
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 163

EDUCATION

The Abertay University (Scotland) Order of Council 2019

Made - - - - - *15th May 2019*
Laid before the Scottish
Parliament - - - - - *17th May 2019*
Coming into force - - - - - *1st September 2019*

At the Council Chamber, Whitehall, the 15th day of May 2019
By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships make the following Order in exercise of the powers conferred by sections 45 and 60(3) of the Further and Higher Education (Scotland) Act 1992(1) and all other powers enabling them to do so.

PART 1

Citation, commencement and interpretation

Citation and commencement

1. This Order may be cited as the Abertay University (Scotland) Order of Council 2019 and comes into force on 1 September 2019.

Interpretation

2. In this Order—

“the 2016 Act” means the Higher Education Governance (Scotland) Act 2016(2),

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

“Chair of Court” means the person referred to in article 8(a),

“objects of the University” means the objects of the University as set out in article 4,

(1) 1992 c.37.

(2) 2016 asp 15.

(3) S.I. 1975/698, as amended by schedule 2 of S.I. 1994/1980. The 1975 Scheme had previously been amended by S.I. 1988/1715, but S.I. 1988/1715 was revoked by article 42 of S.I. 1994/1980, insofar as it applied to the University, and the previous amendments to the 1975 Scheme ceased to have effect.

“Principal” means the Principal and Vice-Chancellor referred to in article 17 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,

“Senate” means the body referred to in article 20,

“University” means Abertay University, a designated institution under section 44 of the Further and Higher Education (Scotland) Act 1992⁽⁴⁾ and renamed in accordance with section 49 of that Act as narrated in article 3,

“University Court” means the governing body of the University constituted as a body corporate by paragraph 3 of the 1975 Scheme⁽⁵⁾ and renamed as narrated in article 3,

“Vice-Principal” means a Vice-Principal and Deputy Vice-Chancellor referred to in article 18.

PART 2

The University

Name

3.—(1) The name of the University, previously “University of Abertay Dundee”, “Dundee Institute of Technology” and “Dundee College of Technology”, is Abertay University⁽⁶⁾.

(2) The name of the governing body of the University, previously “the University Court of the University of Abertay Dundee”, “The Governors of Dundee Institute of Technology” and “The Governors of Dundee College of Technology”, is the University Court of Abertay University.

(3) The change of names effected by paragraphs (1) and (2) does not affect the rights or obligations of any person or render defective any legal proceedings and any reference in any agreement, instrument or document or other writing in force or in existence immediately before the coming into force of this Order to—

- (a) the University of Abertay Dundee, the Dundee Institute of Technology or the Dundee College of Technology,
- (b) the University Court of Abertay University, The Governors of Dundee Institute of Technology or The Governors of Dundee College of Technology,

is to be read as a reference to Abertay University or the University Court of Abertay University as appropriate.

Objects of the University

4. The objects of the University are to provide education, to undertake and carry out research and to make suitable and adequate provision for teaching, learning, scholarship and research.

⁽⁴⁾ Section 44 was amended by paragraph 6(1)(c) of schedule 3 of the Further and Higher Education (Scotland) Act 2005 (asp 6).

⁽⁵⁾ Paragraph 3 was amended by schedule 2 of S.I. 1994/1980.

⁽⁶⁾ The name of the University was changed to Abertay University in accordance with section 49 of the Further and Higher Education (Scotland) Act 1992 by resolution of the University Court dated 14 November 2018 and consent of the Privy Council dated 6 February 2019.

PART 3

The University Court

Powers and functions of the University Court

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

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

Delegation of powers, functions and duties of the University Court

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

(2) The University Court is not to delegate—

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

Financial arrangements

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

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

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

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

Composition of the University Court

8. The membership of the University Court is to be composed of—

- (a) the Chair of Court, being the person appointed by the University Court to the position of senior lay member by virtue of section 8 of the 2016 Act,
- (b) the Principal,

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

Appointment of Chair of Court

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

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

Appointment and role of Vice-Chair

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

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

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

Elections to University Court

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

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

Nominations to University Court

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

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

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

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

Term of office of members

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

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

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

Resignation and removal of members from office

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

Conflicts of interest

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

PART 4

Appointments

Appointment of Chancellor

16. The University Court is to appoint a Chancellor to be the titular head of the University who is to confer degrees, diplomas and other academic distinctions and who is not to be an employee of the University.

Appointment of Principal and Vice-Chancellor and discharge of functions

17.—(1) The University Court is to appoint a Principal and Vice-Chancellor as the chief academic and executive officer of the University.

(2) The University Court is to make arrangements for the Principal to carry out any of its functions relating to the organisation, management and discipline of the University as the University Court may prescribe.

(3) In discharging those functions, the Principal has all the powers and duties of the University Court in relation to those functions but is subject to the University Court's general control and direction.