STATUTORY INSTRUMENTS

1985 No. 543 (S. 53)

EDUCATION, SCOTLAND

The Napier College of Commerce and Technology Regulations 1985

Made - - - - -	*29th March* 1985
Laid before Parliament	*2nd April* 1985
Coming into Operation	*23rd April* 1985

ARRANGEMENT OF REGULATIONS

Regulation

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

Citation, construction and commencement

1.— (1) These regulations, which may be cited as the Napier College of Commerce and Technology Regulations 1985, shall be construed as one with the Central Institutions (Scotland) Regulations 1972(b), with the Central Institutions (Scotland) Regulations 1974(c), with the Central Institutions (Scotland) Amendment Regulations 1974(d), with the Central Institutions (Scotland) Amendment Regulations 1975(e), with the Central Institutions (Scotland) Amendment Regulations 1976(f) and with the Central Institutions (Scotland) Amendment Regulations 1981(g) and shall come into operation on 23rd April 1985.

(a) 1980 c.44; section 77(1) was amended by the Education (Scotland) Act 1981 (c.58), Schedule 6, paragraph 2.
(b) S.I. 1972/1753.
(c) S.I. 1974/102, to which there are amendments not relevant to these regulations.
(d) S.I. 1974/1410, to which there are amendments not relevant to these regulations.
(e) S.I. 1975/520, to which there are amendments not relevant to these regulations.
(f) S.I. 1976/66.
(g) S.I. 1981/1221.

(2) The Central Institutions (Scotland) Regulations referred to in regulation (1) above and the Further Education (Scotland) Regulations 1959 to 1979(a) shall apply to the governing body but only in so far as they pertain to the establishment, constitution, or administrative arrangements of the governing body of a central institution, and regulations 4 and 8(a) of the Central Institutions (Scotland) Regulations 1972 shall not apply to the governing body while an academic board of the College remains in existence.

Interpretation

2. In these regulations, unless the context otherwise requires—

"academic board" means the academic board as presently constituted of Napier College of Commerce and Technology;

"College" means Napier College of Commence and Technology; and

"governing body" means the Governors of Napier College of Commerce and Technology constituted in terms of regulation 3 of these regulations.

Constitution of governing body

3.— (1) The body which will govern Napier College of Commerce and Technology from 1st September 1985 is hereby constituted under the name of "The Governors of Napier College of Commerce and 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 movable, to appoint such staff as they consider necessary for the discharge of their functions, and to sue and be sued, and with all other rights, powers and privileges of a body corporate.

(2) Between the date of coming into operation of these regulations and 31st August 1985 the governing body may take such measures and enter into such agreements as they consider necessary for the efficient performance of the functions of the College on and after 1st September 1985.

Composition of governing body

4.— The governing body shall consist of—

(1) Three governors appointed *ex officiis* who shall be—

(a) The Principal of the College;

(b) A Depute Principal of the College; and

(c) The President of the Students' Association in the College.

(2) Persons appointed as governors who shall be—

(a) two persons appointed by Lothian Regional Council;

(b) three persons appointed as follows:—

(i) such number of persons as may be decided by the governing body but not exceeding two to be appointed by the academic board of the College from among the members of the full-time academic staff of the College who are members of the academic board; and

(a) S.I. 1959/477, 1968/1849, 1972/1753, 1973/321 and 1979/1185.

(ii) such number of persons as may be decided by the governing body but not exceeding two to be appointed by the academic staff of the College from their own number in a manner to be specified by the governing body;

(c) one person appointed by the non-academic staff from their own number in a manner to be specified by the governing body;

(d) three persons appointed by the Secretary of State;

(e) one person appointed by the matriculated students of the College 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 Students' Association in the College and to be approved by the governing body;

(f) one person appointed by the Company of Merchants of the City of Edinburgh;

(g) two persons appointed by the Edinburgh Chamber of Commerce and Manufactures;

(h) two persons appointed by the Scottish Council of the Confederation of British Industry;

(i) one person appointed by the Institute of Bankers in Scotland;

(j) one person appointed by the Lothian Headteachers' Association;

(k) two persons appointed by the Scottish Trades Union Congress;

(l) one person appointed by the Senatus Academicus of the University of Edinburgh;

(m) one person appointed by the Senate of Heriot-Watt University; and

(n) one person appointed by the Scottish Engineering Employers' Association.

(3) Up to three persons who may be co-opted by the governing body of the College.

Appointment or election of representative governors

5.— (1) The governing body shall—

(a) after consultation with the academic staff of the College, make rules for the election of the governors to be appointed by the academic staff under the provisions of regulation 4(2)*(b)*(ii);

(b) after consultation with the non-academic staff of the College, make rules for the appointment of the governor to be appointed by the non-academic staff under the provisions of regulation 4(2)*(c)*;

(c) after consultation with the Students' Association in the College make rules for the election or appointment of the governor to be appointed by the matriculated students of the College under the provisions of regulation 4(2)*(e)*;

(2) Any rules made by the governing body under this regulation may, after consultation with the academic staff of the College or with the non-academic staff of the College or with the Students' Association in the College whichever is appropriate, be revoked and replaced, or varied, by further rules made by the governing body under this regulation.

Administrative arrangements

6.—(1) The Secretary of State shall appoint the Chairman of the governing body. The governing body shall appoint a Vice-Chairman from their own number at a meeting no later than their second 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 such committee.

(3) The governing body shall hold at least four 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) Except in the case of the first meeting of the governing body, at least seven 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 one-third of the current membership of the governing body 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 the said one-third, the governors present shall adjourn the meeting to such day or time as they may determine and the meeting may be re-convened on less than seven 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 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, and 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, and 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 these regulations, nor shall any act or proceedings of the governing body or of any committee appointed by them be invalidated or be illegal by reason of or in consequence of any such vacancy or of any such defect in the appointment or co-option of any one or more governors.

(12) As soon as can be conveniently arranged after the date of the coming into operation of these regulations, the secretary of the College shall convene the first meeting of the governing body, notice of which shall be given to each member of the governing body or, if the names of such members have not been intimated to the secretary of the College, to the bodies entitled to appoint governors.

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

New St Andrew's House
Edinburgh.

29th March 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide for the constitution of a new governing body for the College and specify that body's powers in relation to the College between 23rd April 1985 and 1st September 1985 when the College will achieve full central institution status.