



# Universities (Scotland) Act 1889

1889 CHAPTER 55 52 and 53 Vict

## PART I

### *Constitution of University Court*

#### **5 University Courts. Election and term of office of assessors. Incorporation of University Court. President of meetings of Courts.**

(1) <sup>F1</sup> ...

Seven members of each University Court shall be a quorum.

The rector may, before he appoints his assessor, confer with the students representative council.

(2) <sup>F2</sup>... every <sup>F2</sup> ... rector and rector's assessor shall continue in office for three years, but in the event of the <sup>F3</sup>... rector ceasing to hold office his assessor shall continue to be a member of the University Court until an assessor is nominated by the new <sup>F3</sup>... rector and no longer <sup>F4</sup> ... No member of the Senatus Academicus of any University shall be entitled to vote or take part in the election of any assessor of the general council of that University <sup>F4</sup> ...

(3) The University Court shall be a body corporate with perpetual succession and a common seal, which shall be judicially noticed, and all the property, heritable and moveable, belonging to the University, or to any existing college forming part of the University at the passing of this Act, whether the title to such property has been taken in the name of the University or such college, or in name of any person or persons in trust for or on behalf of the University or such college, shall be and is hereby vested in the University Court <sup>F2</sup> ...

<sup>F5</sup>(4) .....

(5) The rector, and in his absence [<sup>F6</sup>the senior lay member] shall preside at meetings of the University Court, and in the absence of both of them a chairman for the time shall

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be elected by the meeting. The person presiding at any meeting of the University Court shall have a deliberative vote, and also a casting vote in case of equality.

[<sup>F7</sup>(5A) In subsection (5), “senior lay member” means the person appointed to the position by virtue of section 8 of the Higher Education Governance (Scotland) Act 2016.]

<sup>F8</sup>(6) . . . . .

#### Textual Amendments

- F1** Words in s. 5(1) repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(a\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F2** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)
- F3** Words in s. 5(2) repealed (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(b\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F4** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F5** S. 5(4) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F6** Words in s. 5(5) substituted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(c\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F7** S. 5(5A) inserted (S.) (30.12.2016) by [Higher Education Governance \(Scotland\) Act 2016 \(asp 15\)](#), s. 26(2), [sch. para. 2\(2\)\(d\)](#); S.S.I. 2016/382, reg. 2(1) (with reg. 4)
- F8** S. 5(6) repealed by [University of St. Andrews Act 1953 \(c. 40\)](#), [s. 15\(5\)](#)

### *Powers of the University Court*

## 6 Powers of University Court.

The University Court, in addition to the powers conferred upon it by the <sup>M1</sup>Universities (Scotland) Act 1858, shall subject to any ordinances made by the Commissioners, have power—

- (1) To administer and manage the whole revenue and property of the University, and the college or colleges thereof existing at the passing of this Act, . . . <sup>F9</sup>, and also including funds mortified for bursaries and other purposes, and to appoint factors or collectors, to grant leases, to draw rents, and generally to have all the powers necessary for the management and administration of the said revenue and property:
- (2) To review any decision of the Senatus Academicus on a matter within its competency which may be appealed against by a member of the Senatus, or other member of the University having an interest in the decision, within such time as may be fixed by the Commissioners, and to take into consideration all representations and reports made to it by the Senatus Academicus and by the general council:
- (3) To review, on representation made by any of its members or by any member of the Senatus Academicus, within such time as may be fixed by the Commissioners, any decision which the Senatus Academicus may come to in the exercise of its powers under section seven, subsection one: Provided always, that the University Court shall not review any decision of the Senatus Academicus in a matter of discipline, except upon appeal taken either by a member of the Senatus or by a member of the University directly affected by such decision:

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- (4) To appoint professors whose chairs are, or may come to be, in the patronage of the University; to appoint examiners and lecturers; and to grant recognition to the teaching of any college or individual teacher for the purposes of graduation, under any regulations on the subject laid down by the Commissioners, which regulations after the expiration of their powers may from time to time be modified or altered by the Universities Committee:
- (5) To define on application by any member of the Senatus Academicus the nature and limits of a professor's duties under his commission, subject to appeal to the Universities Committee:
- (6) To take proceedings against a principal or professor, University lecturer, assistant, recognised teacher or examiner, or any other person employed in teaching or examining under section twelve, sub-section five, of the <sup>M2</sup>Universities (Scotland) Act 1858, without the necessity of any one not a member of the Court appearing as prosecutor, and for the purposes of such proceedings to call before it any member of the University to give evidence, and to require the production of documents, and also to institute and conduct any such inquiries as it may deem necessary:
- (7) To appoint from among members of the University or others, not being members of the Senatus Academicus, one third of the members of any standing committee or committees charged, by ordinance of the Commissioners under this Act, with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University and college or colleges thereof existing at the passing of this Act, and on representation made by any of its members, or by any member of the Senatus Academicus, to review any decision which the Senatus Academicus, in the exercise of its powers, may come to in respect of the recommendations of such committee or committees:
- [<sup>F10</sup>(8) To appoint committees of its own number or others, and to define their powers, and to determine the membership and the quorum, of such committees.]
- (9) To elect the representative of the University on the General Medical Council, under [<sup>F11</sup>the <sup>M3</sup>Medical Act 1956:]
- (10) . . . <sup>F12</sup>

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#### Textual Amendments

- F9** Words repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F10** [S. 6 para. \(8\)](#) substituted by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 2 Pt. III para. 3 \(a\)](#)
- F11** Words substituted by virtue of [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 2 Pt. III para. 3 \(b\)](#)
- F12** [S. 6 para. \(10\)](#) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
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#### Marginal Citations

- M1** [1858 c. 83](#).
- M2** [1858 c. 83](#).
- M3** [1956 c. 76](#).

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*Senatus Academicus*

**7 Powers of Senatus Academicus.**

The Senatus Academicus shall continue to possess and exercise the powers hitherto possessed by it so far as they are not modified or altered by the <sup>M4</sup>Universities (Scotland) Act 1858, or by this Act, and shall have power—

- (1) To regulate and superintend the teaching and discipline of the University [<sup>F13</sup>and to promote research]:
- (2) To appoint two-thirds of the members of any standing committee or committees charged by ordinance of the Commissioners with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University and college or colleges thereof existing at the passing of this Act; and to receive in the first instance all reports by such committee or committees, and subject to the review of the University Court, to confirm, modify, or reject the recommendations in such reports.

**Textual Amendments**

**F13** Words inserted by [Universities \(Scotland\) Act 1966 \(c. 13\), s. 8 \(1\)](#)

**Marginal Citations**

**M4** [1858 c. 83.](#)

**8** ..... <sup>F14</sup>

**Textual Amendments**

**F14** [S. 8](#) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\), Sch. 7 Pt. I](#)

*Universities Committee of Privy Council*

**9 Constitution of Scottish Universities Committee of Privy Council.**

There shall be a Committee of Her Majesty’s Privy Council styled the Scottish Universities Committee of the Privy Council.

The Universities Committee shall consist of the Lord President of the Privy Council, the [<sup>F15</sup>First Minister], the Lord Justice General, if a member of the Privy Council, the Lord Justice Clerk, if a member of the Privy Council, the Lord Advocate, if a member of the Privy Council, the Chancellor of each of the Universities, if a member of the Privy Council, the Lord Rector of each of the Universities, if a member of the Privy Council, one member at least of the Judicial Committee of the Privy Council, and such other member or members of the Privy Council as Her Majesty may from time to time think fit to appoint.

The powers and duties of the Universities Committee may, subject to any rules or regulations which may from time to time be passed by Her Majesty in Council, be exercised and discharged by any three or more of the members of the Committee, one

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of whom shall be a member of the Judicial Committee of the Privy Council or one of Her Majesty's Senators of the College of Justice in Scotland.

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**Textual Amendments**

**F15** Words in s. 9 substituted (1.7.1999 as specified by S.I. 1998/3178, **art. 3**) by virtue of S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 7**

**Changes to legislation:**

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