
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 160

EDUCATION

The Napier University (Scotland) Order of Council 1993 Amendment Order of Council 2007

<i>Made</i>	- - - -	<i>2nd March 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th March 2007</i>
<i>Coming into force</i>	- -	<i>1st August 2007</i>

At the Council Chamber, Whitehall, the 2nd day of March 2007
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 of all other powers enabling Them in that behalf, order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Napier University (Scotland) Order of Council 1993 Amendment Order of Council 2007 and shall come into force on 1st August 2007.

(2) In this Order “the 1993 Order” means the Napier University (Scotland) Order of Council 1993⁽²⁾.

Amendments to the Napier University (Scotland) Order of Council 1993

1.—(1) The 1993 Order is amended as follows.

(2) In article 2(1) (interpretation)–

(a) before the definition of “the Act” insert the following definitions–

““academic staff eligible to participate in elections” means all persons employed under permanent academic contracts that are either full time or part time;

“non academic staff eligible to participate in elections” means all persons employed under permanent non academic contracts that are either full time or part time;”;

(b) for the definition of “the students” substitute–

(1) 1992 c. 37.

(2) S.I. 1993/557.

““the students” means all enrolled students of the University or sabbatical officers of the Students' Association;”.

(3) For article 3 (the court), substitute—

“The Court

3.—(1) The Court shall be the governing body of the University, and shall administer it for the objects of providing education, carrying out research, and promoting teaching, research and general scholarship.

(2) Subject to paragraph (3), the Court shall consist of—

- (a) one person to be appointed by the Chancellor who shall act as Assessor to the Chancellor;
- (b) the Principal and Vice Chancellor referred to in article 5;
- (c) any Vice Principal referred to in article 9, subject to the following:—
 - (i) no more than three Vice-Principals may serve on the Court; and
 - (ii) where there are more than three Vice-Principals of the University at any time, the Principal and Vice-Chancellor shall appoint the three Vice-Principals to serve on the Court;
- (d) three members of the staff of the University to be appointed or elected as follows—
 - (i) one who shall be appointed by the Academic Board from the members of the academic staff of the University who are members of the Academic Board, and who shall be below the level of Head of Department;
 - (ii) one who shall be elected by and from among the academic staff of the University eligible to participate in elections; and
 - (iii) one who shall be elected by and from among the non academic staff of the University eligible to participate in elections;
- (e) the President of the Students' Association and one other office bearer of the Students' Association to be selected by that Association in accordance with the scheme referred to in article 7(4); and
- (f) persons appointed by the Court reflecting a variety of different interests and experience, including those with experience in the provision of education, local government, industrial, commercial or employment matters or the practice of any profession, being not less than 12 nor more than 15 persons as the Court may from time to time determine.

(3) It shall be competent for the Court (on a two-thirds majority of its whole members) from time to time to vary the number of persons to be appointed or elected under any of paragraph 2(c) to (f), provided that—

- (a) no category referred to in paragraph 2(c) to (f) shall cease to be represented on the Court; and
- (b) those persons appointed under paragraph 2(f) shall remain in overall majority in the Court.

(4) Other than those members of the staff of the University appointed or elected to the Court under paragraph (2)(b), (c) and (d), no member of staff of the University shall be eligible for appointment to the Court. Those members of staff appointed or elected under paragraph (2)(b), (c) and (d) shall continue to receive payments from the University in terms of their contracts of employment.

(5) In carrying out the University's objects, the Court shall be entitled to carry on any activity of any type, in particular the functions and powers of the Court as set out in Schedule 1, and those activities and functions shall be exercised without prejudice to any person on grounds of gender, race, age, disability, sexual orientation, religion or other belief and in a manner which promotes academic freedom.

(6) No failure or defect in the appointment or election of any member of the Court and no vacancy in the office of a member of the Court 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 defect in the appointment or election of any member of the Court or of any such vacancy in the office of a member of the Court.

(7) No person other than an *ex officio* member shall be appointed or elected to the Court for a term of office of more than 4 years.

(8) Subject to paragraph (9), no person other than an *ex officio* member shall be appointed or elected to the Court for a term of office that, if aggregated with any previous term of office, whether served consecutively or non consecutively, would exceed a period of 9 years.

(9) Where a person other than an *ex officio* member has, at any time during a period of appointment or election to the Court, been elected as Chair of the Court⁽³⁾, the maximum aggregate period for the purposes of paragraph (8) is 12 years.

(10) For the purposes of paragraphs (7), (8) and (9)–

- (a) “*ex officio* member” is a member referred to in article 3(2)(a), (b) or (c); and
- (b) “term of office” shall include any term of office as a member, including any period of office as Chair of the Court whether served before or after the coming into force of this Order.”.

(4) In article 7 (the Students' Association) each time it occurs and article 13(4) (savings and transitional provisions) where it second occurs, for “Council”, substitute “governing body”.

(5) Article 8 (the Graduates' Association) is revoked.

(6) In article 9(1) (staff), for “Assistant Principles” substitute “Assistant Principals”.

(7) In article 10 (prizes and bequests), for “funds to which Schedule 3 hereto relates, apply the free income of each fund for the purposes specified in column (3) of the said Schedule against the name of that fund”, substitute “prize funds within its powers, apply the free income of each fund for the purposes for which it was established”.

(8) In Schedule 1, Part B (administration)–

- (a) in paragraph (6) for “3(2)(g)” substitute “3(2)(f)”; and
- (b) in paragraph (10) omit “including limitations by reason of age”.

(9) For Schedule 2 (the Academic Board), substitute–

“SCHEDULE 2

Article 6(1)

THE ACADEMIC BOARD

1. The Academic Board shall comprise the following:

- (a) *ex officio* members–
 - Principal and Vice Chancellor
 - Vice Principals

(3) The Chair is elected by and from among the members of the Court in terms of the Court's Standing Orders of 18th June 2001, as amended.

University Secretary
Deans of the University
Director of Educational Development
Director of Learning Information Services
Director of Lifelong Learning
Director of Quality Enhancement Services
Director of the Graduate School

(b) Elected members–

One member of academic staff from each School elected by and from that School⁽⁴⁾
(excluding the Head of School)

One Senior Lecturer/Reader from each Faculty elected by and from that Faculty

One member elected by and from among the Professoriate

One member elected by and from among Teaching Fellows/Senior Teaching Fellows

One Associate Dean from each Faculty elected by and from that Faculty

One Head of School from each Faculty elected by and from that Faculty

(c) Student representatives–

The President of the Students' Association, or a sabbatical officer of the Students' Association nominated by the President

One student from each Faculty nominated by the Students' Association

2. The elected members shall be members of the full time or part time academic staff of the University employed under permanent contracts and the student representatives (other than the Sabbatical Officer) shall be matriculated students at the University.

3. The elected members shall hold office for such a period, not exceeding 4 years, as may be determined by the Academic Board, and the student representatives shall hold office for a period not exceeding 1 year.

4. The elected members shall be eligible for re election.”.

(10) Schedule 3 (special funds connected with the University) is revoked.

Meriel McCullagh
Deputy Clerk of the Privy Council

(4) The Schools are the primary teaching groups of the University established under Part C(4) of Schedule 1 to the 1993 Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Napier University (Scotland) Order of Council 1993 (S.I. [1993/557](#)) (“the 1993 Order”) in respect of the provisions regarding the constitution, functions and powers of the Court of Napier University, as governing body of that University, and the arrangements to be adopted by the governing body in discharging its functions.

Napier University was formerly known as Napier College of Commerce and Technology and later as Napier Polytechnic of Edinburgh. It has adopted the name “Napier University” in accordance with section 49 of the Further and Higher Education (Scotland) Act 1992.

Article 2 amends the 1993 Order. Paragraph (2) provides for new definitions of persons referred to in the 1993 Order. Paragraph (3) substitutes a new article 3 in the 1993 Order which provides for the constitution of the Court of the University and makes specific provision for the University to carry on any activity of any type in carrying out its objects, without unlawful discrimination. Paragraph (4) changes references in the 1993 Order to the “Council” of the Students' Association to the “governing body”. Paragraph (5) revokes article 8 (Graduates' Association) of the 1993 Order. Paragraph (6) corrects an error in the 1993 Order. Paragraph (7) amends article 10 of the 1993 Order to make provision for the Court in relation to the application of the free income of each of the prize funds within its powers. Paragraph (8) makes a consequential amendment to paragraph 6 of Schedule 1 to the 1993 Order as a result of the new article 3 and removes the reference in paragraph 10 of Schedule 1 to the 1993 Order to limitations on age, in respect of the University Court's powers to make provision for the composition of the Academic Board. Paragraph (9) replaces Schedule 2 to the 1993 Order with a new Schedule 2, which makes provision for a different composition for the Academic Board. Paragraph (10) revokes Schedule 3 (Special Funds Connected with the University) to the 1993 Order.