

2009 No. 194

EDUCATION

The University of the West of Scotland Order of Council 2009

Made - - - - *19th May 2009*

Laid before the Scottish Parliament *27th May 2009*

Coming into force - - *15th September 2009*

At the Council Chamber, Whitehall, the 19th day of May 2009

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

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

Citation and commencement

1. This Order may be cited as the University of the West of Scotland Order of Council 2009 and comes into force on 15th September 2009.

Amendment of the University of Paisley (Scotland) Order of Council 1993

2. The University of Paisley (Scotland) Order of Council 1993^(b) is amended in accordance with articles 3 to 11.

3. In article 2(1) (interpretation)–

(a) after the definition of “the Act” insert–

““the 2005 Act” means the Charities and Trustee Investment (Scotland) Act 2005^(c)”;

(b) for ““the governor”” substitute ““governor””; and

(c) in the definition of “the principal”, for “vice-principal” substitute “depute principal”.

4. In article 5 (functions)–

(a) in paragraph (1) after “determine” insert “, provided it does so in a manner which complies with the terms of the 2005 Act”; and

(b) in paragraph (2)–

(i) omit “without prejudice to any person on grounds of gender, race, religion or other belief and”; and

(ii) after “freedom” insert “and without unlawful discrimination of any type”.

^(a) 1992 c.37; to which there are amendments not relevant to this Order.

^(b) S.I. 1993/558, amended by S.S.I. 2007/426.

^(c) 2005 asp 10.

5.—(1) Article 6 (membership) is amended as follows.

(2) In paragraph (1)(a)(ii) for “vice-principal” substitute “depute principal”.

(3) In paragraph (1)(b)(i) omit “full-time”.

(4) At the end of paragraph (1)(b)(ii) insert “and”.

(5) For paragraphs (1)(b)(iii) and (iv) substitute—

“(iii) such other governors being not less than thirteen and not more than seventeen, as determined in accordance with paragraph (2), appointed by the Court and being persons 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.”.

(6) In paragraph (1)(b) for “paragraphs b(iii) and b(iv)” substitute “paragraph (iii)”.

(7) In paragraph (1)(c)—

(a) omit the words “full-time” on each occasion that they occur; and

(b) in paragraph (ii) for “the non-academic” substitute “all other”.

(8) In paragraph (2) for “limits stated in paragraph (1)(b)(iv)” substitute “restrictions stated in paragraph (1)(b)(iii)”.

(9) For paragraph (5) substitute—

“(5) The Court shall appoint a person to chair the Court and such deputies as may be required from time to time from among the governors appointed under paragraph (1)(b)(iii) and for such times as it determines and for such duties as it prescribes.”.

6. Omit—

(a) article 7(2) (period of office); and

(b) article 9 (reserved areas of business).

7. After article 9 (reserved areas of business) insert—

“Proceedings of Court

9A. At any meeting of the Court or of any committee of the Court, any governor who has a conflict of interest (as defined in the standing orders made by the Court from time to time) must 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.”.

8. In article 12(1) (senate)—

(a) for “paragraph 2” substitute “paragraph (2)”; and

(b) for “Schedule 2, Part I” substitute “Part I of Schedule 2”.

9.—(1) Schedule 1 (powers of the court) is amended as follows.

(2) In paragraph B(5) for “sell or otherwise supply or provide books, stationery and other goods as it deems appropriate” substitute “create intellectual property and make discoveries and inventions of any type and to own any such intellectual property, discovery and invention and exploit these commercially”.

(3) In paragraph C(2) after “companies,” insert “limited liability partnerships and any other legal entity or undertaking”.

(4) In paragraph D(2) after “statute” insert “(including without limitation the terms of Part 3 of the 2005 Act)”.

(5) In paragraph D(7) after “wives,” insert “civil partners,”.

(6) For paragraph E(1) substitute–

“(1) To appoint, in a manner to be determined by the Court from time to time, a Chancellor, a principal and vice-chancellor, a depute principal and such deputies as may be required from time to time.”.

10. For Part I (appointment) of Schedule 2 (senate) substitute–

“PART I APPOINTMENT

1. The Senate shall consist of the following persons:

(a) *Ex Officiis members*

- (i) the principal and vice-chancellor;
- (ii) the depute principal;
- (iii) the vice-principal(s);
- (iv) the deans of faculty;
- (v) the heads of school; and
- (vi) such heads of support services as may be determined from time to time by the Senate on the recommendation of the chair of the Senate.

(b) *Co-opted members*

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

(c) *Elected members*

- (i) from each faculty, three members elected by and from the academic staff of the faculty;
- (ii) three members elected by and from the professoriate; and
- (iii) three members elected by and from the academic staff of the University.

Each of the elected members shall be so elected in accordance with arrangements made by the Senate from time to time.

(d) *Student members*

- (i) the president of the Students’ Association; and
- (ii) one matriculated student from each campus nominated by the Students’ Association in a manner to be specified in a scheme made by the Students’ Association and approved by the Court.

2. It shall not be competent for one individual to be a member of the Senate in more than one of the capacities listed in paragraph 1 at any given time.

3. Elected members from among the academic staff of the University and co-opted members shall hold office for a period not exceeding 4 years. Members nominated from among the matriculated students of the University in accordance with paragraph 1(d)(ii) shall hold office for such period as has been approved by the Court prior to their nomination.

4. In paragraph 1(a) each of the expressions “heads of school” and “heads of support services” includes such other staff as the Court deems of equivalent standing or otherwise appropriate, whether by virtue of their holding a successor office or title or otherwise.

5. Elected and co-opted members of the Senate may be further elected and/or co-opted to the Senate (as the case may be) on expiry of their period of office.

5A. The principal and vice-chancellor shall be the chair of the Senate.”.

11. In paragraph 7(a) of Part II (proceedings) of Schedule 2 for “vice-chairman” substitute “vice-chair”.

Revocation of provisions of the Paisley College of Technology Scheme 1954

12. Sections 33 to 36 (George G. Gardiner Bequest, John Hodgart Bequest, Continuation of Prizes and Bow Gift) of the Paisley College of Technology Scheme 1954(a) are revoked.

Judith Simpson
Clerk of the Privy Council

(a) The Paisley College of Technology Scheme 1954, framed and confirmed by the Secretary of State and approved by Order of Council on 19th October 1954 under section 123 of the Education (Scotland) Act 1946 (c.72), as amended by the Paisley College of Technology (Amendment) Scheme 1973, the Central Institutions (Scotland) Regulations 1988 (S.I. 1988/1447), the Paisley College of Technology Scheme (Amendment) Regulations 1992 (S.I. 1992/1093) and the University of Paisley (Scotland) Order of Council 1993 (S.I. 1993/558).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the University of Paisley (Scotland) Order of Council 1993 (“the 1993 Order”) and revokes certain provisions of the Paisley College of Technology Scheme 1954 (“the 1954 Scheme”). Articles 2 to 11 make minor amendments to the 1993 Order so as to provide for new arrangements regarding the functions, proceedings and powers of the University Court and the composition and proceedings of the Senate. Article 12 revokes sections 33 to 36 of the 1954 Scheme, which relate to bequests that have been exhausted and consequently prizes no longer awarded.

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