powers as it deems appropriate.

(3) To institute and prescribe the conditions of service of such offices and positions as it deems appropriate, to appoint staff thereto and to discipline and remove staff both teaching and non-teaching, including the principal, either by suspension from or by termination of employment, and to frame such regulations as are necessary or desirable for maintaining good order amongst the staff of the University.

(4) To approve the constitution of, to maintain and liaise with an association representing the students of the University and to grant such sums of monies as it deems fit to any such association.

General

F.—(1) To provide, equip, maintain and promote the development of catering, residential, social and sports facilities, library and teaching support services for students and staff, and such other facilities of any kind as it may deem from time to time appropriate.

(2) To apply for letters patent, patent rights, copyrights, armorial bearings or other such rights alone or in conjunction with others.

(3) To keep a register of graduates of the University and to establish and maintain an association of the alumni of the University and of the former Paisley College of Technology and of any affiliated institution, and of former students of any institution merged with the University.

(4) To build, maintain, repair, restructure, alter, improve, enlarge or demolish any building or other property as it deems appropriate provided the Court shall retain the name “W B Barbour” in connection with a part of the University’s buildings.

(5) To acquire and dispose in any manner whatsoever of property and assets whether heritable property, including leases of heritable property, or moveable property, including shares or other obligations or securities or interests therein, and patents, licences, rights or privileges.

(6) To appoint such professional advisers as it deems appropriate.

(7) To purchase and maintain such insurance as it deems appropriate.

(8) To conduct legal proceedings.

(9) To provide for the indemnification by the University out of the Court’s funds, of each governor, principal, secretary or other officer or member of staff of the University, as it shall determine, against all costs, charges, losses, expenses and liabilities incurred by him in the execution or discharge of his duties, powers or office and to purchase and maintain liability and indemnity insurance for or for the benefit of such persons.

(10) To provide any facilities and to carry on any activities and to do all things which the Court considers necessary or desirable to enable it to carry out its functions or for the purpose of, or in connection with, the exercise of the foregoing powers, or any of them, and the carrying out of the objects of the University.

SCHEDULE 2

Article 12

SENATE

PART I

APPOINTMENT

1. The Senate shall consist of the following persons:

(a) *Ex Officiis members*

- (i) principal and vice-chancellor;
- (ii) vice-principal;
- (iii) secretary;
- (iv) assistant principals;
- (v) deans of faculty;
- (vi) chief librarian;
- (vii) heads of departments; and
- (viii) president of the Students' Association.

(b) *Co-opted members*

Such number of persons, not exceeding 4, as have been co-opted by the Senate.

(c) *Elected members*

- (i) Members of the full-time academic staff, in such number as shall be equal to, or to the nearest whole number equal to but not greater than, one half of the number of *ex officio* members; to be elected from among the full-time academic staff and from such groups of the full-time academic staff, any of which may but need not consist of all such staff, as the Court after consultation with the Senate deems appropriate, and to be so elected in accordance with arrangements made by the persons holding office as members of the Senate immediately prior to the election.
- (ii) One member who shall be a full-time matriculated student of the University and who shall be chosen by the full-time matriculated students of the University in a manner to be specified in a scheme made by the Students' Association and approved by the Court.
- (iii) From each faculty one member appointed by the faculty from among the full-time matriculated students of the faculty in a manner to be specified by the Court in consultation with the Senate.

2. Elected members from among the academic staff of the University and co-opted members shall hold office for a period not exceeding 4 years. Elected members from among the full-time matriculated students of the University shall hold office for a period not exceeding one year.

3. In paragraph 1 (a) the expression "heads of departments" includes such other staff as the Court deems of equivalent standing or otherwise appropriate.

4. All elected members of Senate are eligible for re-election on expiry of their period of office.

5. The principal shall be the chairman of the Senate.

PART II PROCEEDINGS

6. The proceedings of the Senate shall be regulated by a scheme made by the Senate and approved by the Court and the scheme may provide for:
- (a) the appointment by the Senate of such committees, as they consider appropriate; and
 - (b) the co-option, subject to Schedule 2 paragraph 1(b), by the Senate of additional members (including, where they consider it appropriate, representatives of the students in attendance at the University) of Senate, or of any committee thereof, for specific purposes and for any other matters connected with the functions of the Senate.
7. Any scheme made and approved under paragraph 6 shall include provision for:
- (a) the appointment of a vice-chairman of the Senate; and
 - (b) a minimum number of meetings of the Senate in each year.

SCHEDULE 3

Article 13

VARIATIONS AND REVOCATIONS OF PROVISIONS OF PAISLEY COLLEGE OF TECHNOLOGY SCHEME 1954

1. In section 1 (Interpretation) the definitions of terms other than “The Governors” and “the date of this Scheme” shall cease to have effect and there shall be inserted the following expressions and definitions: “the College” means the University of Paisley; “governing body” means the Court of the University of Paisley constituted and incorporated by this Scheme and renamed as narrated in article 4 of the 1993 Order; and “the 1993 Order” means the University of Paisley (Scotland) Order of Council 1993.

2. Within section 2 for “The Governors of the Paisley College of Technology” there shall be substituted the words “the Court of the University of Paisley”.

3. For section 3 there shall be substituted the following section:

“3 Application of the 1993 Order

3. This Scheme is amended by and shall be subject to the 1993 Order in respect of all matters provided for in that Order.”.

4. Within section 9 for “Paisley College of Technology” there shall be substituted the words “University of Paisley”.

5. Within section 36 for the words “provisions of section 14 of this Scheme” there shall be substituted the words “financial powers of the governing body”.

6. The following provisions are revoked:

Section 4 (Ex officio governors), Section 5 (Elected governors), Section 6 (Co-opted governors), Section 7 (Vacancies, resignations etc), Section 8 (Re-election etc, of governors), Section 10 (First meeting of governing body), Section 11 (Transfer of administration), Section 12 (Transfer of deeds, etc), Section 13 (Business arrangements), Section 14 (Administrative powers), Section 15 (Powers of investment), Section 16 (Occasional profits), Section 17 (Additional donations), Section 18 (Capital expenditure), Section 19 (Erection of buildings), Section 20 (Accounts), Section 21 (Audit), Section 22 (Regulations), Section 24 (Application of income), Section 25 (Provision of education in technology), Section 26 (Suspension of

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staff), Section 27 (Retiring allowances), Section 28 (Admission to the college), Section 29 (Award of diplomas, etc), Section 30 (Grant regulations), Section 31 (Affiliation, etc), Section 32 (Scholarships, etc), Section 37 (Withdrawal of scholarships, etc), and Section 38 (Printing) and Schedule 2 (Persons included among co-opted governors).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes new provision regarding the constitution, functions and powers of the Court of the University of Paisley, as governing body of that University, and the arrangements to be adopted by it in discharging its functions. It replaces most of the provisions of the Paisley College of Technology Scheme 1954, and also the provisions of the Central Institutions (Scotland) Regulations 1988 so far as relating to the University of Paisley.

The University of Paisley is an institution designated by the Secretary of State as eligible to receive support from the Scottish Higher Education Funding Council and was formerly known as Paisley College of Technology. It has adopted the name “University of Paisley” under section 49 of the Further and Higher Education (Scotland) Act 1992.

Part II provides for the name of the University and makes provision consequential on the change of name.

Part III provides for the name of the governing body, which will be the “Court of the University of Paisley”, and for its functions, composition, membership, powers and proceedings.

Part IV regulates the administration of the University. It provides for delegation to the principal of responsibility for discharging most of the functions of the governing body relating to the organisation and management of the University. It provides for appointment of a Senate and for delegation to it of the governing body’s functions regarding academic matters.

Part V makes consequential variations and revocations of existing instruments affecting the University, savings and transitional provisions.