STATUTORY INSTRUMENTS

1981 No. 1221 (S. 124)

EDUCATION, SCOTLAND

The Central Institutions (Scotland) Amendment Regulations 1981

Made - - - -	*18th August* 1981
Laid before Parliament	*3rd September* 1981
Coming into Operation	*22nd October* 1981

In exercise of the powers conferred upon me by sections 74(1), 77(1) and (4) and 133(1) of the Education (Scotland) Act 1980(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation, construction and commencement
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Schedule 1—Composition of Governing Body of Robert Gordon's Institute of Technology

Schedule 2—Special Funds connected with the Institute

(a) 1980 c. 44.

Citation, construction and commencement

1. These regulations which may be cited as the Central Institutions (Scotland) Amendment Regulations 1981 shall be construed as one with the Central Institutions (Scotland) Regulations 1972**(a)** with the Central Institutions (Scotland) Regulations 1974**(b)** with the Central Institutions (Scotland) Amendment Regulations 1974**(c)** with the Central Institutions (Scotland) Amendment Regulations 1975**(d)** and with the Central Institutions (Scotland) Regulations 1976**(e)** and shall come into operation on 22nd October 1981.

Robert Gordon's Institute of Technology

2.—(1) The governing body of Robert Gordon's Institute of Technology (in these regulations referred to as "the Institute") is hereby constituted under the name of "The Governors of Robert Gordon's Institute of Technology" as 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 to be sued, and with all other rights, powers and privileges of a body corporate.

(2) The governing body shall be composed of the governors *ex officiis*, appointed governors and co-opted governors specified in Schedule 1 to these regulations.

(3) Any governor *ex officio* specified in Schedule 1 shall hold the office of such a governor for the duration of his tenure of the office by virtue of which he is such a governor.

(4) (*a*) Any appointed governor specified in Schedule 1 shall hold the office of such a governor for such a period as is determined in relation to him by such a scheme as is specified in sub-paragraph (*c*) of this paragraph made by the governing body.

(*b*) The governing body shall—

(i) after consultation with the full-time academic staff of the Institute make rules for the election of the governors to be elected by the full-time academic staff;

(ii) after consultation with the Student Association in the Institute, make rules for the election of the governors to be elected by the full-time matriculated students:

Provided that any rules made by the governing body under this paragraph may, after consultation with the full-time academic staff of the Institute or with the Student Association in the Institute, as the case may be, be revoked and replaced, or varied, by further rules made by the governing body under this paragraph.

(*c*) The governing body shall, not later than three months after the date of the coming into operation of these regulations, make a scheme which shall—

(i) determine the duration of the period of office of the appointed governors;

(ii) make provision for the retirement from office of the governors to whom the scheme applies, either at one time for all such governors or at different times for different such governors:

(a) S.I. 1972/1753.
(b) S.I. 1974/102.
(c) S.I. 1974/1410.
(d) S.I. 1975/520.
(e) S.I. 1976/66.

Provided that the scheme made by the governing body under this paragraph—

(i) shall not determine a duration of a period of office exceeding one year, in the case of any governor to whom the scheme applies and who is specified in Schedule 1 as a student appointed governor, or exceeding four years, in the case of any other governor to whom the scheme applies;

(ii) may be revoked and replaced, or varied, by a further scheme made by the governing body under this paragraph.

(5) Any co-opted governor specified in Schedule 1 shall hold the office of such a governor for such a period, not exceeding four years, from the date of the resolution by the governing body to co-opt him as may be determined by the governing body.

(6) Any appointed governor or co-opted governor specified in Schedule 1 on the expiry of his period of office as such a governor shall, subject to the provisions of regulation 5 of these regulations, be eligible for re-appointment or co-option, as the case may be.

Notification of impending appointments

3. The governing body of the Institute shall, subject to the provisions of regulation 14(2) of these regulations, at least three months before the date on which any appointed governor specified in Schedule 1 requires to be appointed for the purposes of these regulations, notify the appointing body specified in relation to that appointed governor in Schedule 1 of the impending appointment and of the said date and such appointing body shall as soon as practicable notify the governing body of the person appointed by them as such a governor.

Casual vacancies

4.—(1) A governor of the Institute shall be deemed to have vacated his office as such a governor and the governing body shall declare his place vacant, in any of the following circumstances:—

(*a*) where he intimates in writing to the governing body his resignation as such a governor;

(*b*) where he has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract;

(*c*) where he has become incapacitated by physical or mental illness from acting as such a governor;

(*d*) where he has failed to attend any meetings of the governing body or any of its committees or sub-committees for a period longer than six consecutive months otherwise than for a reason approved by the governing body; or

(*e*) in the case of a governor whose appointment falls to be made either from among the members of the Academic Council or the full-time academic staff when he ceases to be a member of the Academic Council or the full-time academic staff as the case may be; or

(*f*) in the case of a governor whose appointment falls to be made from among the full-time matriculated students of the Institute when he ceases to be such a full-time matriculated student.

(2) Where a governor dies in office, or where his place as a governor is declared vacant in accordance with subsection (1) above, the governing body shall as soon as practicable after the vacancy occurs—

(*a*) in the case of an appointed governor, notify the appointing body, who shall as soon as practicable notify the governing body of the person appointed by them to fill the vacancy;

(*b*) in the case of a governor elected in accordance with rules made under paragraph (*b*) of regulation 2(4) above, arrange for the holding of a bye-election; and

(*c*) in the case of a co-opted governor, where the vacancy reduces the number of co-opted governors to fewer than four, fill the vacancy by a further co-option.

(3) A governor appointed or co-opted in accordance with this regulation to fill a casual vacancy shall hold office only during the unexpired portion of the period of office of the governor whom he replaces.

Disqualification of governors

5.—(1) Subject to the provisions of regulation 14(1) of these regulations a person who has attained the age of 70 years shall not thereafter be eligible to take office, whether for a first or subsequent term, as a governor of the Institute:

Provided that nothing in this paragraph shall prohibit a person who attains the said age during a term of office as a governor of the Institute from continuing as a governor thereof until the expiry of that term.

(2) A person shall be disqualified from being a governor of the Institute other than a governor *ex officio* or a governor appointed by the Academic Council or by the full-time academic staff or by the full-time matriculated students, if he is a member of the full-time academic staff of the Institute or if he is in receipt of full-time education being provided by the Institute or if he, while pursuing a course of full-time education being provided by the Institute, is allowed leave of absence from the course for a period.

Conduct of business

6.—(1) The governing body shall appoint a chairman and a vice-chairman from their own number at their first meeting and thereafter as they may determine. In the absence of both the chairman and the vice-chairman the governing body shall appoint one of their own number to preside at any meeting.

(2) The governing body may appoint such committees of their own number as they think fit, and may appoint as additional members of any committee persons, not being governors, whom they consider specially fitted to assist the work of the committee. The governing body may, except where contrary provision is made elsewhere in these regulations, delegate such of their functions as they consider expedient to any committee.

(3) The governing body shall hold at least three ordinary meetings in the year, at such times and places as they may determine.

(4) The chairman or any three governors may, for any cause which seems to him or them sufficient, require a special meeting to be convened by giving notice in writing to the secretary of the governing body specifying the business to be transacted.

(5) At least four days' notice of meetings shall be given and such notice shall specify the date, time and place of the meeting and the business to be transacted.

(6) At all meetings of the governing body twelve shall be a quorum. All questions shall be determined by a majority of the governors present, and the chairman of any meeting shall have both a deliberative vote and a casting vote. If at any time appointed for a meeting or if before the business of any meeting has been completed the number of governors present is less than twelve, the governors present shall adjourn the meeting to such day or time as they may determine and the meeting may be reconvened on less than four days' notice.

(7) A minute book shall be kept by the governing body and minutes of all proceedings of the governing body shall be entered therein, including resolutions authorising writings or deeds to be executed on behalf of the governing body.

(8) All deeds and other writings, sealed by the common seal and signed by two governors and the secretary or other officer of the governing body appointed for the purpose, shall be held to be validly executed on behalf of the governing body.

(9) The governing body may make such arrangements as they think fit for the custody of all deeds and other documents belonging to them, for the deposit of money and for drawing cheques, provided that all cheques shall be signed by at least one governor and the secretary or other officer of the governing body appointed for the purpose.

(10) The governing body may make such rules and standing orders as they think fit for the exercise of their functions under these regulations, provided that such rules and standing orders shall be consistent with the provisions of these regulations.

(11) No failure or defect in the appointment or co-option of any governor and no vacancy in the office of governor shall prevent the governing body from acting in the execution of this scheme, nor shall any act or proceeding of the governing body or of any committee appointed by them be invalidated or be illegal by reason or in consequence of any such vacancy or of any such defect in the appointment or co-option or any one or more governors:

Provided that the number of governors entitled to act shall not thereby be reduced below 15.

Reserved areas of business

7. Where any meeting of the governing body of the Institute or of any committee of the governing body, as the case may be, is to consider any of the following matters, that is to say, the salary, conditions of service, appointment, promotion, suspension or dismissal of any member of the staff of the Institute, any governor of the Institute who is a governor *ex officio* thereof by virtue of holding office as president of the Student Association in the Institute and any governor who is an appointed governor thereof by virtue of his appointment as such by the full-time matriculated students of the Institute, shall withdraw from the meeting, or that part of the meeting, as the case may be, at which any of the said matters are to be considered, unless invited to remain by virtue of a resolution of the other members of the governing body or committee thereof, as the case may be, present at the meeting.

Financial arrangements

8.—(1) From and after the date of coming into operation of these regulations, the properties, heritable and moveable, and endowments transferred to and vested in the governing body of the Institute by the City of Aberdeen Educational Endowments (Amendment) Scheme 1981, together with all other funds and moveable property pertaining to the Institute, and all rights, interests and liabilities therein, shall be held, administered, and applied by the governing body exclusively in accordance with the conditions and provisions of these regulations.

(2) If the governing body think fit to complete a title to any part of the heritable property vested in them as aforesaid by expeding a notarial instrument or notice of title or otherwise, the said 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.

(3) Any person in whose name any part of the moveable property transferred to the governing body as aforesaid is registered shall, if so required by the governing body, execute a transfer of the said property in favour of the governing body.

(4) Subject to these regulations and to any conditions of grant which may be prescribed by the Secretary of State, the governing body shall make such arrangements as they think fit for the conduct of the financial affairs of the Institute.

(5) The governing body shall apply the special funds named in Schedule 2 in the manner prescribed by the Schedule.

(6) The governing body may accept donations, legacies, annuities, subscriptions and other gifts for purposes connected with the Institute and shall apply them in accordance with the directions of the respective testators or donors.

Allowances

9. The governing body of the Institute may pay to any of its members allowances in respect of—

(*a*) expenses properly incurred in the performance of their duties,

(*b*) loss of remunerative time, and

(*c*) additional expenses (other than as aforesaid) necessarily incurred by them for the purpose of enabling them to perform their duties, being expenses to which they would not otherwise have been subject:

Provided that such allowances shall be at the same rates and on the same conditions as apply for the time being for similar allowances to members of local authorities in Scotland under the Local Government Act 1948(**a**) or sections 45(4) and 46 of the Local Government (Scotland) Act 1973(**b**).

The Institute

10.—(1) The governing body shall provide, maintain, furnish, equip and administer Robert Gordon's Institute of Technology for education and instruction in any scientific, technological, business or related subject, in art and architecture or any related subject, or in any other subject approved by the Secretary of State; and shall, subject to the provisions of these regulations, have all the rights, powers and privileges necessary or expedient to enable them to carry this provision into effect.

(**a**) 1948 c. 26. (**b**) 1973 c. 65.

(2) Without prejudice to the generality of their powers under the foregoing sub-paragraph, it shall be in the power of the governing body:

(*a*) to provide, equip, maintain, administer and conduct any facilities for sports, social and recreational purposes, libraries and reading rooms, and residential accommodation for students and members of staff of the Institute;

(*b*) to award diplomas and certificates under their common seal upon such conditions and under such rules as they may make;

(*c*) to undertake, or to assist such bodies and persons as may be approved by them to undertake, research and educational experiments related to the objects of the Institute;

(*d*) to provide consultancy services, laboratory services or similar services to such bodies and persons as they may approve provided that such services shall be related to the objects of the Institute, and provided that charges shall be made for such services which cover the full cost to the Institute of their provision; and

(*e*) to arrange for the affiliation of the Institute with, or the affiliation to the Institute of, or to enter into arrangements or co-operate with, any educational institution, association or other body for purposes connected with the functions of the governing body, upon such terms and conditions as may be arranged.

Staff of the Institute

11.—(1) The governing body shall appoint a Principal and a Secretary of the Institute, may if they consider appropriate appoint a Vice-Principal and may appoint such other staff as they consider necessary for the discharge of their functions under these regulations.

(2) The coming into operation of these regulations shall not affect the employment, or the terms and conditions of employment, of any member of staff of the Institute formerly employed by the Governors of Robert Gordon's Colleges (as constituted by the Aberdeen Educational Endowments Scheme 1934(**a**) and continued by section 2(1) of the City of Aberdeen Educational Endowments Scheme 1958(**b**)).

Admission to the Institute

12.—(1) The governing body shall admit to the Institute all students for whom a place on a course of study is available and who, in the opinion of the governing body, are qualified to benefit from the education provided at the Institute:

Provided that it shall be in the power of the governing body to exclude any person from the Institute or part thereof if, in the opinion of the governing body, the admission of the said person would be likely to prejudice the efficiency or development of the Institute.

(2) The governing body shall charge such fees for attendance at the Institute as the Secretary of State considers reasonable.

(**a**) Made by Order in Council approved by His Late Majesty King George V on 15th July 1935.

(**b**) Made by Order in Council approved by Her Majesty on 20th February 1959.

Student Association

13. The governing body shall, in consultation with representatives of students attending the Institute, make a scheme for the constitution and functions of the Student Association of the Institute; and the scheme shall prescribe rules under which that Association shall be entitled to make representations to the governing body.

Transitional provisions

14.—(1) Notwithstanding the provisions of regulation 5 of these regulations, until 22nd October 1983 the said regulation 5 shall apply as if the reference therein to the age of 70 years was a reference to the age of 75 years.

(2) Notwithstanding the provisions of regulation 3 of these regulations, in relation to any person appointed as a governor specified in Schedule 1 the governing body shall be deemed to have given notice to the appointing body as required by the said regulation 3 on the first occasion when such a governor falls to be appointed for the purposes of these regulations.

(3) Notwithstanding the amendment of section 2 and the revocation of section 61A of the City of Aberdeen Educational Endowments Scheme 1958(**a**) by the City of Aberdeen Educational Endowments (Amendment) Scheme 1981(**b**) the Institute Committee as defined in the said Scheme of 1958 in office prior to 22nd October 1981 shall continue to exercise all the necessary acts of adminstration relative to the Institute and shall have all the powers necessary therefor until the first meeting of the governing body specified in regulation 2(1) of these regulations and they shall from and after the date of the said meeting wholly cease to exercise any right or power of administration over the Institute.

(4) The proviso to regulation 6(11) shall not apply in relation to the first meeting of the governing body under these regulations.

Condition of grant

15. It shall be a condition of the payment of any grant under section 73(*c*) of the Education (Scotland) Act 1980 to the governing body of the Institute that the governing body shall comply with the requirements imposed on them by these regulations, the Central Institutions (Scotland) Regulations and the Further Education (Scotland) Regulations.

Revocations

16. The provisions of regulation 10 and regulation 11, insofar as the latter regulation relates to Robert Gordon's Institute of Technology, of the Central Institutions (Scotland) Regulations 1974, regulation 8 of the Central Institutions (Scotland) Amendment Regulations 1974 and regulation 3 of the Central Institutions (Scotland) Amendment Regulations 1975 are hereby revoked.

(**a**) Section 61A was added to the Scheme of 1958 by the Central Institutions (Scotland) Regulations 1974 (S.I. 1974/102).
(**b**) S.I. 1981/1323.

Savings

17. Anything done under any provision of any instrument revoked by these regulations and in force immediately before the date of coming into operation of these regulations shall not be invalidated by this revocation but shall have effect as if it had been done under that instrument as varied by the said regulations.

George Younger,
One of Her Majesty's Principal Secretaries of State.

18th August 1981.
New St. Andrew's House,
Edinburgh.

SCHEDULE 1

COMPOSTION OF GOVERNING BODY OF ROBERT GORDON'S INSTITUTE OF TECHNOLOGY

Governors ex officiis

The Principal and Vice-Principal of the Institute;

The President of the Student Association in the Institute.

Appointed Governors

2 persons appointed by the Grampian Regional Council;

2 persons appointed by the Senatus Academicus of the University of Aberdeen;

2 persons appointed by the District Council of Aberdeen;

1 person appointed by Robert Gordon's Institute of Technology Former Students' Association from their own number;

4 persons appointed as follows:—

(*a*) such number of persons not exceeding 3 as may be decided by the governing body to be appointed by the Academic Council of the Institute from among the members of the full-time academic staff of the Institute who are members of the Academic Council;

(*b*) such number of persons not exceeding 3 as may be decided by the governing body to be appointed by the full-time academic staff of the Institute from their own number in a manner to be specified by the governing body;

1 person appointed by the full-time matriculated students of the Institute from their own number in a manner (whether involving an election or otherwise but, in the case of an election, not including the manner of the election) to be specified in a scheme made by the Student Association in the Institute and to be approved by the governing body (in this Schedule specified as a "student appointed governor");

1 person appointed by Aberdeen Harbour Board;

1 person appointed by Aberdeen Chamber of Commerce;

1 person appointed by Aberdeen Trades Council; and

2 persons appointed by the Secretary of State.

Co-opted Governors

Not less than 4 or more than 7 persons to be co-opted by the governing body.

SCHEDULE 2

Regulation 8(5)

SPECIAL FUNDS CONNECTED WITH THE INSTITUTE

The governing body shall, after paying any necessary expenses of management and the burdens and taxes affecting each of the funds to which this Schedule relates, apply the free income of each fund for the purposes specified in column (3) of the table against the name of that fund. If at the end of any financial year there is an unexpended balance of income on any of the said funds it shall be in the power of the governing body to carry the said balance or part thereof forward to the following financial year or to add the said balance or part thereof to the capital of the said fund.

Serial Number (1)	Name of Fund (2)	Purposes (3)
1.	Dr. Neil Arnott's Fund	Extending and promoting the delivery in the Institute or elsewhere in the City of popular lectures in Natural Philosophy.
2.	Alexander C. Barker's Legacy	Prizes to students attending Gray's School of Art.
3.	British Association for the Advancement of Science Fund	Paying the travelling expenses of students to meetings of the British Association, or for purposes of a kindred character.
4.	Robert Brough Memorial Scholarship Trust	Providing a travelling scholarship to be awarded to a student upon completion of the degree or honours degree courses in Gray's School of Art to enable the student to visit art galleries.
5.	Mrs. C. E. Crichton Prize Fund	An annual prize to the student who has contributed most to the work of the School of Home Economics.
6.	Mrs. Christian Clark's Bequest	Maintenance of the Institute
7.	Joseph Steele Cornwall Legacy	A scholarship to be known as the "Steele Cornwall Scholarship" tenable in the Day Classes in Gray's School of Art, for not more than two years by a student devoting himself or herself to the study of Water Colour Painting (particularly that branch of it which relates to Pictorial Art).
8.	George Davidson's Trust Art Scholarship Fund	To provide Scholarships in Art

Serial Number (1)	Name of Fund (2)	Purposes (3)
9.	John Gray's Legacy	A prize which shall be known as "The Founder's Prize" to students of Gray's School of Art.
10.	George Gregory Prize Fund	A prize to the most promising student in the first year's course in Architecture in Day Classes at the Institute. The prize shall be known as "The George Gregory Prize" and shall be expended on the purchase of technical books or instruments, or for both purposes as the winner thinks best.
11.	Miss Gertrude M. Hector Fund	To provide a prize to be distributed annually for a piece of jewellery designed and executed by a full-time student at Gray's School of Art
12.	Hector Memorial Prize Fund	An annual prize for painting at Gray's School of Art, Aberdeen, to be awarded to a pupil of the said school, who, in the opinion of the Governors as advised by the Head of Gray's School of Art is the most deserving.
13.	Jackson's Trust	Scholarships in Engineering.
14.	William George Kean Memorial Fund	A prize for the best student successfully completing the HC courses in Engineering.
15.	Miss A. G. Kelly Prize Fund	A science prize for the best student in the Home Economics degree course.
16.	Louisa Leiper Memorial Prize Fund	A prize for the best final year student in the School of Home Economics.
17.	John L. Lyell Scholarship Fund	Scholarships tenable at the Institute by full-time students who have attended Robert Gordon's College.
18.	Mrs. Lena B. Main Legacy	To provide a bursary to be known as the "Lena Bruce Main Bursary" to assist any boy or girl to receive training at the Institute.
19.	Mobil North Sea Limited Prize Fund	To provide a prize to the best student in the BSc (CNAA) in Engineering Technology course.

20.	Mrs. Susan Murray's Trust Fund	To provide Scholarships for students at the School of Home Economics, School of Hotel and Institutional Adminstration and School of Nutritional Science.
21.	Madeline McIver Memorial Trust Fund	To provide a prize for students of the School of Health Visiting.
22.	Alexandrina McKenzie Legacy	To be expended as to capital and revenue in such manner as may be decided by the Governors of Robert Gordon's Institute of Technology in their sole discretion in consultation with the Head of Gray's School of Art.
23.	Robert D. McLeod Trust Fund	To provide Scholarships for students in the School of Librarianship.
24.	Ian McQueen Prize Fund	To provide a prize to a student in the School of Health Visiting.
25.	Mrs. Alice Swienczyk-Pyka Prize Fund	To provide a prize to awarded annually to the best student in Part I of the BA degree course in Business Studies.
26.	Miss Maggie T. Ross Bequest	Provision of bursaries in the School of Home Economics, School of Hotel and Institutional Administration and School of Nutritional Science.
27.	School of Navigation Prize Fund	To provide a prize to be known as the "Alltry Prize", to be awarded annually at the discretion of the Head of the School of Navigation to a Cadet of the School who during his training on board the *Robert Gordon* shows special distinction and good work.
28.	James Rust Prize Fund	A prize for the best student in sculpture in the degree or honours degree courses in Gray's School of Art.
29.	Scottish Highland Hotels Prize Fund	To provide a prize to be awarded annually to a student taking the HD course in Hotel, Catering and Institutional Management.
30.	The Six Years' Scholarship Fund	Scholarships for students taking full-time courses in Day Classes in Robert Gordon's Institute of Technology.
31.	James Smith's Bequest	Furthering the education in Art of students attending Gray's School of Art.
32.	Mary Davidson Smith's Legacy	Foundation and endowment of a Scholarship to enable a diploma student of Gray's School of Art to pursue his or her studies in London or on the Continent.

Serial Number (1)	Name of Fund (2)	Purposes (3)
33.	Dr. Marion Strachan Prize Fund	To provide a prize to awarded to students in the School of Physics.
34.	T. Scott Sutherland Bequest	To be used at the discretion of the Governors in connection with the School of Architecture.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations constitute a new governing body for Robert Gordon's Institute of Technology, Aberdeen, and specify that body's powers in relation to the management of the Institute.

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