
STATUTORY INSTRUMENTS

1994 No. 1980 (S.90)

EDUCATION, SCOTLAND

**The University of Abertay Dundee
(Scotland) Order of Council 1994**

<i>Made</i>	- - - -	<i>26th July 1994</i>
<i>Laid before Parliament</i>		<i>26th July 1994</i>
<i>Coming into force</i>	- -	<i>17th August 1994</i>

At the Council Chamber, Whitehall, the 26th day of July 1994
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 Abertay Dundee (Scotland) Order of Council 1994 and shall come into force on 17th August 1994.

Interpretation

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

“University” means the University of Abertay Dundee formerly known as Dundee Institute of Technology and renamed as narrated in article 3 being an institution designated under section 44 of the Act;

“University Court” means the governing body of the University of Abertay Dundee constituted as a body corporate by paragraph 3 of the 1975 Scheme and renamed as narrated in article 3;

“Senate” means the body of persons appointed in accordance with article 36;

“co-opted membership” means the membership of the University Court co-opted in accordance with article 7;

“core membership” means the membership of the University Court appointed in accordance with article 6;

“member” means a member of the University Court;

“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;

“secretary” means the person appointed to the office of secretary to the University Court;

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

“the 1988 Regulations” means the Central Institutions (Scotland) Regulations 1988(2);

“the 1975 Scheme” means the Dundee College of Technology Scheme 1975(3);

“the 1992 Order” means The Academic Awards and Distinctions (Scotland) Order of Council 1992(4).

(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, this 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

THE UNIVERSITY

Name

3.—(1) The name of the University, previously “Dundee Institute of Technology”, shall be “University of Abertay Dundee”(5), and the name of the governing body, previously “The Governors of Dundee Institute of Technology” shall be “the University Court of the University of Abertay Dundee”.

(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 Dundee Institute of Technology or The Governors of Dundee Institute of Technology shall be read as a reference to the University of Abertay Dundee or the University Court of the University of Abertay Dundee respectively and any like reference to the Institute 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 the governing body.

(2) S.I.1988/1715.

(3) S.I. 1975/698, amended by S.I. 1988/1715.

(4) S.I. 1992/1189, amended by S.I. 1993/555.

(5) The name of the University was changed in accordance with section 49 of the Act by resolution of the governing body on 28th January 1994, and consent of the Privy Council on 25th April 1994.

Objects of the University and general functions of the University Court

4.—(1) The objects for which the University shall be conducted are to provide education, to undertake and carry out research, and to make suitable and adequate provision for teaching, learning, scholarship and research.

(2) The University Court shall conduct the affairs of the University and carry out and promote its objects.

(3) The University Court may also—

(a) provide research, consultancy, development, design, testing and such other services in conjunction with or in relation to any of the objects of the University in such manner and on such conditions and terms as it may determine; and

(b) carry on any trade, business or other activity whatsoever which in its opinion may carry out the objects of or be for the benefit of or advance the interests of the University.

(4) The University Court shall exercise its functions without prejudice to any person on grounds of gender, race or religion.

PART III

UNIVERSITY COURT

The composition of the University Court

5. The University Court shall be composed of a core membership appointed in accordance with article 6 and a co-opted membership appointed in accordance with article 7.

Core membership

6.—(1) The core membership of the University Court shall be composed of—

(a) members of a number determined in accordance with paragraph (2), being not less than 9 and not more than 13, who shall be appointed by the core membership from among persons appearing to them to have experience of industrial, commercial or employment matters or the practice of any profession;

(b) the Principal and the Vice-Principal and the president of the students' association in the University, as members *ex officio*; and

(c) staff members appointed as follows—

(i) one who shall be 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 who shall be elected by the full-time academic staff of the University from among such staff; and

(iii) one who shall be elected by the full-time non-academic staff of the University from among such staff.

(2) The University Court shall from time to time by resolution determine, subject to the limits stated in paragraph (1)(a), the number of members to be appointed under that paragraph.

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

(4) Where a resolution under paragraph (2) increases the number of members to be appointed under paragraph (1)(a), the core membership of the University Court shall make additional appointments accordingly.

Co-opted membership

7.—(1) The University Court shall co-opt, subject to paragraph (2), not less than 2 and not more than 6 persons to serve as members, which co-opted membership shall include—

- (a) at least one person having experience of local government; and
- (b) at least one person having experience in the provision of education.

(2) The University Court may co-opt more than 2 members only if upon such co-option the members appointed under article 6(1)(a) remain in overall majority in the University Court.

Election of certain members

8.—(1) The University Court shall—

- (a) after consultation with the full-time academic staff of the University, make rules for the election of members to be elected by the full-time academic staff from among such staff under article 6(1)(c)(ii); and
- (b) after consultation with the full-time non-academic staff of the University, make rules for the election of members to be elected by the full-time non-academic staff from among such staff under article 6(1)(c)(iii).

(2) Any rules made by the University Court under paragraph (1) above may, after consultation with the full-time academic staff of the University, or with the full-time non-academic staff of the University, whichever is appropriate, be revoked and replaced, or varied, by further rules made by the University Court.

(3) The University Court shall be responsible for the holding and conduct of any election to be held for the appointment of members under article 6(1)(c)(ii) or (iii).

Appointment of Chairman and Vice-Chairman

9.—(1) The University Court shall appoint a Chairman and a Vice-Chairman from among the members appointed under article 6(1)(a).

(2) Any person appointed to the office of Chairman or Vice-chairman under paragraph (1)—

- (a) shall hold office but only while a member for such period as may be determined by the University Court;
- (b) may resign from office by intimation in writing to the secretary;
- (c) may be removed from office by resolution of the University Court; and
- (d) shall cease to hold office if deemed to have vacated office as a member under article 13.

- (a) (3) (a) The Chairman shall preside at meetings of the University Court, and in his absence the Vice-Chairman shall preside; and
- (b) in the absence of both the Chairman and the Vice-Chairman, the members of the University Court present may appoint a chairman from among the members appointed under article 6(1)(a) to preside at that meeting.

Period of office of members

10.—(1) Any member *ex officio* specified in article 6(1)(b) shall hold the office of such a member for the duration of his tenure of the office by virtue of which he is a member.

(2) Any member appointed to the University Court under article 6(1)(a) or (c) or co-opted to it under article 7 may be further appointed or co-opted to it on expiry of his term of office, if he is still eligible in accordance with this Order and his appointment is not precluded by paragraph (3).

(3) A person shall not be further appointed or co-opted to the University Court where his term of office, if aggregated with any previous terms of office, would cause him to serve for more than 12 years as a member.

(4) For the purposes of paragraph (3), term of office shall include any term of office as a member, whether served before or after the coming into force of this Order, and whether taken by appointment under article 6(1)(a) or (c) or co-option under article 7, or otherwise, but not any term of office served *ex officio* in terms of article 6(1)(b).

(5) The University Court shall make rules for the duration of the terms of office of members appointed under article 6(1)(a) or (c) or co-opted under article 7, which rules may be revoked and replaced, or varied, by further rules made by the University Court:

Provided that

- (a) no member shall be appointed or co-opted for a term of office of more than 4 years; and
- (b) no variation or revocation of rules for the duration of the terms of office of members shall effect so as to vary or terminate the period of office of any person who is a member at the time when said variation or revocation takes effect.

Age limit for members

11. 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 member:

Provided that nothing in this article shall prohibit a person who attains the said age during a term of office as a member from continuing as a member until the expiry of that term.

Ineligibility of staff to be members

12. A person shall be ineligible to be appointed or co-opted as a member, or, where appropriate, to remain in office as a member of staff of the University other than in the case of a member *ex officio* or a member appointed in accordance with article 6(1)(c).

Vacation of office of member

13. A member shall be deemed to have vacated his office as a member and the University Court shall declare his place vacant in any of the following circumstances:

- (a) where he intimates in writing to the secretary his resignation as a member of the University Court;
- (b) where his estate is sequestrated or a bankruptcy order is made against him or he has granted a trust deed for, or entered into an arrangement with, his creditors;
- (c) where, on consideration of the facts, the University Court concludes that he is unable to carry out his duties as a member by reason of physical or mental illness;
- (d) where he has failed to attend any meetings of the University Court or any of its committees or sub-committees for a period longer than six consecutive months otherwise than for a reason approved by the University Court;
- (e) in the case of a staff member whose appointment falls to be made under article 6(1)(c) either from among the members of the Senate or from the full-time academic or non-academic staff of the University, when he ceases to be a member of the Senate or the full-time academic or non-academic staff, as the case may be;
- (f) where in accordance with article 12 he becomes ineligible to remain in office as a member;

- (g) where, by a majority of not less than two-thirds of its total membership, the University Court for good reason, of which it shall have sole discretion, decides to remove a member, other than a member *ex officio*.

Filling of vacancies

14.—(1) Where the place of a member who has been appointed to the office of member under article 6(1)(a) has been declared vacant under article 13, or where such a member has died, the core membership shall appoint a member to fill the vacancy.

(2) Where the place of a member who has been appointed to the office of member under article 6(1)(c) has been declared vacant under article 13, or where such a member has died,—

- (a) in the case of a member appointed under article 6(1)(c)(i), the University Court shall intimate the vacancy to the Senate which shall appoint a member to fill the vacancy;
- (b) in the case of a member elected under article 6(1)(c)(ii) or (iii) an election shall be held to fill the vacancy in accordance with article 8 and the relevant rules made under it.

(3) Where the place of a member who has been co-opted to the office of member under article 7 has been declared vacant under article 13, or where such a member has died, the University Court shall co-opt a member to fill the vacancy if that is necessary to satisfy the requirements of article 7(1), and in other cases may so co-opt a member in accordance with article 7.

Meetings of University Court

15.—(1) The University Court shall hold at least 4 meetings in the year, at such times and places as it may determine.

(2) The Chairman or any 3 members may, for any cause which seems to him or them sufficient, require a special meeting to be convened by giving notice in writing to the secretary or other proper officer of the University Court specifying the business to be transacted, and the secretary or other proper officer shall within 15 working days of receipt of such requisition convene a special meeting.

(3) At least 7 days' notice of meetings shall be given and such notice shall specify the date, time and place of the meeting and the business to be transacted:

Provided that the Chairman of any member duly authorised by the Chairman may require the secretary to convene a meeting on less than 7 days' notice but no resolution or motion carried at that meeting shall be valid unless not less than two-thirds of the members present and voting have voted in favour of it or unless it is confirmed at any subsequent meeting on the usual notice being given.

Quorum of University Court

16.—(1) At all meetings of the University Court 9 members shall be a quorum and, subject to the proviso to article 15(3), all questions shall be determined by a majority of the members present. In any case where there is an equality of votes, the chairman of any meeting shall have a second or casting vote in addition to a deliberative vote.

(2) If at any time appointed for a meeting or if before the business of any meeting has been completed the number of members present is less than 9, the members present shall adjourn the meeting to such day or time as they may determine and the meeting may be reconvened on less than 7 days' notice being given.

Committees

17.—(1) The University Court may appoint such committees from its members as it thinks fit, appoint the convener of each committee, confer on each committee all such powers and give all such instructions as may appear expedient and fix the quorum of each committee.

(2) The University Court may appoint as additional members of any committee persons, not being members, whom the University Court deems specially fitted to assist in the work of such committee and any persons so appointed shall hold office for such period as the University Court may determine.

Reserved areas of business

18. Where any meeting of the University Court or of any committee of the University Court, as the case may be, is to consider any of the following matters, that is to say, the salary, conditions of service, appointment, promotion, suspension or dismissal of any member of the staff of the University, any member of the University Court who is a member *ex officio* by virtue of holding office as president of the students' association in the University in accordance with article 6(1)(b) and any member co-opted under article 7 who is a student in the University shall withdraw from the meeting or that part of the meeting, as the case may be, at which any of the said matters are to be considered, unless invited to remain by virtue of a resolution of the other members of the University Court or committee thereof, as the case may be, present at the meeting.

Validity of proceedings of the University Court

19. No failure or defect in the appointment or co-optation of any member and no vacancy in the office of member shall prevent the University Court from acting in the execution of its functions, nor shall any act or proceeding of the University 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 failure or defect in the appointment or co-optation of any one or more members.

Rules and standing orders

20. The University Court may make regulations, byelaws, rules and standing orders for the exercise of its functions under the provisions of this Order.

Execution of deeds

21. All deeds and other writings, sealed by the corporate seal and signed by two of the members and the secretary or other proper officer appointed for the purpose, shall be held to be validly executed on behalf of the University Court.

Minute book

22. A minute book shall be kept by the University Court and minutes of all proceedings of the University Court shall be entered therein.

Custody of deeds, etc.

23. The University Court shall make from time to time such arrangements as it thinks fit for the custody of all deeds and other documents belonging to the University Court.

PART IV

FUNCTIONS AND POWERS OF THE UNIVERSITY COURT

Powers

24. The University Court shall, subject to the provisions of this Order and the 1975 Scheme, have all the rights, powers and privileges necessary or expedient to enable it to carry into effect the objects of the University.

Fees and charges

25. The University Court may levy and receive fees and charges for all services, including the provision of courses (whether or not leading to a degree or other academic distinction).

Maintenance of discipline

26. The University Court shall have the power to frame such codes of discipline and such regulations as are necessary or desirable for maintaining good order within the University.

Admission to the University

27. The University Court shall prescribe conditions for admission and attendance:

Provided that it shall be in the power of the University Court to exclude any person from the University or part thereof if, in the opinion of the University Court, the admission or attendance of the said person would be likely to prejudice the efficiency or development of the University.

Award of degrees, diplomas, etc.

28.—(1) The University Court shall have the power—

- (a) to grant degrees, diplomas, certificates and such other academic awards and distinctions as it deems appropriate and which may be conferred by the University pursuant to the 1992 Order, and
- (b) to award honorary degrees and honorary fellowships to such persons as fulfil the conditions which it may prescribe for the receipt of such awards.

(2) The University Court shall have the power, subject to consultation with Senate, to deprive a recipient of a degree, diploma, certificate or other academic award or distinction previously conferred by the University under paragraph (1).

Structure and organisation

29. The University Court shall set up such departments, faculties, schools, centres and other units of organisation in regard to both the academic and non-academic requirements and functions of the University, and shall attach thereto such functions, duties, responsibilities and powers as it deems appropriate or necessary.

Students' association

30. The University Court shall—

- (a) in consultation with representatives of students attending the University make a scheme for the constitution and functions of an association representing the students of the University,

which scheme shall include rules under which that association shall be entitled to make representations to the University Court; and

- (b) approve the constitution of and maintain and liaise with such association and grant such monies as it deems fit to such association.

Appointment and conditions of service

31.—(1) The University Court shall—

- (i) appoint a Chancellor to be the titular head of the University who shall confer degrees, diplomas and other academic distinctions;
- (ii) appoint a Principal and Vice-Chancellor as the chief academic and executive officer of the University who shall, in the absence of or during vacancy in the office of, the Chancellor fulfil such of the functions undertaken by the Chancellor as may be prescribed by the University Court;
- (iii) appoint a Vice-Principal who shall have such powers as may be vested in him from time to time by the University Court and who shall undertake, in the absence of or during vacancy in the office of, the Chancellor and the Principal, such of the functions undertaken by the Chancellor as may be prescribed by the University Court; and
- (iv) appoint such other staff, both academic and non-academic, as it deems appropriate or necessary.

(2) The power of appointment specified in paragraph (1) above shall include a power to prescribe the salaries and conditions of service of such posts and a power to discipline and remove staff, both academic and non-academic, at all levels either by suspension from or termination of the appointment.

(3) The person appointed to the office of Chancellor under paragraph (1)(i) above shall not be an employee of the University Court but the powers under paragraph (2) above shall apply in relation to that office as they apply to the posts specified in paragraph (1)(ii), (iii) and (iv) above.

(4) The University Court shall appoint one person appointed under paragraph (1)(iv) above to hold the office of secretary and in that capacity to fulfil such duties as may be prescribed by the University Court.

Pensions, allowances and gratuities for staff

32.—(1) Subject to the following provisions of this article, the University Court shall have power to pay such sum or sums by way of pension, allowance or gratuity as it may think fit to—

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

in respect of any period of such member of staff's service in the employment of the University Court.

(2) In paragraph (1) the reference to the permanent incapacity of a member of staff of the University 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 University Court, renders that member of staff permanently incapable of continuing to serve efficiently in its employment.

(3) A pension, allowance or gratuity under this article 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 monies provided by Parliament or by a local authority out of any tax, charge or rate levied by them.

(4) In paragraph (3) the reference to “any other pension” does not include a retirement pension under Part II of the Social Security Contributions and Benefits Act 1992⁽⁶⁾ and the reference to “like benefit” does not include any other benefit under that Act.

(5) In paragraph (1) the reference to “service in the employment of the University Court” shall include reckonable service in the employment of the University Court or its predecessors.

Allowances to members of the University Court

33. The University Court may pay to any of its members such financial loss allowances and travelling and subsistence allowances as it considers appropriate.

General and miscellaneous

34. The University Court shall have the power—

- (a) to provide, equip, maintain, administer and otherwise promote the development of residential, catering, chaplaincy, sports, social and recreational facilities, library and teaching support services for staff and students;
- (b) to establish and maintain an association of former students of the University;
- (c) to acquire and take over the whole or any part of the business of any person, firm, company or body corporate or any rights or property suitable for the functions of the University Court or for any of the objects of the University;
- (d) 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 University Court;
- (e) to apply for letters patent, patent rights, licences, trade marks, trade names, designs, inventions, copyrights or secret processes in its own right or in conjunction with others;
- (f) to publish, print or provide for publication in any form of media any result of or matter arising from or in connection with research or scholarship and to sell or otherwise provide or supply books, publications and other goods as it deems appropriate;
- (g) to sell, let, hire, feu, lease, license, charge or grant security over, give in exchange or otherwise dispose of all or any part of the business, property, assets and liabilities of the University Court;
- (h) to institute, provide, maintain and award fellowships, studentships, scholar- ships, prizes and other encouragements to teaching and research and to vary and withdraw the same as it deems appropriate;
- (i) to arrange for the association or affiliation by the University with any educational institution or association having objects wholly or partly similar to those of the University and with such other bodies public and private as may be necessary or desirable to carry out or further the objects of the University, all on such terms and conditions as may be arranged;
- (j) to enter into arrangements or co-operate with any persons, educational institutions, schools, associations or public and private bodies having objects wholly or partly similar to those of the University for the purposes of or for purposes incidental to the functions of the University Court upon such terms and conditions as may be arranged;

(6) 1992 c. 4.

- (k) to build, alter, exchange, improve, lease, demolish or dispose of any building as it deems appropriate;
- (l) to effect such insurances against such risks as it deems appropriate;
- (m) to appoint such professional advisers as it deems appropriate; and
- (n) to conduct legal proceedings.

PART V

MANAGEMENT OF THE UNIVERSITY

Discharge of functions by the Principal

35.—(1) The University Court shall make arrangements to secure that such of its functions as are specified in paragraph (2) shall be discharged on its behalf by the Principal.

(2) In pursuance of arrangements made under paragraph (1) the Principal shall discharge the functions of the University Court (other than those delegated to the Senate by virtue of article 36(3) of this Order) relating to the organisation and management of the University and to the discipline therein.

(3) In discharging the functions specified in paragraph (2), the Principal shall be subject to the general control and direction of the University Court but otherwise the Principal shall have all the powers and duties of the University Court in relation to those functions.

Senate

36.—(1) The University Court shall appoint, and maintain by further appointment, a Senate in the manner specified in Part I of Schedule 1.

(2) The proceedings of the Senate shall be regulated in accordance with Part II of Schedule 1.

(3) The University Court shall delegate to the Senate the following of its functions—

- (a) the functions of the University Court relating to the overall planning, co-ordination, development and supervision of the academic work of the University; and
- (b) such other functions of the University Court as may be assigned to the Senate by the University Court:

Provided that the functions specified in this paragraph shall be discharged by the Senate subject to the general control and direction of the University Court.

(4) In discharging the functions specified in paragraph (3), the Senate shall have all the powers and duties of the University Court in relation to those functions and shall have the power to make any recommendation to the University Court on such matters relating to those functions as the Senate may think fit.

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

PART VI

FINANCIAL ARRANGEMENTS

Financial arrangements

37. Subject to any conditions which may be imposed on the University Court as conditions of payment of grant to it, the University Court shall make such arrangements as are appropriate and as it thinks fit for the conduct of the financial affairs of the University.

Constitution of funds

38.—(1) The University Court shall keep such accounts (including capital and revenue accounts) and funds as are necessary for the proper and efficient conduct of its business and shall in particular maintain a general fund and a general income and expenditure account and shall identify within that fund and that account to the extent necessary or appropriate as the case may be capital and revenue entries as may be attributable to specific endowments or funds.

(2) The University Court shall be entitled to 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.

(3) The University Court shall invest monies which it holds and which are not immediately required for the purposes of its activities in such accounts, investments and securities and in such manner as may from time to time be considered by the University Court to be advantageous with power to dispose of and vary such accounts, investments and securities as might be necessary or desirable.

The general fund

39.—(1) All fees collected by the University Court, all grants received by it from public funds, and any miscellaneous income accruing to it from any other source shall be added to the income of the general fund.

(2) The University Court shall out of the income of the general fund—

- (a) defray the necessary expenses of administration and the burdens and taxes affecting the general fund; and
- (b) meet the expenditure incurred by it in the exercise of its functions under Parts IV and V of this Order.

(3) The University Court shall receive and expand the recurrent and capital funds and may lend money (with or without security), borrow or raise money, guarantee and give security for the payment of money or the performance of obligations of any kind by the University, the University Court, or any other person, firm, company or body corporate (including any such person or entity associated with the University or the University Court) and in particular but without prejudice to the generality of the foregoing may guarantee and give security by way of mortgage, charge, standard security, lien or other security upon the whole or any part of the property and assets (whether present or future) of the University and in exercising this power the University Court shall cause accounts to be kept of income and expenditure and shall appoint auditors annually to audit the same.

(4) All monies borrowed under the preceding paragraph shall be repaid from the income of the general fund within such number of years not exceeding 60 as the University Court may determine to be reasonable having regard to the purposes for which the said monies were borrowed and any interest payable on the said borrowed monies shall be paid from the income of the said fund.

(5) The University Court may use, for any purpose for which under paragraph (3) it has power to borrow, any monies forming a part of the capital of any separate fund forming part of the general

fund constituted or administered under this Order, and where such monies are so used the following provisions shall have effect—

- (a) the monies so used shall be repaid in accordance with paragraph (4), and
- (b) amounts equal to the interest, at a rate equivalent to the base lending rate of the Scottish clearing banks for the time being or such other appropriate lending rate, on the monies so used and for the time being not repaid shall be paid from the revenue of the general fund to the revenue of any separate fund of which such monies form a part:

Provided that this paragraph shall not apply to any such monies forming a part of the capital of the general fund.

Additional funds

40. The University Court may receive and accept donations, legacies, covenants, annuities, subscriptions, gifts and other income for the furtherance of the objects of the University (hereinafter referred to as “additional funds”) and such additional funds shall be applied in accordance with the directions of the respective testators or donors so far as operable and, subject to the terms attaching thereto, it shall be in the power of the University Court to apply such additional funds in whole or in part to the capital funds held by it or to apply such additional funds in whole or in part towards defraying the expenditure of the University Court in carrying out its functions.

PART VII

VARIATIONS, REVOCATIONS, TRANSITIONAL PROVISIONS AND SAVINGS

Variation and revocation of provisions of the 1975 Scheme

41. The provisions of the 1975 Scheme (being, by virtue of article 42(3), the provisions of that Scheme without any variation or revocation effected by the 1988 Regulations) are hereby varied or revoked, as the case may be, to the extent specified in Schedule 2 to this Order.

Partial revocation of the 1988 Regulations

42.—(1) The 1988 Regulations are hereby revoked insofar as they apply to the University.

(2) In Schedule 2 to those Regulations, paragraph 2 relating to the 1975 Scheme is hereby revoked.

(3) The variation and revocation of provisions of the 1975 Scheme effected by regulation 20 of the 1988 Regulations and the said paragraph 2 of Schedule 2 to those Regulations shall cease to have effect and the provisions of the 1975 Scheme shall be restored, subject to any variation or revocation effected by article 41.

Savings and transitional provisions

43.—(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 1975 Scheme.

(2) The determination of the number of members to be appointed to the core membership of the government body of Dundee Institute of Technology made by the Secretary of State on 1st January 1989 and the resolution varying that determination made by the government body on 28th January 1994 shall have the like effect for the purposes of this Order as a determination under article 6(2).

(3) Any members in office as Governors of Dundee Institute of Technology at the commencement of this Order in accordance with any provision of the 1988 Regulations shall continue as members

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of the University Court for the remainder of their period of office as if they had become members in accordance with the corresponding provision of this Order.

(4) Any member of the academic council of Dundee Institute of Technology established under the 1988 Regulations in office at the commencement of this Order shall continue as a member of the Senate established under article 36 for the remainder of his period of office.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE 1

Article 36

SENATE

PART I

Appointment

1. The Senate shall be appointed in such manner as to ensure that the Senate includes—
 - (a) the holders of the following posts in the University, namely the posts of Principal, Vice-Principal, assistant principal, head of department, the president of the students' association and chief librarian *ex officio* (hereafter called “members *ex officio* of the Senate”);
 - (b) such number of members of the full-time academic staff and matriculated students of the University as may be determined in accordance with paragraph 2 of this Schedule (hereafter called “elected members of the Senate”);
 - (c) such number of persons, not exceeding 4, as may be co-opted by the Senate (hereafter called “co-opted members of the Senate”); and
 - (d) such other persons or categories of person as the University Court may approve.

In this paragraph, for the purposes of *ex officio* membership of Senate, the expression “head of department” means the head of an academic department or school or its or their equivalents or, as may be approved by the Senate, the head of an associated or affiliated institution.

2. The elected members of the Senate shall—
 - (a) consist of such a number of persons (including one full-time matriculated student of the University) as may be determined by the University Court, being not less than one-third and not more than two-thirds of the aggregate of members *ex officio* of the Senate;
 - (b) be elected by, and from among, members of the full-time academic staff and matriculated students of the University who are not members *ex officio* or co-opted members of the Senate;
 - (c) be so elected in accordance with arrangements made by the persons holding office as members of the Senate immediately prior to the election and approved by the University Court except in the case of the full-time matriculated student who shall be elected by full-time matriculated students of the University in a manner to be specified in a scheme made by the students' association of the University and approved by the University Court;
 - (d) in the case of members of the full-time academic staff, hold office for such a period, not exceeding 4 years, as may be determined by the University Court, and in the case of the full-time matriculated student hold office for a period not exceeding one year; and
 - (e) subject to the foregoing provisions of this paragraph, be eligible for re-election.
3. The co-opted members of the Senate shall hold office for such a period, not exceeding 4 years, as may be determined by the University Court of the University and shall be eligible to be co-opted again on the expiry of a period of office.
4. The Principal shall be the Chairman and the Vice-Principal shall be the Vice-Chairman of the Senate.

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PART II

Proceedings

5. The proceedings of the Senate shall be regulated by a scheme made by the Senate and approved by the University Court and the said scheme may provide for—

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

6. Any scheme made and approved under paragraph 5 shall include provision for a minimum number of meetings of the Senate in each year.

SCHEDULE 2

Article 41

REVOCATION AND VARIATION OF PROVISIONS OF DUNDEE COLLEGE OF TECHNOLOGY SCHEME 1975

PART I

Revocations

The following paragraphs of the 1975 Scheme are revoked by this Order:

paragraphs 4 to 25 inclusive, 28, 29, 30, 32 to 42 inclusive, 44 to 48 inclusive, 53, 55 and Schedule 2.

PART I

Variations

Paragraphs	Variations
2	For the definition of “College” and “governing body” there shall be substituted the following definitions: ““College” means the University of Abertay Dundee”; ““governing body” means the University Court of the University of Abertay Dundee”.
2A	After paragraph 2 there shall be inserted the following paragraph: “Application of the University of Abertay Dundee (Scotland) Order of Council 1994. 2A. This scheme is amended by and shall be subject to the University of Abertay Dundee (Scotland) Order of

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Paragraphs	Variations		
	Council 1994 in respect of all matters provided for in that Order.”.		
3	For the words ““The Governors of Dundee College of Technology” there shall be substituted the words “the University Court of the University of Abertay Dundee”.”.		
43	In sub-paragraph (2) the words “, having obtained the prior approval of the Secretary of State.” shall be deleted.		
49	(i) For sub-paragraph (1) there shall be substituted the following sub-paragraph: “(1) The University Court shall award annually from the income of the Prizes Fund the prizes named in column (2) of Schedule 3 under such special conditions as are specified in column (4) of the said Schedule. The sums to be expected each year on the respective prizes shall be those shown in column (3) of the said Schedule.”; and (ii) There shall be added the following sub-paragraph: “(5) The University Court may conjoin any two or more of the prizes, provided that the special conditions for the award of the prizes to be conjoined are fulfilled to the extent that is possible and that suitable acknowledge- ment of the original donors is made in describing the conjoined prize.”.		
Schedule 3	(i) column 3 shall be deleted and columns 4 and 5 shall be renumbered as columns 3 and 4 respectively; and (ii) there shall be inserted after serial number 2 the following entry:		
(1)	(2)	(3)	(4)
2A	Mars Prize	£150	The prize or prizes shall be awarded annually to students in engineering who have shown outstanding ability in a year of the

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(1)	(2)	(3)	(4)
			course other than the final year.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes new provisions regarding the constitution, functions and powers of the University Court of the University of Abertay Dundee, and the arrangements to be adopted by it in discharging its functions. It replaces most of the provisions of the Dundee College of Technology Scheme 1975, and also the provisions of the Central Institutions (Scotland) Regulations 1988 so far as relating to the former Dundee Institute of Technology.

The University of Abertay Dundee is an institution designed under the Further and Higher Education (Scotland) Act 1992 by the Secretary of State as eligible to receive support from the Scottish Higher Education Funding Council.

Part II provides for the name of the University and the University Court and makes provision consequential on the change of name. It also sets out the objects of the University and the general functions of the University Court.

Part III provides for the composition, membership and proceedings of the University Court.

Part IV makes detailed provision for the functions and powers of the University Court.

Part V regulates the management of the University. It provides for delegation to the Principal of responsibility for discharging most of the functions of the University Court relating to the organisation and management of the University, and it further provides for appointment of a Senate and for the delegation to it of the University Court’s functions regarding academic matters.

Part VI makes provision for the financial arrangements of the University.

Part VII makes consequential revocations and amendments of existing instruments affecting the University and makes savings and transitional provisions.