



# Universities (Scotland) Act 1858

1858 CHAPTER 83 21 and 22 Vict

An Act to make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen. [2d August 1858]

## Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act excluded by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [s. 1 \(1\)](#); power to exclude and amend Act conferred by [ibid.](#), [s. 1 \(4\)](#)
- C3 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)

## 1 King's College and Marischal College, Aberdeen, to be united under the title of "University of Aberdeen."

The University and King's College of Aberdeen, and Marischal College and University of Aberdeen shall be united and incorporated into one University and college, in all time coming, under the style and title of the "University of Aberdeen"; and the said united University shall take rank among the Universities of Scotland as from the date of erection of King's College and University, viz., the year one thousand four hundred and ninety-four; and all the funds, properties, and revenues now pertaining or belonging in any manner of way to the University and King's College, or to Marischal College and University, shall in time coming pertain and belong to the University of Aberdeen.

## 2 Appointment of Chancellors.

The Chancellor of each of the Universities of St. Andrew's, Glasgow, and Aberdeen shall be elected by the other members of the general council herein-after mentioned; and in time coming there shall be a Chancellor of the University of Edinburgh, to be elected in like manner: . . . <sup>F1</sup> the Chancellor of each of the said Universities shall hold his office for life; the Chancellor in each University shall have power to appoint a Vice-Chancellor, who may in the absence of the Chancellor discharge his office in so far as regards conferring degrees, but in no other respect.

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*Changes to legislation: There are currently no known outstanding effects for the Universities (Scotland) Act 1858. (See end of Document for details)*

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#### Textual Amendments

**F1** Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

### 3 Offices of principal in Glasgow, Aberdeen, and Edinburgh not to be deemed “Chairs of Theology”.

The principals in the Universities of Glasgow, Aberdeen, and Edinburgh, appointed in time to come, shall not, as such, be or be deemed professors of divinity, nor shall it be a valid objection to any person appointed to the office of principal in any of the said universities that he is a layman; . . . <sup>F2</sup>

#### Textual Amendments

**F2** Words repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

### 4 University courts to be constituted.

There shall be constituted in each of the said Universities a University court, which shall<sup>F3</sup>... possess and exercise the powers herein-after enacted, and of which the rector shall be the ordinary president, with a deliberative and a casting vote.

#### Textual Amendments

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

### 5 Powers of the senatus academicus and principal.

The senatus academicus of each of the said Universities shall<sup>F4</sup>... administer [<sup>F5</sup>the University's property] and revenues, subject to the control and review of the University court, as herein-after provided; one third of the senatus shall be a quorum; and the principal, or the senior principal if more than one, shall be the ordinary president of the senatus academicus, with a deliberative and casting vote; and the principal shall be bound to undertake and perform such duties of teaching and lecturing as may be assigned to him by the Commissioners herein-after appointed during the continuance of their powers, and thereafter by the University court.

#### Textual Amendments

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

**F5** Words in s. 5 substituted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 1\(3\)\(b\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 6(4))

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6      **General councils of the Universities to be constituted.**

There shall be in each University a general council consisting of the Chancellor, of the members of the University court, from and after their first election, of the professors, of all masters of arts of the University, of all doctors of medicine of the University who shall have, as matriculated students of the University, given regular attendance on classes in any of the faculties in the University during four complete sessions, and also of all persons who within three years from and after the passing of this Act shall establish to the satisfaction of the Commissioners herein-after appointed that they have, as matriculated students, given regular attendance on the course of study in the University for four complete sessions, or such regular attendance for three complete sessions in the University, and regular attendance for one such complete session in any other Scottish University, the attendance for at least two of such sessions having been on the course of study in the faculty of arts: Provided that no person shall be a member of the general council until he . . . <sup>F6</sup> has his name registered in a book to be kept for the purpose by each University, which shall be done on payment of such . . . <sup>F6</sup> fee as shall be fixed by the said Commissioners; and provided also, that no person shall be a member of the general council while he is a student enrolled in any class of the University; and the said general council shall assemble twice every year, on such days as may be fixed by the Commissioners herein-after appointed, subject to alteration thereafter from time to time by resolution of the said council, with the approval of the University court; at the meetings of which council the Chancellor, and in his absence the rector, whom failing, the principal or senior principal, whom failing, the senior professor, shall preside, and shall have a deliberative and also a casting vote: It shall be competent to such council to take part in the election of office bearers of the University in manner herein provided, and also to take into their consideration all questions affecting the well-being and prosperity of the University, and to make representations from time to time, on such questions to the University court, who shall consider the same and return to the council their deliverance thereon.

**Textual Amendments**

**F6**      Words repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

**Modifications etc. (not altering text)**

- C4**      [S. 6](#) excluded by section X of Ordinance No. 96 of the University Court of the University of St. Andrews dated 14.9.1967 and approved by Order in Council dated 20.12.1967
- C5**      [S. 6](#) excluded by section 8(a) of Ordinance of the University Court of the University of Glasgow No. 183 dated 20.9.1978 and approved by Order in Council dated 14.3.1979
- C6**      [S. 6](#) amended by [Representation of the People \(Scotland\) Act 1868 \(c. 48\)](#), **s. 28** and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), ss. 9, 10(2), **Sch. 4**

7      **General council of the University of Aberdeen to consist of persons herein named.**

The general council of the University of Aberdeen shall consist of the Chancellors or Chancellor, of the members of the University court, of the professors, and of all such graduates and students as is herein above provided in regard to the other Universities, whether they be graduates and students of the University and King’s College or of Marischal College and University.

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## 8—11. .... F7

### Textual Amendments

F7 Ss. 8—11 repealed by [Universities \(Scotland\) Act 1889 \(c. 55\)](#), s. 5(4)

## 12 Powers of University courts.

The University court of each University shall, subject to the provisions of this Act, have the following powers; viz.,

- (1) To review all decisions of the senatus academicus, and to be a court of appeal from the senatus in every case except as herein otherwise provided for:
- (2) To effect improvements in the internal arrangements of the University, after due communication with the senatus academicus, and with the sanction of the Chancellor; provided that all such proposed improvements shall be submitted to the University council for their consideration:
- (3) To require due attention on the part of the professors to regulations as to the mode of teaching and other duties imposed on the professors:
- (4) ..... F8
- (5) Upon sufficient cause shown, and after due investigation, to censure a principal or professor, or to suspend him from his office and from the emoluments thereof, in whole or in part, for any period not exceeding one year, or to require him to retire from his office on a retiring allowance, or to deprive him of his office; and during the suspension of any professor to make due provision for the teaching of his class: Provided always, that no such sentence of censure, suspension, or deprivation, or requisition on a professor to retire from office, shall have any effect until it has been approved by her Majesty in Council:
- (6) To inquire into and control the administration by the senatus academicus or principal and professors of any college of the revenue, expenditure, and all the pecuniary concerns of the University and of any college therein, including funds mortified for bursaries and other purposes.

### Textual Amendments

F8 S. 12 para. 4 repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), Sch. 7 Pt. I

### Modifications etc. (not altering text)

C7 S. 12 amended by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), Sch. 2 Pt. III para 1

## 13 Right of nomination to professorships vested in University courts.

The right of nomination or presentation to any professorships within any of the said Universities in time past, and presently exercised by the senatus or faculty thereof, or by one or more of the professors therein, or by any member or other officer thereof, shall be transferred to and in all time coming be exercised, as regards each University by the University court thereof, to be established in manner herein-before provided; and the right of nomination or presentation to the office of principal and to all professorships in the University of Edinburgh in times past, and presently exercised

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by the town council of Edinburgh, or by one or more of the members thereof, either by themselves or conjointly with others, shall be transferred from the said town council or members thereof to and in all time coming be exercised by seven curators to be nominated as follows: Within two months from and after the date at which this Act shall come into operation, as herein-after provided, the town council shall nominate four curators, and the University court of the said University shall nominate the remaining three curators; and the curators shall continue in office for three years; and in the event of vacancies in the office of curator occurring from death, resignation, or any other cause, the vacancies shall, as respects the four nominations made by the town council, be filled up by the town council, and shall, as respects the other nominations, be filled up by the University court.

**Modifications etc. (not altering text)**

- C8** S. 13 amended by [Edinburgh University \(Transfer of Patronage\) Act 1897 \(c. 13\)](#), [s. 1](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 2 Pt. III](#). para. 2
- C9** Functions of town council of Edinburgh now exercisable by City of Edinburgh District Council: [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [s. 225](#) (3)

14— ..... <sup>F9</sup>  
17.

**Textual Amendments**

- F9** Ss. 14—17 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**18 Powers of Commissioners as to University of Aberdeen. To determine number of professors, and regulate course of study.**

- ..... <sup>F10</sup>
- (1) ..... <sup>F10</sup> Provided that in the faculty of arts there shall be a professor of Greek, a professor of humanity, a professor of logic, a professor of mathematics, a professor of moral philosophy, a professor of natural philosophy, and a professor of natural history, or, in the discretion of the Commissioners, two professors in any one or more of such branches of instruction in the faculty of arts, if it shall appear to be necessary or expedient, with power to the said Commissioners to determine where the classes of each of the said professors shall assemble; in the faculty of divinity there shall be professors of systematic theology, of Oriental languages, of church history, and of biblical criticism; in the faculty of law a professor of law; and in the faculty of medicine professors of the institutes of medicine, of the practice of medicine, of chemistry, of anatomy, of surgery, of materia medica, of midwifery, of medical jurisprudence, of botany; and such other professorships in each of the said faculties as the said Commissioners shall think to be expedient;
- (2) ..... <sup>F11</sup>  
..... <sup>F10</sup>

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#### Textual Amendments

- F10** Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#), [Sch.](#)  
**F11** [S. 18 paras. 2—6](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

#### Modifications etc. (not altering text)

- C10** "Commissioners" means Commissioners appointed under s. 14c

**19** ..... **F12**

#### Textual Amendments

- F12** [S. 19](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**20** ..... **F13**

#### Textual Amendments

- F13** [S. 20](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**21** ..... **F14**

#### Textual Amendments

- F14** [S. 21](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**22, 23.** ..... **F15**

#### Textual Amendments

- F15** [Ss. 22, 23](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

### **24 Rules, statutes, &c., when approved, to be entered in a book, and signed by the Commissioners.**

All rules, statutes, and ordinances to be made by the Commissioners shall, when approved by Her Majesty as herein-before provided, be inserted in a book or books to be signed by the Commissioners or their quorum; and such book or books shall, on the expiration of the powers of the Commissioners, be lodged with Her Majesty's Clerk Register for Scotland, and shall be preserved among the public records; and a duplicate shall be sent to each of the said Universities of the rules, statutes, and ordinances applicable thereto; and such rules, statutes, and ordinances shall be observed until the same be altered in manner herein-before provided.

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**Modifications etc. (not altering text)**

**C11** “Commissioners” means Commissioners appointed under s. 14.

**25 Ministers may sue and be sued under Titles herein named.**

The said Universities may sue and be sued under the style and title of “The University of St. Andrew’s,” “The University of Glasgow,” “The University of Aberdeen,” and “The University of Edinburgh,” respectively.

**26 No distinction to be henceforward recognized among professors of Glasgow University.**

No distinction shall be recognized among the professors of the University of Glasgow, but the whole professors thereof admitted to chairs heretofore established or which may hereafter be established therein shall be deemed to be and shall be professors of the University and College of Glasgow, and shall all equally exercise the whole rights and functions which have heretofore been exercised by any portion of such professors: Provided always, that no claim is hereby given to any participation in the income or emoluments already appropriated to existing chairs in the said University and college.

**27 Nothing in this Act to affect certain trusts.**

Nothing in this Act contained shall be construed to affect any trusts now vested in and administered by the senatus academicus of any University or college, or in the principal and professors, or any of them, for purposes unconnected with such University or college; and any such trusts as are now held and administered by the senatus academicus or the principal and professors of the University and King’s College of Aberdeen or of Marischal College and University, for purposes unconnected with such Universities and colleges, shall from and after the date at which this Act shall come into operation, as regards the University of Aberdeen, be vested in and administered by the senatus academicus of the University of Aberdeen; and any trust now administered, in whole or in part, by the principal of either of the said universities and colleges, or by any professor or professors thereof, shall from and after the date aforesaid be in like manner administered, in whole or in part, by the principal of the University of Aberdeen, or, as the case may be, by the professor or professors who in the said University shall hold the same professorship as the said professor or professors of King’s College or Marischal College respectively.

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