



# Universities (Scotland) Act 1966

## 1966 CHAPTER 13

### PART II

#### AMENDMENT OF CONSTITUTIONS AND POWERS OF EXISTING BODIES, ETC.

##### *University Courts*

### **2 Constitution of University Courts.**

- (1) Subject to the provisions of section 17 of this Act [<sup>F1</sup>and Chapter 1 of Part 1 of the 2016 Act], the University Courts of the older Universities shall consist of the persons specified in Parts I, II, III and IV respectively of Schedule 1 to this Act.
- (2) Except as provided in section 5(2) of the Act of 1889, subsections (3) and (4) of this section and paragraphs (g) and (h) of Part I of Schedule 1 to this Act, the term of office of all assessors on a University Court to which this section applies shall be four years.
- (3) The term of office of assessors elected by the Senatus Academicus or by the General Council to such a University Court, or of members co-opted by such a University Court, shall be four years or such lesser period as may at the time of election or, as the case may be, co-option be determined by the University Court, and different periods may be prescribed for different persons.
- (4) In the event of a casual vacancy among the assessors elected by the Senatus Academicus or by the General Council to such a University Court, the person elected to fill such vacancy shall demit office at the date when the person whom he succeeded would have retired.
- (5) All assessors on such a University Court shall be eligible for further nomination or, as the case may be, re-election; and all members co-opted by such a University Court shall be eligible for further co-option.

<sup>F2</sup>(6) .....

*Status: Point in time view as at 30/12/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Universities (Scotland) Act 1966, Part II. (See end of Document for details)*

#### **Textual Amendments**

- F1** Words in s. 2(1) inserted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 3\(2\)\(a\)](#); S.S.I. 2016/382, reg. 2(1)
- F2** S. 2(6) repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 3\(2\)\(b\)](#); S.S.I. 2016/382, reg. 2(1)

### **3 Powers of University Courts.**

- (1) The University Courts of each of the older Universities shall have the powers specified in Schedule 2 to this Act.
- (2) The powers specified in Part I of the said Schedule shall be exercisable by ordinance made in accordance with section 4 of this Act; the powers specified in Part II of that Schedule shall be exercisable by resolution passed in accordance with section 6 of this Act; and the powers specified in Part III thereof shall be exercisable in accordance with procedure prescribed by the University Court.
- (3) The power conferred by the last foregoing subsection to make an ordinance or pass a resolution shall include a power to vary or revoke the ordinance or resolution by subsequent ordinance or, as the case may be, by subsequent resolution made or, as the case may be, passed in the like manner and subject to the like conditions.

### **4 Making of ordinances.**

- (1) The procedure for the making of ordinances as prescribed in section 21 of the Act of 1889 shall cease to have effect, but, subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the making of an ordinance under section 3 of this Act, that is to say—
  - (a) a draft of the ordinance shall be sent to the Senatus Academicus and to the General Council;
  - (b) throughout the period of eight weeks from the sending of the draft of the ordinance to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University;
  - (c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest concerning the ordinance if received by them within the period mentioned in the last foregoing paragraph;
  - (d) in computing the said period, the months of August and September shall be left out of account;
  - (e) no ordinance shall come into operation until it has been approved by Her Majesty in Council, and the University Court may submit the ordinance to Her Majesty in Council for approval as soon as may be after the end of the said period;
  - (f) Her Majesty in Council may refer the ordinance to the Universities Committee, who shall report to Her Majesty thereon;
  - (g) as soon as may be after the ordinance has been approved by Her Majesty in Council, a copy thereof shall be sent to the Senatus Academicus and to the

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General Council, and a copy shall be displayed publicly within the University for a reasonable period;

- (h) without prejudice to the other provisions of this section, the University Court shall not proceed with the making of any ordinance which relates to the purposes mentioned in section 2 of the Act of 1932 until after consultation with the General Assembly.
- (2) Before proceeding to make an ordinance, the University Court may determine that on the ground of urgency the foregoing subsection shall apply in relation to that ordinance as if every reference to period, except in paragraph (g), were construed as a reference to the period of one month; and forthwith notices to that effect shall be sent to the Senatus Academicus and to the General Council and shall be displayed publicly within the University.

## **5 Ordinances made under former enactments.**

Ordinances made under the Universities (Scotland) Acts 1858 to 1932 or the Act of 1953, which were in force immediately before the passing of this Act, shall remain in force until varied or revoked—

- (a) in the case of the ordinances listed in Schedule 3 to this Act, by ordinance made in pursuance of paragraph 6 of Part I of Schedule 2 to this Act;
- (b) in the case of ordinances relating to any of the matters mentioned in paragraphs 1 to 3 and 5 to 7 of Part II of Schedule 2 to this Act, by resolution passed in accordance with section 6 of this Act; and
- (c) in the case of any other ordinance, by such of the methods mentioned in section 3(2) of this Act as the University Court thinks fit.

## **6 Passing of resolutions.**

- (1) Subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the passing of a resolution under section 3 of this Act, that is to say—
- (a) a draft of the resolution shall be sent to the Senatus Academicus and to the General Council;
  - (b) throughout the period of one month from the sending of the draft of the resolution to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University;
  - (c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest, concerning the resolution if received by them within the period mentioned in the last foregoing paragraph;
  - (d) in computing the said period the months of August and September shall be left out of account;
  - (e) the resolution may be passed by the University Court as soon as may be after the end of the said period, and it shall come into effect on a date fixed therein;
  - (f) after the resolution has been passed, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period.

*Status: Point in time view as at 30/12/2016.*

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- (2) In the case of a resolution relating to matters mentioned in paragraph 2 or paragraph 5 of Part II of Schedule 2 to this Act, the University Court may at a meeting by a majority of not less than three-fourths of the members of the University Court present and voting determine that on the ground of extreme urgency the procedure set out in paragraphs (a) to (e) of the foregoing subsection in relation to that resolution should be dispensed with, and where the University Court so determine the resolution may be passed forthwith.

### *Senates*

#### **F37 Constitution of Senates.**

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#### **Textual Amendments**

- F3** S. 7 repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 3\(3\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 6(4))

#### **8 Powers of Senates.**

- (1) The Senatus Academicus of each of the older Universities shall have power to promote research; and accordingly section 7(1) of the Act of 1889 shall have effect as if at the end thereof there were inserted the words “and to promote research”.
- (2) Without prejudice to the said section 7, the Senatus Academicus as aforesaid shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

### *General Councils*

#### **9 Powers of General Councils.**

- (1) In addition to the meetings prescribed by section 6 of the Act of 1858, special meetings of the General Council of each of the older Universities may be held at any time in accordance with such procedure as the General Council may by rules determine.
- (2) The quorum of the General Council of each of the older Universities shall be fifty, but any such General Council may resolve that its quorum shall be altered to such number as it may determine:

Provided that a notice stating that the quorum has been so altered shall require to be sent to every member of the General Council, and the alteration shall take effect only after the expiry of three months from the sending of the notice.

- (3) The General Council of each of the older Universities shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

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## 10 General Council register.

- (1) The University Court of each of the older Universities shall cause to be maintained a register of members of the General Council in accordance with conditions prescribed by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act.
- (2) On the approval by Her Majesty in Council of any such ordinance as is mentioned in the foregoing subsection, the enactments set out in Schedule 4 to this Act shall cease to have effect in relation to the University to which the ordinance applies.

### *Miscellaneous*

## 11 University staff ineligible to become rector, or assessor on Court except in certain circumstances.

No person holding an appointment in any of the older Universities shall be eligible to be—

- (a) elected as rector of that University, or
- (b) nominated or elected as an assessor on the University Court by any other person or body than the Senatus Academicus:

Provided that nothing in paragraph (b) of this section shall prejudice the right of the University Court as provided for in Schedule 1 to this Act to co-opt a person holding such an appointment [<sup>F4</sup>or the right of a person to be appointed in accordance with section 10(1)(b) to (d) of the 2016 Act] .

### **Textual Amendments**

- F4** Words in s. 11 inserted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), **sch. para. 3(4)**; S.S.I. 2016/382, reg. 2(1) (with regs. 5(4), 6(4))

## 12 Annual reports and financial statements.

- (1) The University Court of each of the older Universities shall lay before the General Council annually—
  - (a) a report of the work and activities of the University, and
  - (b) a financial statement of the University which shall be audited by auditors appointed by the University Court.
- <sup>F5</sup>(2) No person shall be appointed as an auditor under this section unless he is eligible for appointment as a [<sup>F6</sup>statutory auditor under Part 42 of the Companies Act 2006].
- (3) No person shall be appointed as an auditor under this section if he, or where the person in question is a partnership or a body corporate, any partner in the partnership or any director or officer of the body corporate, is a member of the University Court or of the staff of the University concerned.]

### **Textual Amendments**

- F5** S. 12(2)(3) substituted (1.10.1991) by [S.I. 1991/1997](#) reg. 2, Sch., para.15 (with reg. 4).

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*Status: Point in time view as at 30/12/2016.*

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**F6** Words in s. 12(2) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), **Sch. 1 para. 1(g)** (with arts. 6, 11, 12)

**Status:**

Point in time view as at 30/12/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Universities (Scotland) Act 1966, Part II.