
STATUTORY INSTRUMENTS

1994 No. 1980

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

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-opted 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.