



# Higher Education Governance (Scotland) Act 2016

2016 asp 15

## PART 1

### GOVERNANCE ARRANGEMENTS

#### CHAPTER 3

##### KEY DEFINITIONS

#### **18 Meaning of higher education institution**

- (1) In this Part, “higher education institution” has the same meaning as in the Further and Higher Education (Scotland) Act 2005 except that it—
  - (a) includes an institution only if the institution is listed in schedule 2 (fundable bodies) to that Act,
  - (b) excludes The Open University.
- (2) The Scottish Ministers may by regulations modify the definition in subsection (1) so as to exclude a particular institution.
- (3) Regulations under subsection (2) are subject to the negative procedure.

#### **Commencement Information**

**II** S. 18 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

#### **19 Meaning of governing document**

- (1) In this Part, “governing document”—
  - (a) in the case of an older university, means its ordinances made under the Universities (Scotland) Acts 1858 to 1966,

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*Changes to legislation:* There are currently no known outstanding effects for the Higher Education Governance (Scotland) Act 2016, CHAPTER 3. (See end of Document for details)

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- (b) in the case of an institution established by royal charter, means its charters together with the statutes (if any) made under them,
- (c) in the case of a designated institution—
  - (i) if it is a registered company and no orders of the Privy Council are in force with respect to it, means its articles of association,
  - (ii) otherwise, means the orders of the Privy Council that are in force with respect to it,
- (d) in any other case, means the instruments that establish the higher education institution or govern the composition of its governing body or academic board.

(2) In this section—

“designated institution” has the same meaning as in Part II of the Further and Higher Education (Scotland) Act 1992,

“older university” is to be construed in accordance with section 16(1) of the Universities (Scotland) Act 1966,

“registered company” means a company registered under the Companies Acts as defined in section 2 of the Companies Act 2006.

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**Commencement Information**

**I2** S. 19 in force at 30.12.2016 by [S.S.I. 2016/382](#), [reg. 2\(1\)](#)

## 20 Meaning of governing body

In this Part, “governing body” has the same meaning as in Part II of the Further and Higher Education (Scotland) Act 1992.

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**Commencement Information**

**I3** S. 20 in force at 30.12.2016 by [S.S.I. 2016/382](#), [reg. 2\(1\)](#)

## 21 Meaning of academic board

- (1) In this Part, “academic board” in relation to an institution means the body which—
  - (a) is responsible for the overall planning, co-ordination, development and supervision of the academic work of the institution, and
  - (b) discharges that responsibility subject to the general control and direction of the governing body of the institution.
- (2) For the avoidance of doubt, the body described by subsection (1) is the one sometimes known as the Senate, Senatus or Senatus Academicus.

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**Commencement Information**

**I4** S. 21 in force at 30.12.2016 by [S.S.I. 2016/382](#), [reg. 2\(1\)](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Higher Education Governance (Scotland) Act 2016, CHAPTER 3. (See end of Document for details)*

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## 22 References to students

In this Act, a reference to the students of a higher education institution includes all persons holding sabbatical office in a students' association of the institution (whether or not they remain as students of the institution during their period of office).

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### Commencement Information

**I5** [S. 22](#) in force at 30.12.2016 by [S.S.I. 2016/382](#), [reg. 2\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Higher Education Governance (Scotland) Act 2016, CHAPTER 3.