

**2020 No. 172**

**EDUCATION**

**The Glasgow Caledonian University Amendment Order of Council 2020**

*Made* - - - - - *9th June 2020*

*Laid before the Scottish Parliament* *11th June 2020*

*Coming into force* - - - *1st October 2020*

At the Council Chamber, Whitehall, the 9th day of June 2020

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships make the following Order in exercise of the powers conferred by sections 45 and 60(3) of the Further and Higher Education (Scotland) Act 1992(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Glasgow Caledonian University Amendment Order of Council 2020 and comes into force on 1 October 2020.

(2) In this Order, “the 2010 Order” means the Glasgow Caledonian University Order of Council 2010(b).

**Amendment of the 2010 Order**

**2.**—(1) The 2010 Order is amended in accordance with the following paragraphs.

(2) In article 2 (interpretation)—

(a) after the definition of “the 1993 Order” insert—

““the 2016 Act” means the Higher Education Governance (Scotland) Act 2016(c);”

(b) omit the definitions of “academic staff”, “staff governor” and “support staff”,

(c) for the definitions of “appointed governor”, “governor ex officio”, and “ordinary membership” substitute—

““Chair” means the governor referred to in article 10(a);

“governor” means a member of the University Court referred to in article 10;”

(d) in the definition of “the University Court”, for “by article” substitute “by article”.

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(a) 1992 c.37.  
(b) S.S.I. 2010/198.  
(c) 2016 asp 15.

- (3) In article 4 (functions of the university court)—
  - (a) in paragraph (1)—
    - (i) after “conduct” insert “the affairs of”,
    - (ii) for “well-being” substitute “sustainability”,
  - (b) in paragraph (2)(g), for “Pro-Vice-Chancellors” substitute “Pro-Vice-Chancellor or office holders of a similar standing”.
- (4) In article 5 (general powers of the university court)—
  - (a) in paragraphs (1) and (3)(b), after “conduct” insert “the affairs of”,
  - (b) in paragraph 3(b), for “well-being” substitute “sustainability”.
- (5) In article 8 (matters the university court cannot delegate)—
  - (a) in paragraph (c), after “Principal” insert “and Vice-Chancellor”,
  - (b) after paragraph (c), insert—
    - “(ca) the responsibility for appointing or dismissing the Secretary to the University Court;”.
- (6) For articles 10 (membership of the university court) and 11 (chair and vice-chair), substitute—

**“Membership of the University Court**

- 10.** The membership of the University Court is to be composed of—
  - (a) the Chair, being the person appointed by the University Court to the position of senior lay member by virtue of section 8 of the 2016 Act,
  - (b) the Principal and Vice-Chancellor, being the person appointed by the University Court in accordance with article 27,
  - (c) two governors appointed by being elected by the staff of the University from among their own number,
  - (d) one governor appointed by being elected by the Senate from among the members of the academic staff who are members of the Senate,
  - (e) one governor appointed by being nominated by a trade union from among the academic staff of the University who are members of a branch of a trade union that has a connection with the University in accordance with section 10(2) of the 2016 Act,
  - (f) one governor appointed by being nominated by a trade union from among the support staff of the University who are members of a branch of a trade union that has a connection with the University in accordance with section 10(2) of the 2016 Act,
  - (g) two governors appointed by being nominated by the Students’ Association of the University from among the students of the University,
  - (h) 9 to 17 governors appointed by the University Court from time to time, in accordance with its rules and procedures, with the aim of the membership having the skills and experience that the University Court determines to be relevant, but who may not be members of staff or students of the University.

**Elections to the University Court**

- 11.—**(1) The governors referred to in article 10(c) are to be elected in accordance with rules made by the University Court in accordance with section 11 of the 2016 Act.
- (2) The governor referred to in article 10(d) is to be elected in accordance with rules made by the University Court after consultation with the Senate.

### **Nominations to the University Court**

**11A.**—(1) The governors referred to in articles 10(e), (f) and (g) are to be nominated in accordance with rules made by the University Court in accordance with section 12 of the 2016 Act.

(2) Before making or modifying rules under paragraph (1), the University Court must consult the representatives of anyone with a right of nomination under and affected by the proposed rules or (as the case may be) modification.

### **Appointment of Chair of the University Court**

**11B.**—(1) The Chair is to be appointed in accordance with sections 3 to 8 of the 2016 Act and an appointment process prescribed by the University Court.

(2) Subject to article 13, the University Court is to prescribe the duties, responsibilities and terms and conditions of the Chair which may include such remuneration and allowances as the Court considers to be reasonable in accordance with section 9 of the 2016 Act.

### **Appointment and role of Vice-Chair**

**11C.**—(1) The University Court is to make rules for the appointment of a Vice-Chair from among the members appointed under article 10(h).

(2) The Vice-Chair is to preside at meetings of the University Court and is to exercise the functions of the Chair in the absence of the Chair or while the position is vacant.

(3) In the absence of both the Chair and the Vice-Chair at any meeting, the governors present may appoint a chair from among the governors appointed under article 10(h) who are present at the meeting.

(4) The Vice-Chair may be removed from office as Vice-Chair in accordance with rules made by the University Court.”.

(7) For article 12 (*ex officio* governors), substitute—

“**12.** The governor appointed under article 10(b) holds office for the duration of that person’s appointment as Principal and Vice-Chancellor.”.

(8) In article 13 (rules relating to term of office of governors)—

- (a) in paragraph (1), for “appointed governors and of staff governors” substitute “governors appointed under article 10(a) and (c) to (h)”,
- (b) in paragraph (2), omit “or election”,
- (c) in paragraph (3), omit “or re-elected”.

(9) In article 14 (term of office of governors)—

- (a) for paragraph (1), substitute—

“(1) This article applies to the term of office of governors appointed under article 10(a) and (c) to (h).

(1A) A governor is to hold office for an initial term not exceeding 4 years.”,

- (b) in paragraph (2)—

- (i) for “An appointed governor or staff” substitute “A”,
- (ii) omit “or re-elected”,

- (c) in paragraph (3), for “an appointed governor” to “ex officio” substitute “a governor appointed under article 10(a), (c) to (h) but not any term of office served under article 10(b)”,

- (d) in paragraph (4), for “an appointed”, substitute “a”.

(10) For articles 16 (ineligibility of staff to be governors), 17 (vacation of office of governor) and 18 (filling of vacancies) substitute—

#### **“Resignation and removal of governors**

**16.** The University Court may make rules about the procedure for the resignation and removal of governors in accordance with section 13 of the 2016 Act.”.

(11) Omit article 20 (reserved areas of business).

(12) In article 22 (validity of proceedings of university court), omit “or election” in both places where it appears.

(13) In article 26 (chancellor)—

(a) after paragraph (2), insert—

“(3) The University Court may appoint one or more Pro-Chancellor in a manner and for a period to be determined by the University Court.

(4) Without limitation to article 27, in the absence of the Chancellor, or during a vacancy in that office, a Pro-Chancellor may exercise functions of the Chancellor in accordance with rules made by the University Court.”,

(b) the heading of article 26 becomes “Chancellor and Pro-Chancellors”.

(14) In article 27 (principal and vice-chancellor)—

(a) in paragraph (2), for “are” substitute “is”,

(b) in paragraph (3) for “have” substitute “has”.

(15) In article 28 (staff)—

(a) for “as the need arises and,” substitute “, in discharging its responsibilities under articles 4(2)(d) and (g),”,

(b) for “Vice-Principal and”, substitute “Vice-Principals,”.

(16) For article 30 (university senate), substitute—

#### **“Appointment of Senate**

**30.**—(1) The University Court is to appoint, and maintain by further appointment, a Senate constituted and appointed in accordance with Chapter 2 of Part 1 of the 2016 Act.

(2) The University Court is to make rules relating to the term of office of members of the Senate and the rules may make different provision for different categories of member.

(3) Rules made under paragraph (2) are to prescribe (in particular)—

(a) terms of office, but no term is to be longer than 4 years, and

(b) eligibility for re-appointment.

(4) The Principal and Vice-Chancellor of the University is the chair of the Senate.

#### **Functions of the Senate**

**30A.**—(1) The University Court is to delegate to the Senate—

(a) the powers and functions of the University Court relating to the overall planning, co-ordination, development and supervision of the academic work of the University,

(b) any other functions of the University Court that the University Court may determine,

provided that all such powers functions of the Senate are subject to the general control and direction of the University Court.

(2) In discharging the functions specified in paragraph (1), the Senate has all the powers and duties of the University Court in relation to those functions and has the power to make any recommendations to the University Court on any matters relating to those functions as the Senate considers appropriate.

### **Proceedings of the Senate**

**30B.** The proceedings of the Senate are to be regulated by rules made by the Senate and approved by the University Court, and the rules—

- (a) must provide for—
  - (i) the appointment of a Vice-Chair,
  - (ii) a minimum number of meetings of the Senate each year,
- (b) may provide for—
  - (i) the appointment by the Senate of any committees it considers appropriate,
  - (ii) any other matters connected with the functions of the Senate.”.

(17) Omit the schedule (university senate).

### **Transitional provisions**

**3.—**(1) The Chair appointed under article 11(1) of the 2010 Order who is in office immediately before 1 October 2020 is to be regarded, for the remainder of that Chair’s period in office, as if appointed to the position of Chair in accordance with articles 10(a) and 11B of the 2010 Order as amended by this Order.

(2) The President of the Students’ Association appointed as a governor of the University Court under article 10(4)(b) of the 2010 Order who is in office immediately before 1 October 2020 is to be regarded, for the remainder of that governor’s period in office, as if appointed to the University Court in accordance with article 10(g) of the 2010 Order as amended by this Order.

*Richard Tilbrook*  
Clerk of the Privy Council

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Glasgow Caledonian University Order of Council 2010 (“the 2010 Order”).

Article 1 provides that the Order comes into force on 1 October 2020 and provides a definition of the 2010 Order for the purposes of this Order.

Article 2 of the Order amends the 2010 Order. Article 2(2) amends article 2 of the 2010 Order which sets out relevant definitions.

Article 2(3) and (4) of the Order make minor amendments to articles 4 and 5 of the 2010 Order respectively (functions and powers of the University Court). Article 2(5) makes amendments to article 8 of the 2010 Order (matters which the University Court cannot delegate).

Article 2(6) of the Order omits articles 10 and 11 of the 2010 Order and inserts new articles 10 to 11C. New article 10 sets out the membership of the University Court. Article 11 provides that governors elected under article 10 are elected in accordance with rules made by the University Court in accordance with section 11 of the Higher Education Governance (Scotland) Act 2016 (“the 2016 Act”). Article 11A provides that governors nominated under article 10 are to be nominated in accordance with rules made by the University Court in accordance with section 12 of the 2016 Act. Article 11B provides that the Chair must be appointed in accordance with sections 3 to 8 of the 2016 Act and an appointment process prescribed by the University Court. Article 11C makes provision for the appointment of the Vice-Chair. Article 2(7) to (9) and (12) of the Order make consequential amendments relating to the new composition of the Court.

Article 2(10) of the Order substitutes articles 16, 17 and 18 of the 2010 Order (ineligibility of staff to be governors, vacation of office of governors and filling of vacancies) with a new article 16 to provide a power for the University Court to make rules for the resignation and removal of governors. Article 2(11) omits article 20 of the 2010 Order (reserved areas of business).

Article 2(13) of the Order amends article 26 of the 2010 Order (Chancellor) by including additional paragraphs to make provision in relation to the appointment and role of the Pro-Chancellor. Article 2(14) and (15) of the Order make minor amendments to articles 27 and 28 of the 2010 Order respectively (Principal and Vice-Chancellor and staff).

Article 2(16) of the Order substitutes article 30 of the 2010 Order (University Senate) with new articles 30 (appointment of Senate), 30A (functions of Senate) and 30B (proceedings of Senate). Article 2(17) of the Order omits the schedule of the 2010 Order which made provision for the Senate.

Article 3(1) of the Order makes transitional provision for the Chair to provide that the Chair appointed under the 2010 Order who is in office immediately before commencement of this Order is treated as if appointed in accordance with the 2010 Order as amended by this Order. Article 3(2) of the Order makes transitional provision to ensure that the President of the Students’ Association appointed as governor under the 2010 Order who is in office immediately before the commencement of this Order is treated as if appointed in accordance with the 2010 Order as amended by this Order.

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