

**2015 No. 209**

**EDUCATION**

**The University of the West of Scotland (Amendment of the  
University of Paisley (Scotland) Order of Council 1993) Order  
of Council 2015**

*Made* - - - - 26th May 2015

*Laid before the Scottish Parliament* 28th May 2015

*Coming into force* - - 26th June 2015

At the Council Chamber, Whitehall, the 26th day of May 2015

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 of the Further and Higher Education (Scotland) Act 1992(a) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order of Council 1993) Order of Council 2015 and comes into force on 26th June 2015.

**Amendment of the University of Paisley (Scotland) Order of Council 1993**

2. The University of Paisley (Scotland) Order of Council 1993(b) is amended in accordance with articles 3 to 5.

3.—(1) Article 6 (membership) is amended as follows.

(2) In paragraph (1)(b)—

- (a) for “matriculated” in each place it occurs substitute “enrolled”;
- (b) at the end of head (ii) omit “and”;
- (c) for head (iii) substitute—

“(iii) such other governors being not less than twelve and not more than sixteen, as determined in accordance with paragraph (2), appointed by the Court and being persons reflecting a variety of different interests and experience, having

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(a) 1992 c.37 to which there are amendments not relevant to this Order.

(b) S.I. 1993/558, amended by S.S.I. 2007/426 and S.S.I. 2009/194. Article 3 of S.S.I. 2007/426 changed the name of the University of Paisley 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 governing body on 17th October 2006 and consent of the Privy Council on 18th July 2007.

regard to the balance of skills, attributes and experience required to enable the Court to function effectively; and

(iv) one governor appointed by the Court to chair the Court.”; and

(d) in the full-out words after head (iii) for “paragraph (iii)” substitute “paragraph (1)(b)(iii) and (iv)”.

(3) For paragraph (5) substitute—

“(5) The Court may appoint one or more deputy chairs as may be required from time to time from among the governors appointed under paragraph (1)(b)(iii) and for such times as it determines and for such duties as it prescribes.”.

4. For article 7(1) (period of office) substitute—

“(1) Subject to paragraph (1A), no person other than an *ex officio* governor shall be appointed or elected to the Court for a term of office of more than 4 years.

(1A) No person other than an *ex officio* governor shall be appointed or elected to the Court if their term of office would, if aggregated with any previous terms of office, mean that the person would serve as a member of the Court for a continuous period of more than 9 years, unless the Court considers that exceptional circumstances exist to warrant an extension beyond the limit of 9 years.”.

5.—(1) Schedule 2 (senate) is amended as follows.

(2) In paragraph 1(a) omit head (iv).

(3) In paragraph 1(a)(v) for “heads” substitute “deans”.

(4) For paragraph 1(c)(i) substitute—

“(i) from each school, one member elected by and from the academic staff of the school;”.

(5) In paragraphs 1(d)(ii) and 3 for “matriculated” in each place it occurs substitute “enrolled”.

(6) In paragraph 4 for “heads of school” substitute “deans of school”.

*Richard Tilbrook*  
Clerk of the Privy Council

## EXPLANATORY NOTE

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

This Order amends the University of Paisley (Scotland) Order of Council 1993 (“the 1993 Order”). Article 3 of the University of the West of Scotland Order of Council 2007 (S.S.I. 2007/426) changed the name of the University of Paisley to “The University of the West of Scotland” but the 1993 Order remains the principal governance order in relation to the University of the West of Scotland (“the University”), made under section 45 of the Further and Higher Education (Scotland) Act 1992.

Article 3 of this Order amends article 6 of the 1993 Order so that separate provision is now made for the chair to be a member of the governing body of the University rather than for the chair simply to be drawn from a constituent part of that membership. Provision continues to be made in new paragraph (5) for deputy chairs to be drawn from among the governors appointed under paragraph (1)(b)(iii).

The range of governors to be appointed under that paragraph is reduced by one to be between twelve and sixteen. Instead of restricting appointment to persons with experience in a closed list of specified fields, new paragraph (1)(b)(iii) restricts appointment to persons who reflect a variety of different interests and experience, having regard to the balance of skills, attributes and experience required to enable the governing body to function effectively.

Article 4 amends article 7 of the 1993 Order so that the maximum term of office for all members of the governing body of the University other than *ex officio* governors remains 4 years provided that the total aggregate term of office is no more than 9 years, unless the Court considers that exceptional circumstances justify an extension beyond 9 years. The previous maximum aggregate term of office was 12 years.

Article 5 makes minor amendments to Schedule 2 to the 1993 Order to reflect restructuring of the University’s Senate.

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# CONSTITUTION OF THE UNIVERSITY OF THE WEST OF SCOTLAND<sup>1</sup>

## CITATION, COMMENCEMENT AND INTERPRETATION

### PART I

#### 1. Citation and Commencement

This Order may be cited as the University of Paisley (Scotland) Order of Council 1993 and shall come into force on 1st April 1993.

#### 2. Interpretation

- (1) In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:

<b>“the Act”</b>	means the Further and Higher Education (Scotland) Act 1992;
<b>“the 2005 Act”<sup>2</sup></b>	means the Charities and Trustee Investment (Scotland) Act 2005;
<b>“the University”</b>	means the University of the West of Scotland <sup>3</sup> , being renamed as narrated in article 3 and being an institution designated under section 44 of the Act;
<b>“the Court”</b>	means the governing body of the University constituted and incorporated by the Paisley College of Technology Scheme 1954 <sup>4</sup> , and renamed as narrated in articles 3 and 4;
<b>“governor”<sup>5</sup></b>	means a member of the Court of the University;
<b>“the principal”</b>	means the principal and vice-chancellor 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 and “depute principal” <sup>6</sup> shall be construed accordingly;

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<sup>1</sup> This document contains the terms of the Order of Council 1993/558 (as amended) and the 1954 Paisley College of Technology Scheme (as amended) that are in force from 30 November 2007 and which comprise the University’s constitution.

<sup>2</sup> Definition inserted by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 3(a).

<sup>3</sup> Words “University of the West of Scotland” substituted for “University of Paisley” by University of the West of Scotland Order of Council 2007/426 (Scottish SI) art. 4(1).

<sup>4</sup> The 1954 Scheme was framed and confirmed by the Secretary of State and approved by Order in Council on 19th October 1954 under section 123 of the Education (Scotland) Act 1946 (c.72) and relevant amendments are S.I. 1973/1811, S.I. 1988/1715, S.I. 1992/1093 and S.I. 1993/558 (as amended).

<sup>5</sup> Word “governor” substituted for “the governor” by University of the West of Scotland Order of Council 2009/194 (Scottish SI) art. 3(b)

<sup>6</sup> Words “ depute principal” substituted for “vice-principal” by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 3(c)

- “the 1988 Regulations”** means the Central Institutions (Scotland) Regulations 1988;
- “the 1992 Regulations”** means the Paisley College of Technology Scheme (Amendment) Regulations 1992; and
- “the Senate”** means the body of persons appointed in accordance with article 12.

- (2) In this Order, unless the context otherwise requires, any reference to a numbered article, Part or Schedule shall be construed as a reference to the article, Part or Schedule, as the case may be, which bears that number in this Order, and any reference to a numbered paragraph in an article of, or Schedule to, the Order is to be construed as a reference to the paragraph bearing that number in that article or, as the case may be, that Schedule.

## **PART II**

### **NAME**

#### **3. Name**

- (1) The name of the institution, previously “Paisley College of Technology” and<sup>7</sup> “University of Paisley”<sup>8</sup> shall be “University of the West of Scotland”.<sup>9</sup>
- (2) Accordingly, any reference in any agreement, deed, bond, instrument or other writing, operative or effective immediately before the effective date of this Order, to Paisley College of Technology or to The Governors of the Paisley College of Technology shall be read until 29th November 2007<sup>10</sup> as a reference to the University of Paisley or, in accordance with article 4, to the Court of the University of Paisley, respectively, and any like reference to the College or to the Governors shall be construed accordingly; and no rights, interests, obligations or liabilities of any person shall be affected by the change of name of the institution or its governing body.
- (3) References to the “University of Paisley” or the “Court of the University of Paisley” or “Paisley College of Technology” or “The Governors of the Paisley College of Technology” or any like reference –

<sup>7</sup> Word “and” substituted for “shall be” by University West of Scotland Order of Council 2007/426 (Scottish SI) art. 4(2)(a)

<sup>8</sup> The name of the institution was changed in accordance with section 49 of the Act by resolution of the governing body on 10th March 1992 and consent of the Privy Council on 12th June 1992 with effect for any and all purposes from the commencement of this Order.

<sup>9</sup> Words “shall be “University of the West of Scotland”” inserted by University West of Scotland Order of Council 2007/426 (Scottish SI) art. 4(2)(b)

<sup>10</sup> Words “until 29<sup>th</sup> November 2007” inserted by University West of Scotland Order of Council 2007/426 (Scottish SI) art. 4(3)

- (a) in any agreement, deed, bond or other writing, document or instrument of any description;
- (b) in any action or proceeding pending or existing at 30th November 2007 by or against the University of Paisley or the Court of the University of Paisley before any court or other tribunal; and
- (c) in any document relating to or affecting any property, right, liability or obligation of the University of Paisley or the Court of the University of Paisley,

shall be read on or after 30th November 2007 as referring to the “University of the West of Scotland” or the “Court of the University of the West of Scotland” as the context requires; and no rights, interests, obligations or liabilities of any person shall be affected by the change of name of the institution or its governing body.<sup>11</sup>

### **PART III**

#### **THE COURT**

#### **4. Name**

The governing body, previously called “The Governors of the Paisley College of Technology” and<sup>12</sup> the “Court of the University of Paisley” shall be known as the “Court of the University of the West of Scotland”<sup>13</sup>.

#### **5. Functions**

- (1) The general functions of the Court are to manage, administer and conduct the University for the objects of providing education, undertaking and carrying out research, promoting teaching, scholarship and research, and in furtherance of the foregoing functions:
  - (a) to provide research, design, development, testing, laboratory, consultancy and other services by way of extension of or in connection with any of the objects of the University; and
  - (b) to carry on any trade or business whatsoever calculated to carry out the objects of or to be for the well-being of the University,

in each case, in such manner and on such terms and conditions as it may determine, provided it does so in a manner which complies with the terms of the 2005 Act.<sup>14</sup>

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<sup>11</sup> Added by University of the West of Scotland Order of Council 2007/426 (Scottish SI) [art. 4\(4\)](#).

<sup>12</sup> Word “and” substituted for “shall be known as” by University of the West of Scotland Order of Council 2007/426 (Scottish SI) art 4(5) (a)

<sup>13</sup> Words “shall be known as the “Court of the University of the West of Scotland”.” inserted by University of the West of Scotland Order of Council 2007/426 (Scottish SI) art. 4(5)(b).

- (2) The Court shall carry out these functions in a manner that promotes academic freedom and without unlawful discrimination of any type.<sup>15</sup>

## 6. Membership

- (1) Subject to article 15(2), the Court shall consist of the following:

(a) *Ex Officiis governors*

- (i) the principal and vice-chancellor;
- (ii) the depute principal<sup>16</sup>; and
- (iii) the president of the Students' Association.

(b) *Appointed governors*

- (i) two governors appointed by the Senate from among the members of the<sup>17</sup> academic staff of the University who are members of the Senate;
- (ii) one governor appointed by the Students' Association from among the enrolled<sup>18</sup> students who are office-bearers of the Association;<sup>19</sup>
- (iii) such other governors being not less than twelve and not more than sixteen, as determined in accordance with paragraph (2), appointed by the Court and being persons reflecting a variety of different interests and experience, having regard to the balance of skills, attributes and experience required to enable the Court to function effectively; and
- (iv) one governor appointed by the Court to chair the Court<sup>20</sup>;

But no member of staff or enrolled<sup>21</sup> student of the University shall be eligible to be appointed under paragraph 1(b)(iii) and (iv)<sup>22</sup>.

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<sup>14</sup> Words after “determine” inserted by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 4(a).

<sup>15</sup> Words “without prejudice to any person on grounds of gender, race, religion or other belief and” omitted and words after “freedom” added by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 4(b)(i) and (ii).

<sup>16</sup> Words “depute principal” substituted for “vice-principal” by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 5(2).

<sup>17</sup> Word “full-time” omitted by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art.5(3)

<sup>18</sup> Word “enrolled” substituted for “matriculated” by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 3(2)(a).

<sup>19</sup> Word “and” omitted by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 3(2)(b). Previously inserted by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art.5(4)

<sup>20</sup> Art. 6(1)(b) (iii) and (iv ) substituted for art. 6(1)(b)(iii) by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 3(2)(c)

- (c) *Elected governors*<sup>23</sup>
- (i) one governor who shall be elected by the academic staff of the University from among such staff; and
  - (ii) one governor who shall be elected by all other staff of the University from among such staff.
- (2) The Court shall from time to time by resolution determine, subject to the restrictions stated in paragraph (1)(b)(iii)<sup>24</sup>, and to their remaining in an overall majority in the Court, the number of governors to be appointed under that paragraph. No such determination shall be effective unless made by a two-thirds majority of the whole Court.
- (3) A resolution under paragraph (2) shall not have effect so as to terminate the appointment of any person who is a governor at the time when it takes effect.
- (4) The Court shall make rules for the election of governors under paragraph (1)(c) which may be revoked and replaced or varied by further rules made by the Court.
- (5) The Court may appoint one or more deputy chairs as may be required from time to time from among the governors appointed under paragraph (1)(b)(iii) and for such times as it determines and for such duties as it prescribes.<sup>25</sup>
- (6) No failure or defect in the appointment of any governor and no vacancy in the office of governor shall prevent the Court from acting in the execution of its functions, nor shall any act or proceeding of the Court or of any committee appointed by it be invalidated or be illegal by reason of or in consequence of any such vacancy or of any such defect in the appointment of any one or more governors.

## **7. Period of office**

- (1) Subject to paragraph (1A), no person other than an *ex officio* governor shall be appointed or elected to the Court for a term of office of more than 4 years.

(1A) No person other than an *ex officio governor* shall be appointed or elected to the Court if their term of office would, if aggregated with any previous terms of office, mean that the

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<sup>21</sup> Word “enrolled” substituted for “matriculated” by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 3(2)(a).

<sup>22</sup> Words “paragraph (1)(b)(iii) and (iv) substituted for “paragraph (iii) by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 3(2)(d).

<sup>23</sup> Word “full-time” omitted and word “non-academic” in paragraph (ii) substituted for “all other” by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 5(7).

<sup>24</sup> Words “limits stated in paragraph (1)(b)(iv)” substituted for “restrictions stated in paragraph (1)(b)(iii)” by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 5(8).

<sup>25</sup> Words substituted by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art 3(3)



person would serve as a member of the Court for a continuous period of more than 9 years, unless the Court considers that exceptional circumstances exist to warrant an extension beyond the limit of 9 years.<sup>26</sup>

(2) [...] <sup>27</sup>

(3) A governor shall be deemed to have vacated his office as governor, and the Court of which he was a member shall declare his place vacant, where he intimates in writing to the Court his resignation as a governor, or where the Court deems that his continuation would bring discredit upon the name of the University or in such other circumstances as the Court may determine and record in a standing order.

## **8. Powers**

The powers of the Court shall be as set out in Schedule 1.

## **9A. Proceedings of Court<sup>28</sup>**

At any meeting of the Court or of any committee of the Court, any governor who has a conflict of interest (as defined in the standing orders made by the Court from time to time) must withdraw from the meeting or that part of the meeting, as the case may be, at which any such matters are to be considered unless invited to remain by virtue of a resolution of the other members of the Court or committee present at the meeting.

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<sup>26</sup> Art. 7(1) and (1A) substituted for art.7(1) by University of West of Scotland Order of Council 2009/194 (Scottish S.I.) art 4.

<sup>27</sup> Art 7(2) revoked by University of the West of Scotland Order of Council 2009/194 (Scottish SI) art.6(a).

<sup>28</sup> Art. 9 (reserved areas of business) deleted by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 6(b) and new art 9A inserted by art 7. .

## PART IV

### CHANCELLOR, PRINCIPAL AND SENATE

#### 10. Chancellor

There shall be a Chancellor, appointed by the Court for such a period or periods of office as it shall determine, who shall be the titular head of the University and who shall confer degrees, diplomas and other academic distinctions.

#### 11. Principal and Vice-Chancellor

- (1) There shall be a principal and vice-chancellor who shall be the chief academic and administrative officer and who shall have powers, in the absence of or during any vacancy in the office of Chancellor, to confer degrees, diplomas and other academic distinctions, and to appoint a deputy who shall have all powers of conferment in the absence of both the Chancellor and vice-chancellor.
- (2) The principal shall be appointed by the Court in a manner to be determined by the Court from time to time.
- (3) The Court shall make arrangements to secure that save as provided in paragraph (4) the functions of the Court, so far as relating to the organisation and management of the University and the discipline therein, shall be discharged on its behalf by the principal.
- (4) The principal shall discharge the functions of the Court other than those which are delegated to the Senate by virtue of article 12(4).
- (5) In discharging the functions specified in paragraph (3), the principal shall be subject to the general control and direction of the Court but otherwise the principal shall have all the powers and duties of the Court in relation to those functions.

#### 12. Senate

- (1) Subject to paragraph (2), the Court shall appoint, and maintain by further appointment, a Senate in the manner specified in Part I of Schedule 2.<sup>29</sup>
- (2) The proceedings of the Senate shall be regulated in accordance with Part II of Schedule 2.
- (3) The Court shall make arrangements to secure that the Senate shall discharge the functions imposed on it by or under paragraph (4).

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<sup>29</sup> Words amended by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 8(a) and (b).

- (4) The Court shall delegate to the Senate the functions of the Court relating to the overall planning, co-ordination, development and supervision of the academic work of the University, particularly those functions relating to the powers set out in Schedule 1 B(2), (3) and (8), and such other functions of the Court as the Court may determine, provided that all functions so delegated shall be discharged by the Senate subject to the general control and direction of the Court.
- (5) In discharging the functions specified in paragraph (4), the Senate shall have all the powers and duties of the Court in relation to those functions and shall have the power to make any recommendation to the Court on such matters relating to those functions as the Senate may think fit.

## **PART V**

### **VARIATIONS, REVOCATIONS, TRANSITIONAL PROVISIONS AND SAVINGS**

#### **13. Variations and Revocations of Provisions of the Paisley College of Technology Scheme 1954**

The provisions of the Paisley College of Technology Scheme 1954 being, by virtue of article 14(4), the provisions of that Scheme as originally made, subject to the amendments made by the Paisley College of Technology (Amendment) Scheme 1973, are hereby varied or revoked, as the case may be, to the extent specified in Schedule 3.

#### **14. Partial Revocation of the 1988 Regulations**

- (1) The 1988 Regulations shall cease to have effect insofar as they apply to the University.
- (2) In Schedule 2 to the 1988 Regulations, paragraph 10 relating to the Paisley College of Technology Scheme 1954 is hereby revoked.
- (3) The 1992 Regulations are hereby revoked.
- (4) The variations and revocations of provisions of the Paisley College of Technology Scheme 1954 effected by regulation 20 of the 1988 Regulations and the said paragraph 10 of Schedule 2 to those Regulations, and by the 1992 Regulations, shall cease to have effect and the provisions of that Scheme as originally made shall be restored subject to the amendments made by the Paisley College of Technology (Amendment) Scheme 1973 and subject to any variation or revocation effected by article 13.
- (5) Nothing in this article shall have the effect of reviving any variation or revocation of provisions of the Paisley College of Technology Scheme 1954 which ceased to have effect in accordance with Regulation 21 of the 1988 Regulations.

**15. Savings and transitional provisions**

- (1) For the avoidance of doubt, nothing in this Order shall be taken to affect the continuance of the governing body as a body corporate in accordance with the Paisley College of Technology Scheme 1954.
- (2) The determination of the number of governors to be appointed to the governing body made by the Secretary of State on 1st January 1989 shall have the like effect for the purposes of this Order as a determination by the Court under [article 6\(2\)](#).
- (3) Any governors in office at the commencement of this Order in accordance with any provision of the 1988 Regulations shall continue as governors for the remainder of their period of office as if they had become governors in accordance with the corresponding provision of this Order.
- (4) Any members of the Academic Council established under the 1988 Regulations in office at the commencement of this Order shall continue as members of the Senate established under [article 12](#) for the remainder of their period of office.

*N.H. Nicholls*

Clerk of the Privy Council

**SCHEDULE 1**  
**POWERS OF THE COURT<sup>30</sup>**

Without prejudice to the generality of its powers in the overall management of the University the Court shall have the following powers.

**A. Administration of the Court**

- (1) To determine the dates, times and places of its meetings, provided always that the Court shall hold at least four ordinary meetings per year and that at all the meetings of the Court nine members shall constitute a quorum.
- (2) To draw up a scheme of standing orders to regulate the conduct of business, the notification of meetings, the transmission of agenda and minutes, and the rules for calling extraordinary meetings.
- (3) To make such other regulations, byelaws and standing orders as it thinks fit for the exercise of any of its functions.
- (4) To determine the form, custody and use of the common seal of the University.
- (5) To determine the arrangements to be made for the execution and custody of all deeds and other documents belonging to it, for the deposit of money and the drawing of cheques.
- (6) To make provision concerning vacation of the office of governor, to appoint and remove governors from time to time and to determine the method of appointment and removal from the Court.
- (7) To appoint, from time to time, such committees of their own number as it deems expedient and to co-opt from outwith the Court to such committees, to regulate the business of the same, and to discharge and discontinue any committee so appointed.
- (8) To delegate to any such committees such of its functions as it may consider expedient from time to time.

**B. Academic**

- (1) To admit students, and to prescribe the conditions for their admission, to all courses whether or not leading to the award of a degree or other academic distinction.
- (2) To grant all such degrees, diplomas, certificates and such other academic awards or distinctions as may be granted by the University pursuant to section 48 of the Act and as the Court deems appropriate and to prescribe the conditions of their receipt.
- (3) Subject to consultation with the Senate, to grant honorary degrees, fellowships and such other honorary academic distinctions including the titles of emeritus professor, honorary professor, honorary reader and honorary lecturer as it deems appropriate to such persons as fulfil the conditions which it may prescribe for the receipt of such awards.
- (4) Subject to consultation with the Senate, to deprive a recipient of a degree, diploma, or any other academic distinction previously conferred by the University.

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<sup>30</sup> As amended by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 9.

- (5) To publish, print and provide for publication of any results of or other matter arising from or in connection with research and scholarship, to create intellectual property and make discoveries and inventions of any type and to own any such intellectual property, discovery and invention and exploit these commercially.
- (6) To institute, maintain and award fellowships, scholarships, studentships, prizes and other aids and encouragements to teaching and research, and to discontinue all such awards, provided that the name of William Bow shall be associated with one or more such awards.
- (7) To frame such codes of discipline and regulations as are necessary or desirable for maintaining good order among the students of the University.
- (8) To frame such regulations as are necessary or desirable to maintain the academic freedom of staff and students in the University.

**C. Affiliation**

- (9) To merge with or to form relationships, associations or affiliations with other educational institutions and such other bodies both public and private as may be for the benefit of the University or necessary or desirable to carry out or further the objects of the University.
- (10) To initiate, establish or acquire companies, limited liability partnerships and any other legal entity or undertaking, whether charitable or commercial, alone or in association with any other persons or entities for the purpose of or in connection with any of the objects of the University or the functions of the Court.

**D. Financial**

- (11) To do any of the acts set forth in [section 4](#) of the [Trusts \(Scotland\) Act 1921](#) in so far as the said acts are not at variance with the functions of the Court.
- (12) To invest in terms of the powers of investment conferred upon trustees by statute (including without limitation the terms of Part 3 of the 2005 Act) and the common law, provided always that it shall be in the power of the Court to continue to hold for such time as it thinks fit any or all of the property or investments transferred to it by section 9 of the Paisley College of Technology Scheme 1954, or which may be received by it, notwithstanding that the said property or investments may be outwith the said powers of investment.
- (13) To receive donations, legacies, annuities, subscriptions and other gifts for the furtherance of its functions provided such donations, legacies, annuities, subscriptions and other gifts shall be applied in accordance with the directions of the respective testators or donors and in the absence of any specific direction relating thereto it shall be in the power of the Court to add any donation, legacy, annuity, subscription or other gift in whole or in part to the capital of the endowment or to apply the said donation, legacy, annuity, subscription or other gift in whole or in part towards defraying the expenditure of the Court in executing its functions.
- (14) To receive and expend recurrent and capital funds, to lend money (with or without security), to borrow or raise money and to guarantee and give security for the payment of money or performance of any contract or obligation by the University, by the Court or by any other person, firm, company or body corporate (including any such person or entity associated with the University or the Court); and in exercising this power the

Court shall cause accounts to be kept of income and expenditure and shall appoint auditors annually to audit the same.

- (15) To levy and receive fees for all services, including the provision of courses (whether or not leading to a degree or other academic distinction) and each and any of the services referred to in article 5(1).
- (16) To pay any of its members such financial loss, travelling and subsistence allowances as it thinks fit.
- (17) To establish and maintain pension or superannuation schemes or funds for the benefit of, and to give or procure the giving of pensions, allowances, gratuities or emoluments to, any persons who are or were in the employment or service of the University or in whose welfare the University is or has been interested and the husbands, wives, civil partners, widowers, widows, families, or dependants of, or others designated by, any such persons.

**E. Organisational**

- (1) To appoint, in a manner as determined by the Court from time to time, a Chancellor, a principal and vice-chancellor, a depute principal and such deputies as may be required from time to time.
- (2) To set up such departments, schools, faculties and other units of organisation for teaching and non-teaching staff and to attach thereto such functions, duties and powers as it deems appropriate.
- (3) To institute and prescribe the conditions of service of such offices and positions as it deems appropriate, to appoint staff thereto and to discipline and remove staff both teaching and non-teaching, including the principal, either by suspension from or by termination of employment, and to frame such regulations as are necessary or desirable for maintaining good order amongst the staff of the University.
- (4) 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 as it deems fit to any such association.

**F. General**

- (5) To provide, equip, maintain and promote the development of catering, residential, social and sports facilities, library and teaching support services for students and staff, and such other facilities of any kind as it may deem from time to time appropriate.
- (6) To apply for letters patent, patent rights, copyrights, armorial bearings or other such rights alone or in conjunction with others.
- (7) To keep a register of graduates of the University and to establish and maintain an association of the alumni of the University and of the former Paisley College of Technology and of any affiliated institution, and of former students of any institution merged with the University.
- (8) To build, maintain, repair, restructure, alter, improve, enlarge or demolish any building or other property as it deems appropriate provided the Court shall retain the name "W B Barbour" in connection with a part of the University's buildings.

- (9) To acquire and dispose in any manner whatsoever of property and assets whether heritable property, including leases of heritable property, or moveable property, including shares or other obligations or securities or interests therein, and patents, licences, rights or privileges.
- (10) To appoint such professional advisers as it deems appropriate.
- (11) To purchase and maintain such insurance as it deems appropriate.
- (12) To conduct legal proceedings.
- (13) To provide for the indemnification by the University out of the Court's funds, of each governor, principal, secretary or other officer or member of staff of the University, as it shall determine, against all costs, charges, losses, expenses and liabilities incurred by him in the execution or discharge of his duties, powers or office and to purchase and maintain liability and indemnity insurance for or for the benefit of such persons.
- (14) To provide any facilities and to carry on any activities and to do all things which the Court considers necessary or desirable to enable it to carry out its functions or for the purpose of, or in connection with, the exercise of the foregoing powers, or any of them, and the carrying out of the objects of the University.

## SCHEDULE 2

### SENATE

#### PART I

#### APPOINTMENT<sup>31</sup>

**1.** The Senate shall consist of the following persons:

(a) *Ex Officiis members*

- (i) the principal and vice-chancellor;
- (ii) the depute principal;
- (iii) the vice-principal(s);
- (iv) [...] <sup>32</sup>
- (v) the deans<sup>33</sup> of school; and
- (vi) such heads of support services as may be determined from time to time by the Senate on the recommendation of the chair of the Senate.

(b) *Co-opted members*

Such number of persons, not exceeding 4, as have been co-opted by the Senate.

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<sup>31</sup> Words substituted by University of the West of Scotland Order 2009/194 (Scottish S.I.) art. 10.

<sup>32</sup> Words "the deans of faculty" omitted by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I.) art 5(2)

<sup>33</sup> Word "dean" substituted for "heads" by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I.) art 5(3)



(c) *Elected members*

- (i) from each school, one member elected by and from the academic staff of the school;<sup>34</sup>
- (ii) three members elected by and from the professoriate; and
- (iii) three members elected by and from the academic staff of the University.

Each of the elected members shall be so elected in accordance with arrangements made by the Senate from time to time.

(d) *Student members*

- (i) the president of the Students' Association; and
- (ii) one enrolled<sup>35</sup> student from each campus nominated by the Students' Association in a manner to be specified in a scheme made by the Students' Association and approved by the Court.

2. It shall not be competent for one individual to be a member of the Senate in more than one of the capacities listed in paragraph 1 at any given time.
3. Elected members from among the academic staff of the University and co-opted members shall hold office for a period not exceeding 4 years. Members nominated from among the enrolled<sup>36</sup> students of the University in accordance with paragraph 1(d)(ii) shall hold office for such period as has been approved by the Court prior to their nomination.
4. In paragraph 1(a) each of the expressions "deans of school"<sup>37</sup> and "heads of support services" includes such other staff as the Court deems of equivalent standing or otherwise appropriate, whether by virtue of their holding a successor office or title or otherwise.
5. Elected and co-opted members of Senate may be further elected and/ or co-opted to the Senate (as the case may be) on expiry of their period of office.
- 5A. The principal and vice-chancellor shall be the chair of the Senate.

## PART II

### PROCEEDINGS

6. The proceedings of the Senate shall be regulated by a scheme made by the Senate and approved by the Court and the scheme may provide for:

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<sup>34</sup> Words in paragraph 1(c)(i) of Schedule 2 substituted by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 5(4)

<sup>35</sup> Word "enrolled" substituted for "matriculated" by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 5(5)

<sup>36</sup> Ibid.

<sup>37</sup> Words "deans of school" substituted for "heads of school" by University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order 1993) Order of Council 2015 (Scottish S.I) art 5(5)

- (a) the appointment by the Senate of such committees, as they consider appropriate; and
  - (b) the co-option, subject to Schedule 2 paragraph 1(b), by the Senate of additional members (including, where they consider it appropriate, representatives of the students in attendance at the University) of Senate, or of any committee thereof, for specific purposes and for any other matters connected with the functions of the Senate.
7. Any scheme made and approved under [paragraph 7](#) shall include provision for:
- (a) the appointment of a vice-chair of the Senate<sup>38</sup>; and
  - (b) a minimum number of meetings of the Senate in each year.

### SCHEDULE 3

#### VARIATIONS AND REVOCATIONS OF PROVISIONS OF PAISLEY COLLEGE TECHNOLOGY SCHEME 1954<sup>39</sup>

1. In section 1 (Interpretation) the definitions of terms other than “The Governors” and “the date of this Scheme” shall cease to have effect and there shall be inserted the following expressions and definitions: “the College” means the University of the West of Scotland<sup>40</sup>; “governing body” means the University of the West of Scotland<sup>41</sup> constituted and incorporated by this Scheme and renamed as narrated in article 4 of the 1993 Order; and “the 1993 Order” means the University of Paisley (Scotland) Order of Council 1993.
2. Within section 2 for “The Governors of the Paisley College of Technology” there shall be substituted the words “University of the West of Scotland”<sup>42</sup>.
3. For section 3 there shall be substituted the following section:
 

“Application of the 1993 Order

  3. This Scheme is amended by and shall be subject to the 1993 Order in respect of all matters provided for in that Order.”
4. Within section 9 for “Paisley College of Technology” there shall be substituted the words “University of the West of Scotland”<sup>43</sup>.
5. Within section 36 for the words “provisions of section 14 of this Scheme” there shall be substituted the words “financial powers of the governing body”.
6. The following provisions are revoked:
 

Section 4 (Ex officio governors), Section 5 (Elected governors), Section 6 (Co-opted governors), Section 7 (Vacancies, resignations etc), Section 8 (Re-election etc, of governors), Section 10 (First meeting of governing body), Section 11 (Transfer of administration), Section 12 (Transfer of deeds, etc), Section 13 (Business arrangements), Section 14 (Administrative powers), Section 15 (Powers of

<sup>38</sup> Wording substituted by University of the West of Scotland Order 2009/194 (Scottish S.I.) art. 11.

<sup>39</sup> Sections 33 to 36 revoked by University of the West of Scotland Order of Council 2009/194 (Scottish S.I.) art. 12.

<sup>40</sup> Words substituted by University of the West of Scotland Order of Council 2007/426 (Scottish SI) art. 5.

<sup>41</sup> Words substituted by University of the West of Scotland Order of Council 2007/426 (Scottish SI) art. 5.

<sup>42</sup> Words substituted by University of the West of Scotland Order of Council 2007/426 (Scottish SI) art. 5.

<sup>43</sup> Words substituted by University of the West of Scotland Order of Council 2007/426 (Scottish SI) art. 5.

investment), Section 16 (Occasional profits), Section 17 (Additional donations), Section 18 (Capital expenditure), Section 19 (Erection of buildings), Section 20 (Accounts), Section 21 (Audit), Section 22 (Regulations), Section 24 (Application of income), Section 25 (Provision of education in technology), Section 26 (Suspension of staff), Section 27 (Retiring allowances), Section 28 (Admission to the college), Section 29 (Award of diplomas, etc), Section 30 (Grant regulations), Section 31 (Affiliation, etc), Section 32 (Scholarships, etc), Section 33 (George G. Gardiner Bequest), Section 34 (John Hodgart Bequest), Section 35 (Continuation of Prizes), Section 36 (Bow Gift), Section 37 (Withdrawal of scholarships, etc), and Section 38 (Printing) and Schedule 2 (Persons included among co-opted governors).

## PAISLEY COLLEGE OF TECHNOLOGY SCHEME 1954<sup>44</sup>

SCHEME UNDER THE EDUCATION (SCOTLAND) ACTS 1939 TO 1953, FOR THE FUTURE GOVERNMENT AND MANAGEMENT OF THE AFTERMENTIONED ENDOWMENTS IN THE COUNTY OF RENFREW, THAT IS TO SAY:-

Name of Endowment	Designation of Founders	Governing Instrument
Paisley College of Technology	Peter Brough, Paisley; J. & P. Coats, Thread Manufacturers, Paisley; the Directors of the Paisley Government School of Art; the persons named in the First Schedule annexed hereto; and Others.	Deed of Constitution dated 8th and 9th February, and registered in the Division of the General Register of Sasines for the County of Renfrew, and in the Books of Council and Session on 18 <sup>th</sup> February 1898, both in the year 1898.
Ivan L. S. Allan Memorial Prize Fund	John S. Allan	Minute of Meeting of the Governors of Paisley College of Technology and School of Art dated 30 <sup>th</sup> June 1926.
Bow Bequest	William Bow, Shipbuilder, Paisley	Trust Disposition and Settlement dated 26 <sup>th</sup> April, 1923, and registered in the Books of Council and Session on 26 <sup>th</sup> May 1948.
Bow Gift	William Bow, Shipbuilder, Paisley	Disposition dated 28 <sup>th</sup> June, and registered in the Division of the General Register of Sasines for the County of Renfrew on 19 <sup>th</sup> September, both in the year 1918; Minute of Waiver by Miss Annie Hume Bow and Others dated 17 <sup>th</sup> December 1952, and 11 <sup>th</sup> February, 1953, with Minute of Concurrence by the Provost, Magistrates and Councillors of the Burgh of Paisley dated 10 <sup>th</sup> March, 1953, both registered in the Books of

<sup>44</sup> As amended by The University of Paisley (Scotland) Order of Council 1993 as amended.

Name of Endowment	Designation of Founders	Governing Instrument
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		Council and Session on 18 <sup>th</sup> April, 1953.
George G. Gardiner's Bequest	George Gardiner, Gourock	Will dated 7 <sup>th</sup> July and registered in the Books of Council and Session on 30 <sup>th</sup> September, both in the year 1944.
John Hodgart Bequest	John Hodgart, Engineer, Paisley	Trust Disposition and Settlement dated 12 <sup>th</sup> October, 1990, and registered in the Books of Council and Session on 13 <sup>th</sup> December, 1902.
Margaret Robertson Prize Fund	Miss Margaret Robertson, Paisley	Minutes of Meeting of Governors of Paisley College of Technology and School of Art dated 6 <sup>th</sup> November, 1928, and 24 <sup>th</sup> June, 1936.

## **PREAMBLE**

Whereas the said founders gave and bequeathed certain funds and estates for educational purposes which are presently held and administered under the said governing instruments; and whereas the said funds and estates are educational endowments within the meaning of section 134 of the Education (Scotland) Act, 1946<sup>(a)</sup>; and whereas certain of the endowments are new endowments within the meaning of subsection (4) of section 116 of the said Act, and the governors of Paisley College of Technology as governing body of the said endowments have intimated in writing their consent to the endowments being dealt with under the said section; and whereas it appears to the Secretary of State after due examination and inquiry that, in order to extend the usefulness of the said endowments, provision should be made for the future government and management thereof: Therefore, from and after the date upon which Her Majesty's approval of this Scheme is signified by Order in Council, the said endowments shall be held and administered for the purposes, with the powers, and under the conditions and provisions hereinafter set forth.

## **INTERPRETATION**

### **7. Interpretation**

1(1) In this Scheme, unless the context otherwise requires:

<b>“the 1993 Order”</b>	means the University of Paisley (Scotland) Order of Council 1993;
<b>“the College”</b>	means the University of the West of Scotland;
<b>“the date of this Scheme”</b>	means the date upon which her Majesty's approval of this Scheme is signified by Order in Council;
<b>“governing body”</b>	means the University of the West of Scotland constituted and incorporated by this Scheme and renamed as narrated in article 4 of the 1993 Order;
<b>“The Governors”</b>	means the governors of Paisley College of Technology incorporated under the Deed of Constitution 1898.

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<sup>(a)</sup> 9 & 10 Geo. 6. c. 72.

- 1(2) The Interpretation Act, 1889<sup>(b)</sup> applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.
- 1(3) References in this Scheme to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

## CONSTITUTION OF GOVERNING BODY

### 8. Incorporation of Governing Body

For the purpose of carrying this Scheme into effect, a governing body shall be and is hereby constituted under the name of the “University of the West of Scotland” and under that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, acquire, hold and dispose of lands and other property, heritable and moveable, and to sue and be sued, and with all other rights, powers and privileges of a body corporate.

### 9. Application of the 1993 Order

This Scheme is amended by and shall be subject to the 1993 Order in respect of all matters provided for in that Order.

## VESTING OF ENDOWMENTS

### 9. Transfer and Vesting of Funds

- 9(1) From and after the date of this Scheme, the whole property, rights and interests of the Governors shall be transferred to and vested in the governing body without the necessity of any new instrument or conveyance, and shall be amalgamated to form an endowment under the name of the University of the West of Scotland which shall be held and administered by the governing body exclusively in accordance with the conditions and provisions of this Scheme.
- 9(2) Without prejudice to anything contained in the last foregoing subsection, if the governing body think fit to complete a title to any part of the heritable property vested in them by virtue of this Scheme by expeding a notarial instrument or notice of title or otherwise, this Scheme shall be deemed to be and may be used as a general disposition or assignation as the case may be of such heritable property in favour of the governing body.
- 9(3) Without prejudice to anything contained in subsection **Error! Reference source not found.** of this section, any person in whose name any part of the moveable property vested in the governing body by virtue of this Scheme is registered shall if so required by the governing body execute a transfer of the said property in favour of the governing body.

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<sup>(b)</sup> 52 & 53 Vict. c. 63.

## **VESTED INTERESTS**

### **23. Vested Interests**

- 23(1) It shall be lawful for the governing body to permit any individual who held any office, place, employment, pension, compensation allowance, bursary, or emolument under or arising out of any of the endowments to which this Scheme relates at the third day of August, 1928, to continue to hold the same subject to the conditions under which it was held before the said date, provided always that this course does not involve any departure from the other provisions of this Scheme.
- 23(2) In the event of the governing body not exercising the power conferred upon them under the last foregoing subsection, the governing body shall make due compensation for the vested interests of any individual who held any office, place, employment, pension, compensation allowance, bursary, or emolument under or arising out of any of the endowments to which this Scheme relates at the third day of August, 1928.
- 23(3) Every interest, right, privilege or preference which any person may have acquired or may acquire after the said third day of August, 1928, in or relative to any of the endowments to which this Scheme relates or in or relative to the amalgamated endowment or in the trustees or committees of the said endowments or in the governing body, or as a member of any of the said trusts or committees or of the governing body, or in or relative to any office, place, employment, pension, compensation allowance, bursary, or emolument in the gift of any of the said trustees or committees or of the governing body shall be subject to the provisions of this Scheme.

## **MISCELLANEOUS PROVISIONS**

### **39. Citation**

This Scheme may be cited as the Paisley College of Technology Scheme.



## **FIRST SCHEDULE**

### **Subscribers to the Paisley College of Technology**

The Trustees of W.B. Barbour, formerly M.P. for Paisley; the Trustee of Mrs Jessie T.D. Campbell; Sir William Dunn, Baronet; Sir Thomas Glen-Coats, Baronet; John McCallum; Lady McCallum; John McLachlan, Shipbuilder, Paisley.