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# Universities (Scotland) Act 1966

## CHAPTER 13

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## 1966 CHAPTER 13

An Act to amend the law relating to the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh; to make provisions consequential on the foundation of a University of Dundee; and for purposes connected therewith.

[10th March 1966]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

PROVISION FOR FUTURE RECONSTITUTION OF OLDER  
UNIVERSITIES

1.—(1) Subject to the next following subsection, the University Court of any of the older Universities may apply to Her Majesty in Council for the grant of a royal charter making fresh provision for the constitution of that University and, notwithstanding anything in the Universities (Scotland) Acts 1858 to 1932, section 28 of the Act of 1868, the Act of 1953 or this Act, Her Majesty in Council may grant a charter accordingly. Reconstitution  
of older  
Universities.

(2) Before making an application under this section, a University Court shall obtain the concurrence of the Senatus Academicus and shall consult the General Council, the Students' Representative Council and such body or bodies as appear to the University Court to be representative of the academic staff of the University.

(3) The College Charter Act 1871 shall apply to an application under this section as it applies to an application for a charter for the foundation of a new University. 1871 c. 63.

(4) If Her Majesty in Council is pleased to grant in respect of any of the older Universities a charter such as is described in subsection (1) of this section, then, on such day as may be appointed in that behalf by Her Majesty by Order in Council, the enactments mentioned in the said subsection (1) in so far

**PART I** as they apply to that University shall cease to have effect ; and any Order in Council made under this subsection may make such amendments to the said enactments as appear to Her Majesty in Council to be consequential on the application of this subsection in relation to that University.

## PART II

### AMENDMENT OF CONSTITUTIONS AND POWERS OF EXISTING BODIES, ETC.

#### *University Courts*

Constitution  
of University  
Courts.

**2.**—(1) Subject to the provisions of section 17 of this Act, the University Courts of the older Universities shall consist of the persons specified in Parts I, II, III and IV respectively of Schedule 1 to this Act.

(2) Except as provided in section 5(2) of the Act of 1889, subsections (3) and (4) of this section and paragraphs (g) and (h) of Part I of Schedule 1 to this Act, the term of office of all assessors on a University Court to which this section applies shall be four years.

(3) The term of office of assessors elected by the Senatus Academicus or by the General Council to such a University Court, or of members co-opted by such a University Court, shall be four years or such lesser period as may at the time of election or, as the case may be, co-option be determined by the University Court, and different periods may be prescribed for different persons.

(4) In the event of a casual vacancy among the assessors elected by the Senatus Academicus or by the General Council to such a University Court, the person elected to fill such vacancy shall demit office at the date when the person whom he succeeded would have retired.

(5) All assessors on such a University Court shall be eligible for further nomination or, as the case may be, re-election ; and all members co-opted by such a University Court shall be eligible for further co-option.

(6) The validity of any proceedings of such a University Court shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

**3.**—(1) The University Courts of each of the older Universities shall have the powers specified in Schedule 2 to this Act.

(2) The powers specified in Part I of the said Schedule shall be exercisable by ordinance made in accordance with section 4 of this Act ; the powers specified in Part II of that Schedule shall be exercisable by resolution passed in accordance with section 6 of this Act ; and the powers specified in Part III thereof shall be exercisable in accordance with procedure prescribed by the University Court.

Powers of  
University  
Courts.

(3) The power conferred by the last foregoing subsection to make an ordinance or pass a resolution shall include a power to vary or revoke the ordinance or resolution by subsequent ordinance or, as the case may be, by subsequent resolution made or, as the case may be, passed in the like manner and subject to the like conditions.

4.—(1) The procedure for the making of ordinances as prescribed in section 21 of the Act of 1889 shall cease to have effect, but, subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the making of an ordinance under section 3 of this Act, that is to say—

Making of ordinances.

- (a) a draft of the ordinance shall be sent to the Senatus Academicus and to the General Council ;
- (b) throughout the period of eight weeks from the sending of the draft of the ordinance to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University ;
- (c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest concerning the ordinance if received by them within the period mentioned in the last foregoing paragraph ;
- (d) in computing the said period, the months of August and September shall be left out of account ;
- (e) no ordinance shall come into operation until it has been approved by Her Majesty in Council, and the University Court may submit the ordinance to Her Majesty in Council for approval as soon as may be after the end of the said period ;
- (f) Her Majesty in Council may refer the ordinance to the Universities Committee, who shall report to Her Majesty thereon ;
- (g) as soon as may be after the ordinance has been approved by Her Majesty in Council, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period ;
- (h) without prejudice to the other provisions of this section, the University Court shall not proceed with the making of any ordinance which relates to the purposes mentioned in section 2 of the Act of 1932 until after consultation with the General Assembly.

## PART II

(2) Before proceeding to make an ordinance, the University Court may determine that on the ground of urgency the foregoing subsection shall apply in relation to that ordinance as if every reference to period, except in paragraph (g), were construed as a reference to the period of one month ; and forthwith notices to that effect shall be sent to the Senatus Academicus and to the General Council and shall be displayed publicly within the University.

Ordinances made under former enactments.

5. Ordinances made under the Universities (Scotland) Acts 1858 to 1932 or the Act of 1953, which were in force immediately before the passing of this Act, shall remain in force until varied or revoked—

- (a) in the case of the ordinances listed in Schedule 3 to this Act, by ordinance made in pursuance of paragraph 6 of Part I of Schedule 2 to this Act ;
- (b) in the case of ordinances relating to any of the matters mentioned in paragraphs 1 to 3 and 5 to 7 of Part II of Schedule 2 to this Act, by resolution passed in accordance with section 6 of this Act ; and
- (c) in the case of any other ordinance, by such of the methods mentioned in section 3(2) of this Act as the University Court thinks fit.

Passing of resolutions.

6.—(1) Subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the passing of a resolution under section 3 of this Act, that is to say—

- (a) a draft of the resolution shall be sent to the Senatus Academicus and to the General Council ;
- (b) throughout the period of one month from the sending of the draft of the resolution to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University ;
- (c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest, concerning the resolution if received by them within the period mentioned in the last foregoing paragraph ;
- (d) in computing the said period the months of August and September shall be left out of account ;
- (e) the resolution may be passed by the University Court as soon as may be after the end of the said period, and it shall come into effect on a date fixed therein ;

(f) after the resolution has been passed, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period.

(2) In the case of a resolution relating to matters mentioned in paragraph 2 or paragraph 5 of Part II of Schedule 2 to this Act, the University Court may at a meeting by a majority of not less than three-fourths of the members of the University Court present and voting determine that on the ground of extreme urgency the procedure set out in paragraphs (a) to (e) of the foregoing subsection in relation to that resolution should be dispensed with, and where the University Court so determine the resolution may be passed forthwith.

#### *Senates*

7.—(1) The Senatus Academicus of each of the older Universities shall include a number of readers and lecturers of that University equal to not less than one-third of the number of persons who are members of that Senatus by virtue of section 5 of the Act of 1858. Constitution of Senates.

(2) The readers and lecturers to be included on a Senatus Academicus to which this section applies shall be elected in such manner and for such term of office as may be provided by the University Court by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act, but the only persons qualified to vote in the election of those readers and lecturers shall be the readers and lecturers of the University concerned.

(3) The validity of any proceedings of a Senatus Academicus to which this section applies shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

8.—(1) The Senatus Academicus of each of the older Universities shall have power to promote research; and accordingly section 7(1) of the Act of 1889 shall have effect as if at the end thereof there were inserted the words "and to promote research". Powers of Senates.

(2) Without prejudice to the said section 7, the Senatus Academicus as aforesaid shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

#### *General Councils*

9.—(1) In addition to the meetings prescribed by section 6 of the Act of 1858, special meetings of the General Council of each of the older Universities may be held at any time in accordance with such procedure as the General Council may by rules determine. Powers of General Councils.

## PART II

(2) The quorum of the General Council of each of the older Universities shall be fifty, but any such General Council may resolve that its quorum shall be altered to such number as it may determine:

Provided that a notice stating that the quorum has been so altered shall require to be sent to every member of the General Council, and the alteration shall take effect only after the expiry of three months from the sending of the notice.

(3) The General Council of each of the older Universities shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

General  
Council  
register.

**10.**—(1) The University Court of each of the older Universities shall cause to be maintained a register of members of the General Council in accordance with conditions prescribed by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act.

(2) On the approval by Her Majesty in Council of any such ordinance as is mentioned in the foregoing subsection, the enactments set out in Schedule 4 to this Act shall cease to have effect in relation to the University to which the ordinance applies.

*Miscellaneous*

University  
staff ineligible  
to become  
rector, or  
assessor on  
Court except  
in certain  
circumstances.

**11.** No person holding an appointment in any of the older Universities shall be eligible to be—

(a) elected as rector of that University, or

(b) nominated or elected as an assessor on the University Court by any other person or body than the *Senatus Academicus*;

Provided that nothing in paragraph (b) of this section shall prejudice the right of the University Court as provided for in Schedule 1 to this Act to co-opt a person holding such an appointment.

Annual  
reports and  
financial  
statements.

**12.**—(1) The University Court of each of the older Universities shall lay before the General Council annually—

(a) a report of the work and activities of the University, and

(b) a financial statement of the University which shall be audited by auditors appointed by the University Court.

(2) No person shall be qualified to be appointed as an auditor under this section unless he is a member of one or more of the following bodies:—

(a) the Institute of Chartered Accountants of Scotland;

(b) the Institute of Chartered Accountants in England and Wales;



- (c) the Institute of Chartered Accountants in Ireland ; PART II  
 (d) the Association of Certified and Corporate Accountants ;  
 (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Board of Trade ;

but a Scottish firm may be so appointed if each of the partners thereof is qualified to be so appointed.

(3) No person shall be qualified to be appointed as an auditor under this section who is, or any member of whose firm is, a member of the University Court or of the staff of the University concerned.

### PART III

#### PROVISIONS CONSEQUENTIAL ON FOUNDATION OF UNIVERSITY OF DUNDEE

13. If Her Majesty in Council is pleased to provide by royal charter for the foundation of a University of Dundee, including the unincorporated society of teachers and students known as Queen's College, Dundee, then, on such day as may be appointed in that behalf by Her Majesty by Order in Council (hereafter in this Act referred to as "the appointed day")— Consequential provisions.

- (a) the said College shall cease to be comprised in the University of St. Andrews ;  
 (b) the College Councils constituted by section 4 of the Act of 1953 shall be dissolved ;  
 (c) the Act of 1953 shall cease to have effect, but the provisions set out in Schedule 5 to this Act shall apply to the University of St. Andrews ;  
 (d) Schedule 6 to this Act shall have effect for the purpose of the transfer to the University of Dundee of the property, rights, liabilities and functions therein specified, being property, rights, liabilities and functions now vested in or attaching to the University of St. Andrews, the said College or the College Council of that College and for the other transitional purposes specified in that Schedule.

### PART IV

#### SUPPLEMENTARY

14. The Acts mentioned in Schedule 7 to this Act, being to the extent specified in relation to them respectively in column 3 of that Schedule no longer required in consequence of the provisions of this Act or otherwise obsolete, are to that extent hereby repealed, and— Repeals.

- (a) the repeal of the enactments specified in Part I of the said Schedule shall take effect on the passing of this Act ; and

## PART IV

(b) the repeal of the enactments specified in Part II of the said Schedule shall take effect on the appointed day.

Statutory  
Instruments Act  
1946 not to apply  
to Orders in  
Council.  
1946 c. 36.

15. The Statutory Instruments Act 1946 shall not apply to an Order in Council under this Act.

## Interpretation.

16.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

1858 c. 83.

“the Act of 1858” means the Universities (Scotland) Act 1858;

1868 c. 48.

“the Act of 1868” means the Representation of the People (Scotland) Act 1868;

1889 c. 55.

“the Act of 1889” means the Universities (Scotland) Act 1889;

1932 c. 26.

“the Act of 1932” means the Universities (Scotland) Act 1932;

1953 c. 40.

“the Act of 1953” means the University of St. Andrews Act 1953;

“the appointed day” means the day appointed by Her Majesty by Order in Council as mentioned in section 13 of this Act;

“the older Universities” means the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh;

“functions” includes powers and duties;

and other expressions shall have the like meaning as in the Universities (Scotland) Acts 1858 to 1932.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by, or by virtue of, any subsequent enactment including this Act.

Citation and  
commence-  
ment.

17.—(1) This Act may be cited as the Universities (Scotland) Act 1966, and the Universities (Scotland) Acts 1858 to 1932 and this Act may be cited together as the Universities (Scotland) Acts 1858 to 1966.

(2) The following provisions of this Act shall come into operation on the appointed day, that is to say—

(a) section 2 so far as relating to the University of St. Andrews,

(b) section 14(a) and Part I of Schedule 7 so far as those provisions repeal part of section 5(2) of the Act of 1889 in relation to the University of St. Andrews,

(c) section 14(b) and Part II of Schedule 7,

(d) Part I of Schedule 1,

(e) Schedule 5,

(f) Schedule 6.

## SCHEDULES

## SCHEDULE 1

Section 2.

## COMPOSITION OF COURTS OF OLDER UNIVERSITIES

## PART I

*St. Andrews*

- (a) the rector ;
- (b) the principal ;
- (c) the master of the United College of St. Salvator and St. Leonard ;
- (d) the vice-principal of the University, if he is not a member of the University Court in another capacity ;
- (e) an assessor nominated by the chancellor ;
- (f) an assessor nominated by the rector ;
- (g) the provost of the royal burgh of St. Andrews for the time being, or an assessor nominated by him to serve throughout his term of office as provost ;
- (h) the convener of the county council of the county of Fife for the time being, or an assessor nominated by him to serve throughout his term of office as convener ;
- (i) four assessors elected by the General Council ;
- (j) six assessors elected from among its members by the Senatus Academicus, of whom one shall be a professor in St. Mary's College, and of whom at least two shall be readers or lecturers ;
- (k) such persons, not exceeding three in number of whom none may hold an appointment in the University of St. Andrews, as may be co-opted by the University Court.

## PART II

*Glasgow*

- (a) the rector ;
- (b) the principal ;
- (c) the lord provost of the city of Glasgow for the time being ;
- (d) an assessor nominated by the chancellor ;
- (e) an assessor nominated by the rector ;
- (f) an assessor nominated by the lord provost, magistrates and council of the city of Glasgow ;
- (g) four assessors elected by the General Council ;
- (h) six assessors, elected from among its members by the Senatus Academicus, of whom at least two shall be readers or lecturers ;
- (i) such persons, not exceeding three in number of whom not more than one may hold an appointment in the University of Glasgow, as may be co-opted by the University Court.

## SCH. 1

## PART III

*Aberdeen*

- (a) the rector ;
- (b) the principal ;
- (c) the lord provost of the city of Aberdeen for the time being ;
- (d) an assessor nominated by the chancellor ;
- (e) an assessor nominated by the rector ;
- (f) an assessor nominated by the lord provost, magistrates and council of the city of Aberdeen ;
- (g) four assessors elected by the General Council ;
- (h) six assessors, elected from among its members by the *Senatus Academicus*, of whom at least two shall be readers or lecturers ;
- (i) such persons, not exceeding three in number of whom not more than one may hold an appointment in the University of Aberdeen, as may be co-opted by the University Court.

## PART IV

*Edinburgh*

- (a) the rector ;
- (b) the principal ;
- (c) the lord provost of the city of Edinburgh for the time being ;
- (d) an assessor nominated by the chancellor ;
- (e) an assessor nominated by the rector ;
- (f) an assessor nominated by the lord provost, magistrates and council of the city of Edinburgh ;
- (g) four assessors elected by the General Council ;
- (h) six assessors, elected from among its members by the *Senatus Academicus*, of whom at least two shall be readers or lecturers ;
- (i) such persons, not exceeding three in number of whom not more than one may hold an appointment in the University of Edinburgh, as may be co-opted by the University Court.

## Section 3.

## SCHEDULE 2

## POWERS OF UNIVERSITY COURTS

## PART I

*Powers exercisable by ordinance*

1. To amend the composition, powers and functions of the University Court, the *Senatus Academicus*, and the General Council, as set out in the *Universities (Scotland) Acts 1858 to 1932*, the Act of 1953 and this Act, and in the ordinances made under the said Acts of 1858 to 1932 and of 1953 as set out in Schedule 3 to this Act ; and to amend the composition of the General Council as set out in section 28 of the Act of 1868.

2. To amend the composition of any other body set up under the Acts of 1858 and 1889 to which the University Court nominates or appoints members:

SCH. 2

Provided that before proceeding to the exercise of the powers herein contained the Court shall have regard to any recommendation made by the body concerned.

3. To fulfil the purposes which are mentioned in sections 14 and 15 of the Act of 1889, and section 2 of the Act of 1932.

4. To provide for the manner of election of readers and lecturers to the *Senatus Academicus* and their term of office.

5. To prescribe the conditions under which the register of members of the General Council is to be maintained.

6. To vary or revoke any of the ordinances set out in Schedule 3 to this Act.

## PART II

### *Powers exercisable by resolution*

1. On the recommendation of the *Senatus Academicus*, to regulate and alter the constitution, composition, and number of the faculties and boards of studies, and to create new bodies of the same kind.

2. On the recommendation of the *Senatus Academicus*, to institute new degrees and to approve regulations made by the *Senatus Academicus* therefor; to approve any additions or amendments to the regulations for existing degrees and to regulate the length of the academic session.

3. On the recommendation of the *Senatus Academicus*, to prescribe the conditions under which students may be admitted to the University:

Provided that the power mentioned in this paragraph shall not become exercisable by the University Court of any of the older Universities until the ordinance mentioned in paragraph 8 of Schedule 3 to this Act has been revoked in relation to that University.

4. On the recommendation of the *Senatus Academicus*, to prescribe the procedure to be followed in the case of alleged breaches of discipline within the University where the alleged breach is one which might be punishable by expulsion or rustication.

5. After consultation with the *Senatus Academicus*, to found professorships and readerships in either case carrying the responsibility of a department and, without prejudice to the provisions of section 2 of the Act of 1932, on the occasion of a vacancy and with the consent of the patrons, if any, to abolish or alter the title of existing professorships and readerships carrying the responsibility of a department and with the consent of the incumbent and patrons, if any, to alter the title of existing professorships.

6. After consultation with the *Senatus Academicus*, to make regulations for the granting of recognition to the teaching of any college or individual teacher for the purposes of graduation.

7. After consultation with the *Senatus Academicus* and without prejudice to the provisions of section 2 of the Act of 1932, to prescribe the limitations in respect of age on the tenure of office of the principal or a professor:

**SCH. 2**

Provided that, in the case of the principalship or a professorship the nomination or appointment whereto is reserved to or exercised by the Crown, the consent of Her Majesty to any such limitation on the tenure thereof shall have been signified by the Secretary of State ; and provided also that no resolution prescribing such limitation shall apply to the principal or a professor holding office at the date when the resolution is passed, unless the principal or that professor shall have consented to such application, or is by the terms of his appointment subject to such limitation.

8. To regulate such other matters, not being matters which fall within the scope of Part I of this Schedule, as the University Court may think fit to regulate by resolution.

**PART III**

*Powers exercisable in accordance with procedure prescribed  
by the University Court*

1. The powers mentioned in section 12 of the Act of 1858 but as if paragraph 4 thereof were omitted.

2. The powers mentioned in section 13 of the Act of 1858, but subject to the provisions of paragraph 2 of Part I of this Schedule.

3. The powers mentioned in section 6 of the Act of 1889 but as if—

(a) for paragraph (8) thereof there were substituted the following paragraph:—

“(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.”

and,

(b) in paragraph (9) thereof for the reference to the Medical Act 1886 there were substituted a reference to the Medical Act 1956.

4. To regulate the salaries of the principal, professors, readers, lecturers and other University officers.

5. After consultation with the Senatus Academicus, to regulate the qualifications, appointment and number of examiners ; and to determine the amount and manner of the remuneration of examiners.

6. To appoint such administrative staff as may be deemed necessary for the efficient functioning of the University.

7. To determine the conditions and the scale on which pensions may be granted to the principal, professors, readers, lecturers and other University officers.

8. To regulate the amount, manner of payment, and appropriation of fees and other payments made by students.

9. To make provision to enable the Senatus Academicus and the General Council to discharge their duties.

10. In this Part of this Schedule the expression “ officers ” includes “ servants ”.

## SCHEDULE 3

Section 5.

ORDINANCES MADE UNDER FORMER ENACTMENTS WHICH MAY BE VARIED OR REVOKED ONLY BY ORDINANCE MADE UNDER THIS ACT

	Aberdeen No.	Edinburgh No.	Glasgow No.	St. Andrews No.
1. Regulations for the Students' Representative Council	← 60 (General No. 22) →			
2. Election of rector ...	399 (Aberdeen No. 77)	361 (Edinburgh No. 120)	380 (Glasgow No. 108)	484 (St. Andrews No. 82)
3. General Council: Regulations for election of chancellor and assessors: amendment of Ordinance No. 9 (General No. 4)	← 278 (General No. 9) →			
4.—(a) Composition of the Senatus Academicus				498 (St. Andrews No. 76) Section I
(b) Admission of readers and lecturers to the Senatus Academicus	508 (Aberdeen No. 98)	360 (Edinburgh No. 112)	119 (Glasgow No. 32)	498 (St. Andrews No. 76) Section II
(c) Election of assessors of the Senatus Academicus on the University Court				498 (St. Andrews No. 76) Sections VII - X
5. Limitation of Time for Appeals and Representations	← No. 5 (General No. 2) →			
6. Board of nomination for theological chairs	← 284 (General No. 10) →			
7. Use of Common Seal (Execution of Deeds)	432 (Aberdeen No. 85)	500 (Edinburgh No. 160)	← 6 (General No. 3) →	
8. Regulations as to qualifications for admission to the Scottish Universities for purposes of graduation	← 356 (General No. 11) →			

## Section 10(2).

## SCHEDULE 4

LIST OF ENACTMENTS CEASING TO HAVE EFFECT ON THE APPROVAL  
BY HER MAJESTY IN COUNCIL OF AN ORDINANCE MENTIONED IN  
SECTION 10 OF THIS ACT

The following enactments are those mentioned in section 10(2) of this Act, that is to say—

- (a) section 6 of the Act of 1858, so far as relating to the registration of members of the General Council,
- (b) section 28 of the Act of 1868, so far as relating to the registration of members of the General Council,
- (c) section 29 of the Act of 1868 (registration book),
- (d) section 32 of the Act of 1868 (power to inspect registration book, etc.),
- (e) section 33 of the Act of 1868 (appeal against omissions),
- (f) section 34 of the Act of 1868 (quorum of University Court for purposes of that Act),
- (g) section 35 of the Act of 1868 (new registers to be made up annually),
- (h) Schedules E and F to the Act of 1868 (forms), and
- (i) the last paragraph of section 19, and section 43, of the Representation of the People Act 1918, so far as relating to the registration of members of the General Council.

1918 c. 64  
(7 & 8 Geo. 5).

## Section 13.

## SCHEDULE 5

PROVISIONS APPLICABLE BY VIRTUE OF SECTION 13 OF THIS ACT  
TO THE UNIVERSITY OF ST. ANDREWS AFTER THE FOUNDATION  
OF THE UNIVERSITY OF DUNDEE

*Constitution of the University and Colleges*

1.—(a) The University shall comprise two Colleges, being unincorporated societies of teachers and students, namely, the United College of St. Salvator and St. Leonard, and St. Mary's College.

(b) The United College of St. Salvator and St. Leonard shall consist of the master of the College and of those teachers who provide instruction and matriculated students who engage in studies in the University wholly or mainly in that College; and St. Mary's College shall consist of the principal of the College and of those teachers who provide instruction and matriculated students who engage in studies in the University wholly or mainly in that College.

(c) Any question arising as to the College of which any teacher or student is, by virtue of the last foregoing sub-paragraph, a member shall be determined by the University Court.



(d) Notwithstanding the provisions of sub-paragraphs (a) and (b) of this paragraph, the University Court shall have power to admit to membership of a College the librarian or any other member of the administrative staff of the University of St. Andrews.

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*Principal, Vice-Principal and Heads of Colleges*

2.—(a) The principal of the University of St. Andrews shall be appointed by Her Majesty.

(b) There shall be a vice-principal of the University of St. Andrews who shall be appointed by the University Court from among the members of the Senatus Academicus:

Provided that he shall cease to hold office as vice-principal in the event of his ceasing to be a member of the Senatus Academicus.

(c) The master of the United College of St. Salvator and St. Leonard and the principal of St. Mary's College shall be appointed by the University Court.

*Bursaries*

3. On and after the appointed day those bursaries which immediately before that day were governed by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961 shall, with the exception of the bursaries referred to in paragraph 9(a) of Schedule 6 to this Act, continue to be bursaries in the University of St. Andrews and to be governed, as nearly as may be practicable, by the said scheme until a new scheme for their administration has been prepared under the provisions of the Education (Scotland) Act 1962, and has 1962 c. 47. been approved by Her Majesty in Council.

*Construction of contracts etc.*

4. On and after the appointed day any reference to the College Council in St. Andrews contained in any contract, agreement, bequest, will, trust or other instrument shall have effect as if it were a reference to the University Court.

*Persons employed by College Council in St. Andrews*

5. All persons employed in any capacity by the College Council in St. Andrews immediately before the appointed day shall on that day become employed by the University Court upon the same terms and conditions, as nearly as may be practicable, as governed their appointments immediately before the appointed day.

SCHEDULE 6

Section 13.

TRANSFER OF PROPERTY, ETC. TO UNIVERSITY OF DUNDEE AND  
OTHER TRANSITIONAL PROVISIONS

*Transfer of property and liabilities*

1. Subject to the provisions of this Schedule, on the appointed day all property, heritable and moveable, and all rights and interests of every description, which immediately before that day

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belonged to the University Court or, as the case may be, were exercisable by the University Court, in connection with Queen's College, shall vest in or, as the case may be, become exercisable by, the University of Dundee.

2.—(a) Before the appointed day the University Court shall submit to Her Majesty in Council a statement of all endowment funds held by the University Court wholly or partly in connection with Queen's College.

(b) On the appointed day such of the funds referred to in the foregoing sub-paragraph as may be determined by Her Majesty by Order in Council shall be transferred to the University of Dundee.

3.—(a) Within two months after the appointed day the University Court shall submit to Her Majesty in Council an abstract of the accounts of the University Appeal Fund as at the appointed day; and such part of the said Appeal Fund as may be determined by Her Majesty by Order in Council shall be transferred to the University of Dundee.

(b) Within two months after the appointed day the University Court shall submit to Her Majesty in Council for approval a scheme for the allocation between the University of St. Andrews and the University of Dundee of such donations to the said Appeal Fund as may be received by the University Court after the appointed day under covenant made before that day; and all such donations shall be allocated in accordance with a scheme so approved.

4. On the appointed day the funds, not being endowment funds, specified in the first column of the Table set out at the end of this Schedule to the amount specified in the second column of that Table, shall be transferred to the University of Dundee.

5.—(a) All property vesting in or transferred to the University of Dundee under any of the preceding paragraphs of this Schedule shall be applied to the purposes for which the University of Dundee is incorporated.

(b) Subject to the provisions of paragraph 9 of this Schedule, any property which by any scheme, will or other instrument or otherwise was held upon trust for any specific foundation or object of Queen's College and which vests in or has been transferred to the University of Dundee by virtue of any of the preceding paragraphs of this Schedule shall, after the said vesting or transfer, be held upon trust for, and applied as far as possible to, the like foundation or object of the University of Dundee.

(c) Subject to the provisions of the last foregoing paragraph, any property which was held upon any trust and which vests in or has been transferred to the University of Dundee by virtue of any of the preceding paragraphs of this Schedule shall, after the said vesting or transfer, be held upon the same trust.

6. The transfer of property to and its vesting in the University of Dundee under paragraphs 1 to 4 of this Schedule shall have effect by virtue of this Act alone without any conveyance or other instrument.

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7. On the appointed day all liabilities incurred before the appointed day by the University Court in connection with Queen's College and still outstanding shall be transferred to the University of Dundee and shall thereafter be discharged by the University of Dundee.

8. Any dispute between the University Court and the University of Dundee as to the property or the liabilities to be transferred to the University of Dundee under paragraphs 1 to 4, and paragraph 7 respectively, of this Schedule shall be determined by arbitration.

#### *Bursaries*

9.—(a) On and after the appointed day those bursaries which immediately before that day were governed by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961, and whose respective endowment funds are transferred to the University of Dundee under paragraph 2(b) of this Schedule shall become bursaries in the University of Dundee.

(b) The bursaries referred to in the foregoing sub-paragraph shall, on and after the appointed day, continue to be governed, as nearly as may be practicable, by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961, until a new scheme for their administration has been prepared under the Education (Scotland) Act 1962, c. 47, and has been approved by Her Majesty in Council.

#### *Construction of contracts etc.*

10. On and after the appointed day any reference to Queen's College or to Queen's College Council contained in any contract or agreement shall have effect as if it were a reference to the University of Dundee or, as the case may be, to the governing body of the University of Dundee.

#### *Court Proceedings*

11. All court proceedings pending at the appointed day to which the University Court are a party and which relate in whole or in part to Queen's College shall proceed with the substitution of the University of Dundee for the University Court to the extent of the Queen's College interest.

#### *Construction of gifts, etc.*

12.—(a) On and after the appointed day any gift in favour of Queen's College shall have effect as if the University of Dundee had been named as the beneficiary therein, whether such gift is regulated

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by any scheme will or other instrument, or in any other manner and whether made or executed or taking effect before or on or after the appointed day.

(b) Any gift in favour of the University of St. Andrews which was regulated after 31st July 1953 and before the appointed day by any scheme will or other instrument, or in any other manner and which takes effect on or after the appointed day shall, in the absence of specific directions in the governing instrument as to the proportion in which Queen's College was to benefit therefrom, be deemed to be a gift in favour of the University of St. Andrews and the University of Dundee equally; and any fund which is created by or under any such gift and which, in terms of the governing instrument, would have vested in the University Court, shall be divided equally and one half shall vest in the University Court and the other in the University of Dundee, to be held and administered for the purposes of the gift.

(c) If the governing instrument of any such gift specifies the proportions in which the United College and St. Mary's College on the one hand and Queen's College on the other are to benefit therefrom the gift shall be deemed to be a gift in favour of the University of St. Andrews and the University of Dundee in those proportions; and any fund which is created by or under any such gift and which, in terms of the governing instrument, would have vested in the University Court, shall be divided in the same proportions and the two parts shall vest in the University Court and the University of Dundee respectively, to be held and administered for the purposes of the gift.

(d) Any reference in this paragraph to a gift shall include a reference to a bequest or trust.

#### *Officers and staff*

13. On the appointed day—

- (a) all professors of the University of St. Andrews who immediately before that day were members of Queen's College shall become professors of the University of Dundee;
- (b) all other members of the teaching staff of the University of St. Andrews who immediately before that day were members of Queen's College shall become members of the teaching staff of the University of Dundee;
- (c) all other persons who immediately before that day were employed in any capacity by the University Court and whose duties lay wholly or mainly in Queen's College shall become employed by the University of Dundee;
- (d) all persons who immediately before that day were employed in any capacity by Queen's College Council shall become employed by the University of Dundee.

14.—(a) Any person who has been appointed before the appointed day by the University Court to a post with effect from a date on or after the appointed day and whose duties were to lie wholly or mainly in Queen's College shall from the effective date of his appointment become employed by the University of Dundee.

(b) Any person who has been appointed before the appointed day by Queen's College Council to a post with effect from a date on or after that day shall from the effective date of his appointment become employed by the University of Dundee.

15. On or before the appointed day the University Court, after consultation with Queen's College Council, shall determine who are the persons falling within the categories specified in paragraphs 13(c) and 14(a) of this Schedule.

16. The persons referred to in paragraphs 13 and 14 of this Schedule shall hold office or continue to hold office upon the same terms and conditions, as nearly as may be practicable, as governed their appointment immediately before the appointed day.

*Abolition of qualifying examinations and degrees in medicine etc.  
in the University of St. Andrews*

17.—(a) The University of St. Andrews shall on the appointed day cease to hold qualifying examinations in medicine, surgery and midwifery, and in dentistry:

Provided that a student who has matriculated in the faculty of medicine in the University of St. Andrews before the appointed day shall for a period of five years from the start of the academic session next following that day be entitled, subject to his compliance with the rules and regulations of the University of Dundee from time to time in force, to take any qualifying examinations in those subjects in the University of Dundee.

(b) The University of St. Andrews shall on the appointed day cease to grant degrees in medicine, surgery or midwifery and degrees and licences in dentistry other than to students who have matriculated in the faculty of medicine in the University of St. Andrews before the appointed day and have passed the necessary qualifying examinations in the University of St. Andrews or the University of Dundee or partly in the one and partly in the other.

*Amendments to the Medical Act 1956 and Dentists Act 1957*

18. On and after the appointed day the University of Dundee shall be, and the University of St. Andrews shall cease to be, entitled to choose one representative to be a member of the General Medical Council, and accordingly section 3(1) of the Medical Act 1956 shall have effect as if the words "St. Andrews" were omitted, and for the words "and Edinburgh" there were substituted the words "Edinburgh and Dundee". 1956 c. 76.

19. Notwithstanding the provisions of the last foregoing paragraph, as read with subsections (3) and (4) of section 2 of the Dentists Act 1957 (which in effect provide that for the purposes of that Act a 1957 c. 28.

SCH. 6 dental authority means any of the Universities who choose appointed members of the General Medical Council), the University of St. Andrews shall on and after the appointed day be deemed to be a dental authority for the purposes of that Act in relation to graduates upon whom it has conferred before or may confer after the appointed day in pursuance of paragraph 17(b) of this Schedule a degree or licence in dentistry.

1956 c. 76.

20. Section 11(1)(a) of the Medical Act 1956 (which states the Universities in which a qualifying examination may be held for the purposes of Part II of that Act) shall have effect as if the words "St. Andrews" were omitted, and for the words "and Edinburgh" there were substituted the words "Edinburgh and Dundee".

#### *Existing students*

21. In consultation with the University of St. Andrews, the University of Dundee shall make such regulations as it considers appropriate concerning the continuation of the courses of study and the granting of degrees to students of the University of St. Andrews who have matriculated before the appointed day:

Provided that, subject to the provisions of paragraph 17 of this Schedule, any person who before the appointed day has matriculated in Queen's College as a candidate for a qualification of the University of St. Andrews and who after the appointed day becomes a student of the University of Dundee and satisfies all the conditions required for the like qualification in the University of Dundee shall be entitled to proceed to the qualification in the University of St. Andrews; but the University of St. Andrews shall not be under any obligation to grant a qualification to any candidate who has not passed all the necessary examinations before the expiry of the maximum period of study prescribed by the regulations of the University of St. Andrews which were in force immediately before the appointed day.

#### *Compensation for loss of office*

22.—(a) Any person who suffers loss of office or employment, or loss or diminution of emoluments or pension rights, which is attributable to the coming into force of any of the provisions of this Schedule shall be entitled to compensation.

(b) Any compensation payable under this paragraph shall be paid by the University Court and the University of Dundee to the extent of one half each and shall be of such amount as may be agreed between the University Court, the University of Dundee and the person entitled to the compensation or, in default of such agreement, as may be determined by arbitration.

#### *Arbitration*

23. Any question which requires, in accordance with paragraph 8 or paragraph 22 of this Schedule, to be determined by arbitration shall be determined by a single arbiter agreed upon by the parties or, failing such agreement, appointed by the Lord President of the Court of Session on the application of any of the parties to the

question, and at any stage in the proceedings in any such arbitration the arbiter may, and shall if so directed by the Court of Session, state a case for the opinion of that court on any question of law arising in the arbitration.

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*Interpretation*

24. In this Schedule the expression “the University Court” means the University Court of St. Andrews.

TABLE

FUNDS, OTHER THAN ENDOWMENT FUNDS, TO BE TRANSFERRED, IN WHOLE OR IN PART, TO THE UNIVERSITY OF DUNDEE.

<i>Fund</i>	<i>Amount to be transferred to the University of Dundee</i>
(1) Replacements Reserve	One half
(2) Investment Income Reserve	One half
(3) Queen's College Hall Appeal Fund	The whole fund
(4) Accumulated surplus on Income and Expenditure Account	One half

Section 14.

## SCHEDULE 7

## REPEAL OF ENACTMENTS

## PART I

*Enactments Repealed on the Passing of this Act*

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Vict. c. 83.	The Universities (Scotland) Act 1858.	In section 6, in the first proviso the words from "has attained" to "complete, and" and the word "annual". In section 12, paragraph 4.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act 1868.	Section 31.
52 & 53 Vict. c. 55.	The Universities (Scotland) Act 1889.	In section 5, in subsection (1), paragraphs (ii), (iii) and (iv) and the proviso; in subsection (2) the words from "The other" to "retired" in the second paragraph, and the third paragraph; subsection (4). In section 6, in paragraph (1) the words from "including" to "mentioned", and paragraph (10). Section 8. In section 14, in paragraph (2) the words from "principals" to end; paragraph (3); paragraphs (5) to (11); paragraphs (13) and (14); paragraph (16). Section 21. Section 25. Section 26. Section 28. Section 29. Section 30.
7 & 8 Geo. 5 c. 64.	The Representation of the People Act 1918.	In section 19, the first and second paragraphs so far as they extend to Scotland.
12 & 13 Geo. 5 c. 34.	The Universities (Scotland) Act 1922.	Section 1.
22 & 23 Geo. 5. c. 26.	The Universities (Scotland) Act 1932.	In section 2(1), the words "by section" to "revoke ordinances)", and the words "subject to the provisions of that section", and paragraph (b); section 2(3).



## PART II

## SCH. 7.

*Enactments Repealed on the Appointed Day*

Session and Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 55.	The Universities (Scotland) Act 1889.	In section 5(1), paragraph (i).
1 & 2 Eliz. 2 c. 40.	The University of St. Andrews Act 1953.	The whole Act.
4 & 5 Eliz. 2 c. 76.	The Medical Act 1956.	In section 3, in subsection (1) the words "St. Andrews". In section 11, in subsection (1)(a) the words "St. Andrews".

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