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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 212**

**EDUCATION**

**The University of the West of Scotland Order of Council 2019**

*Made* - - - - - *13th June 2019*  
*Laid before the Scottish*  
*Parliament* - - - - - *18th June 2019*  
*Coming into force* - - - - - *1st October 2019*

At the Council Chamber, Whitehall, the 13th day of June 2019  
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(1) and all other powers enabling them to do so.

**PART 1**

**Citation, commencement and interpretation**

**Citation and commencement**

1. This Order may be cited as the University of the West of Scotland Order of Council 2019 and comes into force on 1 October 2019.

**Interpretation**

2. In this Order—

“the 2016 Act” means the Higher Education Governance (Scotland) Act 2016(2),

“the 1954 Scheme” means the Paisley College of Technology Scheme 1954(3),

“Chair of Court” means the person referred to in article 7(a),

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(1) 1992 c.37.

(2) 2016 asp 15.

(3) The 1954 Scheme was framed and confirmed by the Secretary of State and approved by Order in Council of 19 October 1954 under section 123 of the Education (Scotland) Act 1946 (c.72). The 1954 Scheme was amended by S.I. 1973/1811, 1988/1715, 1992/1093 and 1993/558 and S.S.I. 2007/426. S.I. 1988/1715 insofar as it applied to the University and S.I. 1992/1093 were revoked by article 14 of S.I. 1993/558, and the amendments made to the 1954 Scheme by those instruments ceased to have effect.

“Court” means the governing body of the University constituted and incorporated by the 1954 Scheme, and renamed as narrated in article 3,

“objects of the University” means the objects of the University as set out in article 4,

“Principal” means the Principal and Vice-Chancellor referred to in article 15 or any person authorised, whether for the purposes of this Order or otherwise, for the time being to act as Principal and Vice-Chancellor of the University,

“Senate” means the body referred to in article 16,

“University” means the University of the West of Scotland, a designated institution under section 44 of the Further and Higher Education (Scotland) Act 1992<sup>(4)</sup> and renamed in accordance with section 49 of that Act as narrated in article 3.

## PART 2

### The University

#### Name

**3.**—(1) The name of the University, previously “University of Paisley”, “Paisley College of Technology” and “Paisley Technical College”, is “University of the West of Scotland”<sup>(5)</sup>.

(2) The name of the governing body, previously “Court of the University of Paisley”, “Governors of Paisley College of Technology” and “Governors of Paisley Technical College”, is “Court of the University of the West of Scotland”.

(3) The change of names effected by paragraphs (1) and (2) does not affect the rights or obligations of any person or render defective any legal proceedings and any reference in any agreement, instrument, document or other writing in force or in existence immediately before the coming into force of this Order to—

- (a) the University of Paisley, Paisley College of Technology or Paisley Technical College,
- (b) the Court of the University of Paisley, Governors of Paisley College of Technology or Governors of Paisley Technical College,

is to be read as a reference to the University of the West of Scotland or the Court of the University of the West of Scotland as appropriate.

#### Objects of the University

**4.** The objects of the University are to provide education, to undertake and carry out research and to promote teaching, scholarship, research and innovation.

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<sup>(4)</sup> Section 44 was amended by paragraph 6(1)(c) of schedule 3 of the Further and Higher Education (Scotland) Act 2005 (asp 6).

<sup>(5)</sup> The name of the University was changed to the University of the West of Scotland in accordance with section 49 of the Further and Higher Education (Scotland) Act 1992 by resolution of the Court dated 17 October 2006 and consent of the Privy Council dated 18 July 2007 with effect from 30 November 2007.

## PART 3

### The Court

#### **Powers and functions of the Court**

5.—(1) The Court is to conduct the affairs of the University and carry out and promote the objects of the University.

(2) In particular, the Court is to—

- (a) ensure the effective management of the University,
- (b) plan the strategic direction of the University,
- (c) plan the future development of the University in order to advance the objects of the University.

(3) Subject to the 1954 Scheme, the Court has all the rights, powers and privileges necessary and expedient for the purposes of, or in connection with, the performance of its functions and in particular has the powers and functions set out in schedule 1.

(4) The Court is to adopt and publish a statement of its primary responsibilities.

#### **Delegation of powers, functions and duties of the Court**

6.—(1) Subject to paragraph (2), the Court may delegate any of its powers, functions or duties to any person or body in accordance with a scheme made by the Court.

(2) The Court is not to delegate any matter it considers to be material to—

- (a) the solvency of the University,
- (b) the determination of the strategic direction of the University,
- (c) the appointment of the Principal under article 15,
- (d) the appointment of the Secretary to the Court under paragraph 4 of schedule 1,
- (e) the consideration of any amendment or revocation of this Order,
- (f) the approval of the annual business plan and annual budget,
- (g) the arrangements for risk management,
- (h) the review and monitoring of the performance of the University,
- (i) the approval of the University's annual audited accounts,
- (j) safeguarding the property or assets of the University.

#### **The composition of the Court**

7. The membership of the Court is to be composed of—

- (a) the Chair of Court, being the person appointed by the Court to the position of senior lay member by virtue of section 8 of the 2016 Act,
- (b) the Principal,
- (c) one person having the role of Deputy Principal, however named,
- (d) two persons appointed by being elected by the staff of the University from among their own number,
- (e) one person 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,

- (f) one person 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,
- (g) two persons appointed by being nominated by the students' association of the University from among the students of the University,
- (h) one person appointed by being nominated by the Senate from among its elected academic members,
- (i) 11 to 15 persons appointed by the Court from time to time in accordance with its rules and procedures with the aim of the membership having such skills and experience as the Court determines to be relevant, but who may not be members of staff or students of the University.

#### **Appointment of Chair of Court**

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

(2) Subject to article 11, the Court is to prescribe the duties, responsibilities and terms and conditions of the Chair of Court, 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**

**9.—**(1) The Court is to make rules for the appointment of a Vice-Chair from among the members appointed under article 7(i).

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

(3) In the absence of both the Chair of Court and the Vice-Chair at any meeting, the members of the Court present may appoint a chair from among the members appointed under article 7(i) who are present at the meeting.

#### **Elections and nominations to Court**

**10.—**(1) The members of the Court referred to in article 7(d) are to be elected in accordance with rules made by the Court in accordance with section 11 of the 2016 Act.

(2) The members of the Court referred to in article 7(e), (f) and (g) are to be nominated in accordance with rules made by the Court in accordance with section 12 of the 2016 Act.

(3) The member of the Court referred to in article 7(h) is to be nominated in accordance with rules made by the Senate and approved by the Court.

#### **Term of office of members**

**11.—**(1) The Court is to make rules relating to the term of office of members appointed under article 7(a) and (d) to (i) and the rules may make different provision for different categories of member.

(2) Rules made under paragraph (1) are to prescribe (in particular)—

- (a) the term of office, but no term is to be longer than 4 years,
- (b) eligibility for re-appointment or extension of term of office,
- (c) the maximum term of office when aggregated with any previous term of office but the term of office—

- (i) is to include any term served before the coming into force of this Order, and
- (ii) is not to include any term of office served by a member under article 7(b) or (c).

### **Resignation and removal of members from office**

12. The Court may make rules about the procedure for the resignation and removal of its members in accordance with section 13 of the 2016 Act.

### **Conflicts of interest**

13. The Court may make rules in relation to identifying and managing conflicts of interests of its members and of the members of its committees.

## **PART 4**

### **Appointment of Chancellor and Principal**

#### **Appointment of Chancellor**

14.—(1) The Chancellor is the titular head of the University and is to confer degrees, diplomas and other academic awards and distinctions.

(2) The Chancellor is to be appointed by the Court for such term of office as the Court may determine.

#### **Appointment of Principal and Vice-Chancellor and discharge of functions**

15.—(1) The Principal and Vice-Chancellor is the chief academic and administrative officer of the University.

(2) The Principal is to be appointed by the Court in a manner to be determined by the Court from time to time.

(3) The Principal is to discharge the functions of the Court relating to the organisation, management and discipline of the University in accordance with arrangements made by the Court and subject to the general control and direction of the Court.

(4) In the absence of or during any vacancy in the office of the Chancellor, the Principal has the powers confer degrees, diplomas and other academic awards and distinctions, and to appoint a person who has all powers of conferment in the absence of both the Chancellor and the Principal.

## **PART 5**

### **The Senate**

#### **Composition of Senate**

16.—(1) Subject to paragraph (2), the 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 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) the term of office, but no term is to be longer than 4 years,
  - (b) eligibility for re-appointment.
- (4) The Principal is the chair of the Senate.

### **Functions of the Senate**

17.—(1) The Court is to delegate to the Senate—

- (a) the powers and functions of the Court relating to the overall planning, co-ordination, development and supervision of the academic work of the University, particularly those functions set out in paragraphs 6 to 8 of schedule 1,
- (b) any other functions of the Court that the Court may determine,

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

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

### **Proceedings of Senate**

18. The proceedings of the Senate are to be regulated by rules made by the Senate and approved by the Court, and the rules—

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

## **PART 6**

### **Miscellaneous**

#### **Transitional provisions**

19.—(1) The governor appointed to chair the Court under article 6(1)(b)(iv) of the University of Paisley (Scotland) Order of Council 1993(6) who is in office immediately before 1 October 2019 is to be regarded, for the remainder of that governor’s period in office, as if appointed to the position of Chair of Court in accordance with articles 7(a) and 8(1) of this Order.

(2) The president of the students’ association appointed as a governor under article 6(1)(a)(iii) of the University of Paisley (Scotland) Order of Council 1993(7) and the person appointed as a governor of the Court under article 6(1)(b)(ii) of that Order who are in office immediately before 1 October 2019 are to be regarded, for the remainder of their periods in office, as if appointed to the Court in accordance with article 7(g) of this Order.

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(6) S.S.I. 1993/558. Article 6(1)(b) was amended by S.S.I. 2009/194 and 2015/209.

(7) Article 6(1)(a) was amended by S.S.I. 2009/194.

## **Amendments and revocations**

**20.** Schedule 2 has effect.

*Richard Tilbrook*  
Clerk of the Privy Council

## SCHEDULE 1

Article 5(3)

### Powers and functions of the Court

1. The Court has the powers and functions set out in the following paragraphs.
2. To make rules, regulations, standing orders, policies and procedures for the exercise of the functions and duties of the Court acting on behalf of the University.
3. To appoint and regulate committees of its own members, and to invite persons from outside the Court to join such committees as the Court considers appropriate.
4. To appoint a Secretary to the Court.
5. To admit students, and to manage all aspects of their education at, and relationship with, the University.
6. To grant higher education awards including degrees, diplomas, certificates and other academic awards or distinctions, including honorary degrees and titles.
7. To deprive a recipient of a degree, diploma, certificate or other academic award or distinction, including honorary degrees and titles, previously conferred by the University.
8. To create and maintain codes of conduct and regulations required for the maintenance of standards and good order within the University.
9. To establish and monitor systems of control and accountability including financial and operational controls and risk management.
10. To review and monitor the performance of the University and its performance and to comply with any conditions imposed by the Scottish Funding Council for the payment of any grant.
11. To receive and spend recurrent and capital funds, lend money, borrow or raise money, offer security and invest University monies and assets as the Court sees fit.
12. To enter into contracts.
13. To defend and conduct legal proceedings.
14. To create and own intellectual property and make discoveries and inventions of any type and exploit these commercially.
15. To merge with or to form relationships, associations or affiliations with other educational institutions and other bodies both public and private.
16. To initiate, establish, maintain, acquire or dispose of any companies, or any other legal entities, whether charitable or commercial, alone or in association with any other persons or entities, to hold or continue to hold shares and interests in such companies, and to carry on any trade or business whatsoever to carry out the objects of or to be for the benefit of or to advance the interest or well-being of the University.
17. To charge fees for any service provided by the University and to raise, generate and receive income from any sources to further the objects of the University.
18. To acquire, hold, dispose of and deal with property or any interest in property or any assets of the University, provided that the name “W B Barbour” is retained in connection with a part of the University’s buildings.
19. Subject to article 15, to employ staff and other contractors and regulate their employment.
20. To make pension arrangements for staff and to provide benefits to staff, their spouses, partners, dependants and others.



**21.** To approve the constitution of, to maintain and liaise with an association representing the students of the University and to grant such sums of monies to the association as the Court considers appropriate.

**22.** To keep a register of graduates of the University and to establish and maintain an alumni association.

**23.** To create, maintain and award fellowships, scholarships, studentships and other prizes, and to discontinue all such awards, provided that the name of William Bow is associated with one or more such awards.

**24.** To receive donations, legacies and other gifts to further the objects of the University.

**25.** To reimburse any member of Court appointed under article 7(b) to (i) for reasonable travel and subsistence expenses.

**26.** To provide any facilities and to carry on any activities which are necessary or desirable to enable the University to fulfil its objectives.

## SCHEDULE 2

Article 20

### Amendments and revocations

#### PART 1

##### Amendment of the 1954 Scheme

- 1.** In section 1 of the 1954 Scheme (interpretation)(**8**)—
  - (a) in the definition of “governing body”, for “article 4 of the 1993 Order”, substitute—  
“article 3(2) of the University of the West of Scotland Order of Council 2019”,
  - (b) omit the definition of “the 1993 Order”.
- 2.** For section 3 of the 1954 Scheme (application of the 1993 Order)(**9**) and the cross-heading immediately preceding it, substitute—  
“Application of the University of the West of Scotland Order of Council 2019”
- 3.** This scheme is amended by and is subject to the University of the West of Scotland Order of Council 2019.”.

#### PART 2

##### Revocations of Orders of Council

- 3.** The instruments listed in column 1 of the Table are revoked to the extent specified in column 3 of the Table.

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(8) Section 1 was amended by paragraph 1 of schedule 3 of S.I. 1993/358.

(9) Section 3 was substituted by paragraph 3 of schedule 3 of S.I. 1993/358.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

| <i>Column 1</i>  | <i>Column 2</i>                 | <i>Column 3</i>             |
|--|---------------------------------|-----------------------------|
| <i>Instrument revoked</i>  | <i>Reference</i>                | <i>Extent of revocation</i> |
| The University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order of Council 1993) Order of Council 2015 | <a href="#">S.S.I. 2015/209</a> | Whole instrument            |
| The University of the West of Scotland Order of Council 2009   | <a href="#">S.S.I. 2009/194</a> | Whole instrument            |
| The University of the West of Scotland Order of Council 2007   | <a href="#">S.S.I. 2007/426</a> | Whole instrument            |
| The University of Paisley (Scotland) Order of Council 1993   | <a href="#">S.I. 1993/558</a>   | Whole instrument            |

## EXPLANATORY NOTE

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

This Order sets out the governance arrangements for the University of the West of Scotland (“the University”), replacing the arrangements set out in the University of Paisley (Scotland) Order of Council 1993 which is revoked.

Article 1 provides that the Order comes into force on 1 October 2019. Article 2 provides definitions of certain terms that are used in the Order.

Articles 3 and 4 in Part 2 of the Order make provision for the University. Article 3 narrates the details of the change of name of the University to the University of the West of Scotland and provides that references to its previous names are to be read as references to its current name. Article 4 sets out the objects of the University.

Articles 5 to 13 in Part 3 of the Order make provision for the Court. Article 5 makes provision for the functions and powers of the Court, which are further set out in schedule 1. Article 6 provides that the Court may delegate its powers, functions or duties, but sets out matters that may not be delegated.

Article 7 sets out the composition of the Court. Article 8 provides that the Chair of Court is to be appointed in accordance with the Higher Education Governance (Scotland) Act 2016 (“the 2016 Act”) and an appointment process prescribed by the Court and the Court is to prescribe the duties, responsibilities and terms and conditions of the Chair of Court. Article 9 provides that the Court is to appoint a Vice-Chair from among the lay members of the Court. Article 10 provides that the Court is to make rules for the election of members by the staff, that the Court is to make rules for the nomination of certain other members and that the Senate is to make rules for the appointment of the member appointed under article 7(h). Article 11 provides that the Court is to make rules relating to the term of office of members, including eligibility for re-appointment and maximum term of office.

Article 12 provides that the Court may make rules relating to the procedure for resignation and removal of members. Article 13 provides that the Court may make rules in relation to identifying and managing conflicts of interests of its members and of the members of its committees.

Article 14 and 15 in Part 4 of the Order make provision relating to the appointment and duties of the Chancellor and the Principal and Vice-Chancellor (“the Principal”). Article 14 provides that the Court is to appoint a Chancellor as the titular head of the University. Article 15 provides for the appointment and duties of the Principal and for the powers of the Principal, in the absence of the Chancellor, in relation to conferment of degrees, diplomas or other academic distinctions.

Articles 16 to 18 in Part 5 of the Order make provision relation to the Senate. Article 16 provides that the composition of the Senate is to be determined by the Court in accordance with the 2016 Act and the Court is to make rules relating to the term of office of Senate members, including term of office and eligibility for re-appointment. Article 17 makes provision relating to the delegation of powers and functions by the Court to the Senate. Article 18 requires the proceedings of the Senate to be regulated by rules made by the Senate and approved by the Court and sets out minimum requirements for those rules.

Articles 19 and 20 in Part 6 of the Order make miscellaneous provision. Article 19 makes transitional provision for the chair and the student members of the Court who are in office immediately before the coming into force of this Order to be treated for the remainder of their period in office as if appointed under article 7 of this Order. Article 20 provides for the revocations and amendments set out in schedule 2: Part 1 makes amendments to the Paisley College of Technology Scheme 1954; and the table in Part 2 of schedule 2 sets out the instruments which are revoked, which include the University of Paisley (Scotland) Order of Council 1993.