
STATUTORY INSTRUMENTS

1993 No. 556 (S. 75)

EDUCATION, SCOTLAND

**The Glasgow Caledonian University
(Scotland) Order of Council 1993**

<i>Made</i>	- - - -	<i>8th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

At the Council Chamber, Whitehall
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 all other powers enabling Them in that behalf, are pleased to order, and it is hereby ordered, as follows:

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. This Order may be cited as The Glasgow Caledonian University (Scotland) Order of Council 1993 and shall come into force on 1st April 1993.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:

“the Act” means the Further and Higher Education (Scotland) Act 1992;

“higher education” has the same meaning as in section 38 of the Act;

“the Senate” means the body of persons appointed in accordance with article 25;

“the University” means Glasgow Caledonian University established under section 46 of the Act in terms of the Glasgow Caledonian University (Establishment) (Scotland) Order 1993(2); and “the University Court” means the University Court of the University constituted in terms of article 3 and incorporated under section 45(2) of the Act.

(2) In this Order, unless the context otherwise requires, any reference to a numbered article, Part or Schedule shall be construed as a reference to the article, Part or Schedule, as the case may be, which bears that number in this Order, and any reference to a numbered paragraph in an article of, or Schedule to, the Order is to be construed as a reference to the paragraph bearing that number in that article or, as the case may be, that Schedule.

PART II

CONSTITUTION OF THE UNIVERSITY COURT

Constitution of the University Court

3. The governing body of the University is hereby constituted under the name of the “University Court of Glasgow Caledonian University”.

PART III

OBJECTS OF THE UNIVERSITY AND PRINCIPAL FUNCTION OF THE UNIVERSITY COURT

Objects of the University and principal function of the University Court

4.—(1) The objects of the University shall be to advance learning and knowledge by teaching and research and to enable students to obtain the advantages of higher education.

(2) The University Court shall conduct the University and carry out and promote its objects.

PART IV

POWERS OF THE UNIVERSITY COURT

General Powers

5.—(1) The University Court shall, subject to the provisions of this order and other relevant statutory requirements, have all the rights, powers and privileges necessary or expedient to conduct the University and to ensure its well-being.

(2) Without prejudice to the foregoing generality it shall be in the power of the University Court for the advancement of the objects of the University:—

(a) to form relationships, associations or affiliations with other educational institutions, and other such bodies both public and private as may be for the benefit of the University or necessary or desirable to carry out or to further the objects of the University;

- (b) to initiate, establish or acquire companies, whether charitable or commercial, alone or in association with any other persons or entities for the purpose of or in connection with any of the objects of the University or the functions of the University Court;
- (c) to provide research, design, development, testing, laboratory, consultancy and such other services in order to further the objects of the University, in such manner and on such terms and conditions as the University Court may determine;
- (d) to undertake any trade or business whatsoever calculated to carry out the objects of or to be for the benefit of or to advance the interest or well-being of the University;
- (e) to prescribe in its regulations the requirements for matriculation and the conditions under which persons shall be admitted to the University or to any particular course of study therein;
- (f) subject to consultation with the Senate, to grant degrees, diplomas, certificates and other academic awards pursuant to sub-sections (2) and (3) of section 48 of the Act to persons who have met the prescribed conditions;
- (g) subject to consultation with the Senate, to grant fellowships and other distinctions as it deems appropriate provided that all fellowships and other distinctions so granted shall be granted and held subject to prescribed conditions; and
- (h) subject to consultation with the Senate, to deprive persons of any degrees, diplomas, certificates or other awards granted to them by the University Court.

Financial arrangements

6.—(1) Subject to any conditions which may be imposed on the University Court as conditions of payment of grant to it, the University Court shall make such arrangements as it thinks fit for the conduct of the financial affairs of the University.

(2) The University Court may receive donations, legacies, annuities, subscriptions and other gifts for furtherance of the objects of the University provided such donations, legacies, annuities, subscriptions and other gifts shall be applied in accordance with the directions of the respective testators or donors; in the absence of any specific direction relating thereto the University Court shall be empowered to determine the manner in which any such donation, legacy, annuity, subscription or other gift in whole or in part shall be used to further the objects of the University.

(3) The University Court may receive and expend recurrent and capital funds, lend money (with or without security), borrow or raise money, guarantee and give security for the payment of money by the University, the University Court, or any other person, firm, company or body corporate (including any such person or entity associated with the University or University Court) and in exercising this power the University Court shall cause accounts to be kept of income and expenditure and shall appoint auditors annually to audit same.

(4) The University Court may levy and receive fees for all services, including the provision of courses (whether or not leading to a degree or other academic distinction).

(5) The University Court may pay to any of its members such financial loss allowances and travelling and subsistence allowances as it thinks appropriate.

(6) The University Court shall make provision for the remuneration of staff appointed in accordance with article 22 and article 23.

(7) The University Court may make provisions for the superannuation of staff and the provision of benefits to them, their spouses, their dependants and others.

University Regulations

7.—(1) The University Court shall make such regulations as it considers necessary for the administration of the University.

(2) Any regulations made by the University Court under paragraph (1) may be revoked and replaced, or varied by further regulations made by the University Court.

PART V

MEMBERSHIP OF THE UNIVERSITY COURT

Membership of the University Court

8.—(1) The membership shall consist of ordinary members comprising appointed, ex officio and staff governors. The University Court may co-opt up to a maximum of five additional members subject to article 9.

(2) *Appointed governors*

- (a) The appointed governor membership shall consist of not less than nine and not more than thirteen members and shall be persons who have experience of, and have shown capacity in, industrial, commercial or employment matters or in the practice of any profession.
- (b) The Secretary of State shall be the appointing authority for the first appointment of appointed governors to be made under sub-paragraph (a) and he shall determine, subject to the limits stated in sub-paragraph (a), the number of governors to be appointed thereunder, shall make appointments accordingly and shall determine the respective term of office of each governor so appointed.
- (c) Following the Secretary of State's determination of the number of appointed governors and his appointments under sub-paragraph (b), the ordinary membership shall thereafter be the appointing authority for appointed governors and shall determine, subject to the limits stated in sub-paragraph (a), the number of governors so appointed.
- (d) Appointed governors shall be appointed to serve initially for such a term of office not exceeding four years as the appointing authority shall specify subject to article 11(5).
- (e) The appointed governor membership shall remain in overall majority in the University Court.

(3) *Governors ex officii*

The following shall be governors ex officii:

- (a) the Principal and Vice-Chancellor referred to in article 22;
- (b) the Vice-Principals referred to in article 23 provided that their numbers shall not exceed two. In the event of there being more than two Vice-Principals, the Principal and Vice-Chancellor shall from time to time, nominate the two Vice-Principals to serve on the Court; and
- (c) the President of the Students' Association.

(4) *Staff governors*

- (a) Three staff governors shall be appointed as follows:
 - (i) one staff governor shall be elected by the Senate from among the members of full-time academic staff who are members of the Senate;
 - (ii) one staff governor shall be elected by the full-time academic staff from among the members of such staff; and

- (iii) one staff governor shall be elected by the full-time non-academic staff from among the members of such staff.
- (b) The University Court shall, after consultation with the members of the Senate, the full-time members of academic staff and the full-time members of non-academic staff, as appropriate, make rules for the conduct of elections for the appointment of governors under sub-paragraphs (a), (b) and (c) and may revoke and replace or vary such rules or introduce further rules after due consultation.
- (c) The University Court shall be responsible for the holding and conduct of elections for the appointment of governors under sub-paragraphs (i), (ii) and (iii).

Co-opted membership

9.—(1) The University Court shall, subject to paragraph (2), co-opt up to five persons to serve as governors, 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 requirement in paragraph (1) to co-opt persons shall only apply to the extent that such experience of local government and experience in the provision of education is not already available to the University Court from governors appointed under article 8(2).

(3) The University Court may co-opt more than two governors only if upon such co-option the governors appointed under article 8(2) remain in overall majority in the University Court.

(4) A co-opted governor shall have the full rights of a governor to vote on all matters except those concerning the appointment or co-option of governors.

(5) A co-opted governor shall serve for such a term of office as is determined by the University Court subject to article 11(3) and article 11(5)(a).

Appointment of Chairman and Vice-Chairman

10.—(1) The University Court shall appoint a Chairman and a Vice-Chairman from among the governors appointed under article 8(2).

(2) The following provisions shall apply to any Chairman or Vice-Chairman appointed under paragraph (1):

- (a) the office of Chairman shall be held for such period as may be determined by the University Court;
 - (b) the Chairman may be removed from office by resolution of the University Court; and
 - (c) the Chairman shall cease to hold office if deemed to have vacated office as a governor under article 14.
- (a) (3) (a) The Chairman shall preside at meetings of the University Court and the Vice-Chairman shall preside in the absence of the Chairman.
 - (b) In the absence of both the Chairman and the Vice-Chairman, the University Court may appoint a Chairman from among the governors appointed under article 8(2) to preside at any meeting.
 - (c) The Chairman shall have an additional or casting vote when there is an equality of votes.

Period of office of governors

11.—(1) Any governor *ex officio* specified in article 8(3) shall hold the office of such a governor for the duration of his tenure of the office by virtue of which he is such a governor subject to article 8(3)(b).

(2) Any governor appointed under article 8(2) or elected under article 8(4) or co-opted under article 9 may be further appointed, elected or co-opted 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 appointed, elected or co-opted where the intended term of office, if aggregated with any previous terms of office, would cause him to serve for more than 12 years as a governor.

(4) For the purpose of paragraph (3), a term of office shall include any term of office as a governor, whether taken by appointment under article 8(2) or election under article 8(4) or co-option under article 9, or otherwise, but not any term of office served *ex officio*.

(5) The University Court shall make rules for the duration of the terms of office of governors appointed under article 8(2) or elected under article 8(4) or co-opted under article 9, which rules may be revoked and replaced, or varied, by further rules made by the University Court.

Provided that:

- (a) no governor shall be appointed, elected or co-opted for a term of office of more than 4 years;
- (b) no variation or revocation of rules for the duration of the terms of office of governors shall have effect so as to vary or terminate the period of office of any person who is a governor at the time when said variation or revocation takes effect; and
- (c) such rules shall not apply to the first term of office of governors appointed by the Secretary of State in accordance with article 8(2)(b).

Age limit for governors

12. A person who has attained the age of 70 years shall not thereafter be eligible to take office:

Provided that nothing in this article shall prohibit a person who attains the said age during a term of office as a governor from continuing as a governor until the expiry of that term.

Ineligibility of staff to be governors

13. A person shall be ineligible to be appointed or co-opted as a governor or, where appropriate, to remain in office as a governor other than in the case of a governor *ex officio* appointed in accordance with article 8(3) or a governor elected in accordance with article 8(4), if he is a member of the staff of the University.

Vacation of office of governor

14. A governor shall be deemed to have vacated his office as a governor and the University Court shall declare his place vacant, in any of the following circumstances:

- (a) where he intimates in writing to the University Court his resignation as a governor;
- (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, in the opinion of the University Court, he becomes unable to carry out his duties as a governor 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 governor whose election falls to be made under article 8(4) 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; and
- (f) where in accordance with article 13 he becomes ineligible to remain in office as a governor.

Filling of vacancies

15.—(1) Where the place of a governor who has been appointed to the office of governor under article 8(2) has been declared vacant under article 14, or where such a governor has died, the ordinary membership may appoint a governor to fill the vacancy.

(2) Where the place of a governor who has been elected to the office of governor under article 8(4) has been declared vacant under article 14 or where such a governor has died:

- (a) in the case of a governor elected under article 8(4)(a)(i) the governing body shall intimate the vacancy to the Senate who shall elect a governor to fill the vacancy in accordance with article 8(4) and the relevant rules made under it; and
- (b) in the case of a governor elected under article 8(4)(a)(ii) or (iii) an election shall be held to fill the vacancy in accordance with article 8(4) and the relevant rules made under it.

(3) Where the place of a governor who has been co-opted to the office of governor under article 9 has been declared vacant under article 14, or where such a governor has died, the University Court may, if it so wishes, co-opt a governor to fill the vacancy.

Proceedings of the University Court

16.—(1) The University Court shall hold at least four ordinary meetings in each academic year and shall draw up a scheme of standing orders to regulate the conduct of business, the transmission of agenda and minutes, and the rules for calling meetings.

(2) Any deed or other writing (whether or not sealed with the corporate seal) if bearing to be signed on behalf of the University Court by two persons one of whom is from group (i) and the other of whom is from group (ii) below being:

Group (i)	Governors appointed under article 8(2) The Principal and Vice-Chancellor The Vice-Principals serving as governors ex officio in accordance with article 8(3)(b);
Group (ii)	The Secretary to the University Court or such other officers who shall be from time to time authorised in that behalf by the University Court,

whether or not before witnesses, shall be held, unless the contrary is proved, to be validly executed on behalf of the University Court.

Reserved areas of business

17. 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 governor who is a governor *ex officio* by virtue of holding office as President of the Students' Association in the University, in accordance with article 8(3), and any governor co-opted under article 9 who is a full-time 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 University Court

18. No failure or defect in the appointment, election or co-option of any governor and no vacancy in the office of governor 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 defect in the appointment or co-option of any one or more governors.

Governors as Delegates

19. No governor may be bound when speaking or voting at meetings of the University Court by mandates given by others except when acting under approved arrangements as a proxy for another member of the University Court.

Appointment of committees

20.—(1) The University Court may appoint such committees of its own number as it thinks fit, and may appoint, as additional members of any committee, persons, not being governors, whom it considers to be specially fitted to assist the work of the committee.

(2) The University Court may, except where contrary provision is made elsewhere in this Order, delegate such of its functions as it considers expedient to any committee appointed under paragraph (1).

PART VI

ADMINISTRATION OF THE UNIVERSITY

Chancellor

21.—(1) There shall be a Chancellor of the University appointed in a manner and for a period to be determined by the University Court who shall be the titular head of the University.

(2) The University Court shall from time to time determine the duties, rights and privileges associated with the office of Chancellor.

Principal and Vice-Chancellor

22.—(1) There shall be a Principal of the University who shall also be the Vice-Chancellor. The Principal and Vice-Chancellor shall be the Chief Academic and Administrative Officer of the University. In the absence of the Chancellor or during a vacancy in that office, the Principal and Vice-Chancellor may exercise and perform all the functions of the Chancellor.

(2) The Principal and Vice-Chancellor shall be appointed by the University Court in a manner to be determined by the University Court from time to time.

(3) The University Court shall secure that its functions (other than those delegated to the Senate by virtue of article 25) relating to the organisation and management of the University and to the appointment, promotion and discipline of staff therein shall be discharged by the Principal and Vice-Chancellor and subject thereto may delegate such other of its functions and powers as it may determine from time to time.

(4) In discharging the functions specified in paragraph (3), the Principal and Vice-Chancellor shall be subject to the general control and direction of the University Court, but otherwise the Principal and Vice-Chancellor shall have all the powers and duties of the University Court in relation to those functions.

Staff

23. In addition to the appointment of a Principal and Vice-Chancellor as referred to in article 22, the University Court may as the need arises and, after consultation with the Principal and Vice-Chancellor, appoint such Vice-Principals, Assistant Principals, a Secretary to the University Court, and such other staff as the University Court may consider necessary for the discharge of its functions.

Students' Association

24. The University Court shall, in consultation with representatives of students attending the University, make a scheme for the constitution and functions of the Students' Association which scheme shall include rules under which that Association shall be entitled to make representations to the University Court.

PART VII

UNIVERSITY SENATE

University Senate

25.—(1) The University Court shall appoint, and maintain by further appointment, a Senate in the manner specified in Part I of the Schedule.

(2) The proceedings of the Senate shall be regulated in accordance with Part II of the Schedule.

(3) The University Court shall delegate to the Senate the following of its functions:

- (a) the functions of the University Court relating to the overall planning, co-ordination, development and supervision of the academic work of the University; and
- (b) such other functions of the University Court as shall be assigned to the Senate by the University Court.

Provided that the functions specified in paragraph (3) shall be discharged by the Senate subject to the general control and direction of the University Court.

(4) In discharging the functions specified in paragraph (3), the Senate shall have all the powers and duties of the University Court in relation to those functions and shall have the power to make any recommendation to the University Court on such matters relating to those functions as the Senate may think fit.

(5) The University Court shall make arrangements to ensure that the Senate shall discharge the functions imposed on them by or under paragraph (3).

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N. H. Nicholls
Clerk of the Privy Council

SCHEDULE

Article 25

UNIVERSITY SENATE

PART 1

Appointment

1. The University Senate (hereinafter referred to as “the Senate”), shall be appointed in such manner as to ensure that it consists of—

- (a) the holders of the following posts in the University, namely the posts of Principal and Vice-Chancellor, Vice-Principal, Head of Academic Department, the President of the Students' Association, and the Chief Librarian (however designated) *ex officio* (hereafter called “members *ex officio* of Senate”);
- (b) such number of members of the full-time academic staff and full-time matriculated students of the University as may be determined in accordance with paragraph 2 of this Schedule (hereafter called “elected members of Senate”); and
- (c) such number of persons, not exceeding 4, as have been co-opted by the Senate (hereafter called “co-opted members of Senate”).

In this paragraph, the expression “Head of Academic Department” includes Assistant Principals, Deans, Associate Heads of Department and such other office holders as are deemed appropriate by the University Court

2. The elected members of Senate shall—

- (a) consist of such a number of persons including one full-time matriculated student of the University as may be determined by the University Senate being not less than one-third and not more than two-thirds of the aggregate of members *ex officio* of the Senate;
- (b) be elected by and from among members of the full-time academic staff and full-time matriculated students, respectively, of the University who are not members *ex officio* or co-opted members of the Senate;
- (c) be so elected in accordance with arrangements made by the persons holding office as members of the Senate immediately prior to the election and approved by the University Court except in the case of the full-time matriculated student who shall be elected by full-time matriculated students of the University in a manner to be specified in a scheme made by the Students' Association in the University and approved by the University Court;
- (d) in the case of members of the full-time academic staff, hold office for such a period, not exceeding four years, as may be determined by the University Court, and, in the case of the full-time matriculated student, hold office for a period not exceeding one year;
- (e) subject to the provisions of this paragraph elected members should be eligible for re-election;
- (f) an elected member shall cease to be a member of the Senate when he ceases to be a full-time member of the academic staff or, as the case may be, a full-time matriculated student of the University.

3. The co-opted members of Senate shall hold office for such a period, not exceeding 4 years, as may be determined by the University Court and shall be eligible to be co-opted again on the expiry of a period of office.

4. The Principal and Vice-Chancellor of the University shall be the Chairman of the Senate.

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PART II

Proceedings

5. The proceedings of the Senate shall be regulated by a scheme made by the Senate and approved by the University Court and the said scheme may provide for—
 - (a) the appointment by the Senate of such committees, as it considers appropriate;
 - (b) the co-option, subject to paragraph 1(c), by the Senate of additional members (including, where they consider it appropriate, representatives of the students in attendance at the University) of Senate, or of any committee thereof, for specific purposes; and
 - (c) any other matters connected with the functions of the Senate.
6. Any scheme made and approved under paragraph 5 shall include provision for—
 - (a) the appointment of a Vice-Chairman of the Senate; and
 - (b) a minimum number of meetings of the Senate in each year.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is one of several instruments arising from the merger of Glasgow Polytechnic and The Queen's College, Glasgow to form the new Glasgow Caledonian University. The merger takes effect on 1st April 1993.

The Secretary of State has established Glasgow Caledonian University with effect from 1st April 1993 by order under section 46 of the Further and Higher Education (Scotland) Act 1992 ("the 1992 Act"). He has designated it as eligible to receive support from the Scottish Higher Education Funding Council. He has by order under section 47 of the 1992 Act closed the two merged institutions and provided for transfer of their property, rights, liabilities and obligations to the governing body of Glasgow Caledonian University.

Part II constitutes the governing body under the name of the "University Court of Glasgow Caledonian University". The University Court will be a body corporate in accordance with section 45 of the 1992 Act.

Part III sets out the objects of the University and the principal function of the University Court to conduct the University and to carry out and promote its objects.

Part IV provides for the general powers of the University Court and its powers with respect to financial matters and University regulations.

Part V regulates the composition, membership and proceedings of the University Court.

Part VI regulates the administration of the University. It includes provision for the appointment of a Chancellor and provision for delegation to the Principal and Vice-Chancellor of responsibility for discharging most of the functions of the University Court relating to the organisation and management of the University (article 22).

Part VII provides for appointment of the Senate and for delegation to it of the functions of the University Court relating to academic matters (article 25).

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