



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART II

HIGHER EDUCATION

Designated institutions

45 Power of Privy Council in relation to designated institutions.

- (1) The Privy Council may by order make such provision as regards designated institutions as is mentioned in this section.
- (2) An order of the Privy Council made under this section may—
 - (a) make provision with regard to the constitution of the governing body of any designated institution;
 - (b) prescribe the general functions to be discharged by the governing body, and confer on the governing body such powers as they may consider necessary or expedient for the efficient discharge of those functions; and
 - (c) without prejudice to Part VI of the 1980 Act, revoke, amend or re-enact any provision of any endowment relating to any designated institution,

and where an order under this section makes provision with regard to the constitution of the governing body of an institution as mentioned in paragraph (a) above if neither the institution nor the governing body is, immediately before the order is made, a body corporate, the governing body of the institution shall, by virtue of this subsection, be a body corporate.

- (3) Without prejudice to the generality of subsection (2) above, an order made under this section may—
 - (a) prescribe the administrative and other arrangements to be adopted by the governing body for the purpose of discharging its functions and in particular provide for the delegation of such of its functions as may be prescribed in the

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- order to persons or bodies of persons to be appointed in such manner as may be so prescribed;
- (b) provide for the appointment, remuneration, discipline and dismissal by the governing body of administrative, teaching and other staff, and for the payment by the governing body of pensions, allowances or gratuities to or in respect of members of such staff on their death or retirement;
 - (c) prescribe the procedure to be followed in cases of alleged breaches of discipline by students in attendance at any such institution;
 - (d) provide for the constitution of bodies representative of students in attendance at such institutions and confer on any such bodies such functions as may be prescribed in the order; and
 - (e) provide for any of the purposes specified in paragraphs (a) to (e) of section 105(1) of the 1980 Act.
- (4) An order made under this section may authorise the governing body to make rules regulating its own procedures and the conduct of the designated institution.
- (5) An order made under this section may amend, vary, repeal or revoke the provisions of—
- (a) any regulations made under section 77 of the 1980 Act relating to a designated institution as regards which the order is made; and
 - (b) any enactment (including an enactment contained in a subordinate instrument), any scheme, articles of association, trust deed or other instrument relating to the institution,
- to the extent that any such provision appears to the Privy Council to be inconsistent with the order.
- (6) An order made under this section may contain such incidental, supplementary and consequential provision as appears to the Privy Council to be necessary or expedient.
- (7) This section shall apply to a designated institution notwithstanding that its name includes, by virtue of section 49 of this Act, the word “university”.

Commencement Information

II S. 45 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

Changes to legislation:

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