CHAPTER 40

University of St. Andrews Act, 1953

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An Act to make provision for the re-organisation of University education in St. Andrews and Dundee, to amend the constitution of the University of St. Andrews, of University College, Dundee, and of other bodies or institutions concerned, and for purposes connected with the matters aforesaid.

[31st July 1953.]

WHEREAS by His Warrant dated the third day of May, nineteen hundred and fifty-one, His late Majesty was pleased to appoint a Commission to inquire into the organisation of University education in Dundee and its relationship with the University of St. Andrews (in this Act referred to as "the University") and to recommend what changes, if any, should be made in the constitution, functions and powers of the University, of University College, Dundee, or of any other body or institution concerned;

And whereas in their report (in this Act referred to as "the report of the Commission") the said Commission have made recommendations with respect to the matters aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Constitution of the University and Colleges.

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

College and a College to be known by such name as the Secretary of State may determine and in this Act referred to as " the College in Dundee ".

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

(3) Any question arising as to the College of which any teacher or student is, by virtue of the last foregoing subsection, a member shall be determined by the Commissioners appointed under this Act or, after the expiration of their powers, by the University Court.

Principal of the University.

2. The Principal of the University shall be appointed by Her Majesty.

University Court.

52 & 53 Vict. c. 55.

3.—(1) In subsection (1) of section five of the Universities (Scotland) Act, 1889, for paragraph (i) (which specifies the constitution of the University Court of the University of St. Andrews) there shall be substituted the following paragraph—

" (i) In the University of St. Andrews:—

(*a*) the Rector;

(*b*) the Principal of the University;

(*c*) the head of the United College of St. Salvator and St. Leonard;

(*d*) the head of the College in Dundee;

(*e*) an assessor nominated by the Chancellor;

(*f*) an assessor nominated by the Rector;

(*g*) the Provost of St. Andrews for the time being, or an assessor nominated by him;

(*h*) the Lord Provost of Dundee for the time being, or an assessor nominated by him;

(*i*) four assessors, not being persons who are teachers in the University, elected by the General Council;

(*j*) six assessors elected from among its members by the Senatus Academicus, of whom three (two being professors and one a reader or lecturer) shall be members of the United College of St. Salvator and St. Leonard or St. Mary's College, and three (two being professors and one a reader or lecturer) shall be members of the College in Dundee;

(*k*) during the period of five years after the coming into force of section three of the University of St. Andrews Act, 1953, and during such further period (if any) not exceeding five years thereafter as Her Majesty may by Order in Council direct, three assessors appointed by Her Majesty in Council ".

(2) Notwithstanding anything in subsection (2) of the said section five with respect to the period of office of assessors, the assessors of the General Council in office at the passing of this Act shall, on the coming into force of this section, be deemed to have been elected thereunder as assessors by the General Council and as such shall be members of the University Court as reconstituted in pursuance of the foregoing provisions of this section and shall continue in office until the next biennial election by the General Council of assessors; and the periods for which the assessors elected at such election, and the assessors first elected by the Senatus Academicus after the passing of this Act, shall hold office shall be such as may be prescribed by the Commissioners appointed under this Act, and different periods may be prescribed for different persons.

Heads of Colleges, and constitution of College Councils.

4.—(1) The University Court shall appoint a person to be the head of the United College of St. Salvator and St. Leonard and a person to be the head of the College in Dundee, who shall respectively be known by such titles as may be determined by ordinances made by the Commissioners appointed under this Act.

(2) There shall be constituted a College Council, to be known as the Council of the United College of St. Salvator and St. Leonard and St. Mary's College, which shall consist of—

(*a*) the head of the United College of St. Salvator and St. Leonard;

(*b*) the Principal of the University;

(*c*) the Principal of St. Mary's College;

(*d*) the Provost of St. Andrews or, if he is represented on the University Court by an assessor nominated by him, that assessor;

(*e*) the three members of the United College of St. Salvator and St. Leonard or St. Mary's College elected by the Senatus Academicus to be assessors on the University Court;

(*f*) four professors elected by the professors who are members of the United College of St. Salvator and St. Leonard;

(*g*) four persons, being readers or lecturers, elected by the readers and lecturers who are members of the United College of St. Salvator and St. Leonard;

(*h*) if there is among the foregoing persons no person (other than the Principal of St. Mary's College) who is a member of St. Mary's College, one person who is a teacher in St. Mary's College elected by the teachers who are members of that College; and

(*i*) such number (not exceeding six) of other persons, not being teachers in the University, appointed in such manner as may be prescribed by ordinances made by the Commissioners appointed under this Act.

(3) There shall be constituted a College Council, to be known as the Council of the College in Dundee, which shall consist of—

(*a*) the head of the College in Dundee;

(*b*) the Principal of the University;

(*c*) the Lord Provost of Dundee, or, if he is represented on the University Court by an assessor nominated by him, that assessor;

(*d*) the three members of the College in Dundee elected by the Senatus Academicus to be assessors on the University Court;

(*e*) the Dean of the Faculty of Medicine of the University;

(*f*) four professors elected by the professors who are members of the College in Dundee;

(*g*) four persons, being readers or lecturers, elected by the readers and lecturers who are members of the College in Dundee; and

(*h*) six other persons, not being teachers in the University, appointed in such manner as may be prescribed by ordinances made by the Commissioners appointed under this Act.

(4) The head of the United College of St. Salvator and St. Leonard shall be the chairman of the Council of the United College of St. Salvator and St. Leonard and St. Mary's College, and the head of the College in Dundee shall be the chairman of the Council of the College in Dundee, and in the absence of the head of the College a chairman for the time being shall be elected by the meeting.

The chairman of any meeting of a College Council shall have a deliberative vote and also a casting vote in the case of equality.

(5) Seven members of a College Council shall be a quorum.

(6) The College Councils shall be bodies corporate.

Functions of College Councils.

5.—(1) The University Court shall delegate to the College Councils, subject to any ordinances made by the Commissioners appointed under this Act, to such limitation as may be imposed by the University Court on the expenditure to be incurred for the purpose, and to such directions given from time to time by the University Court as the University Court shall deem essential, the performance of the following functions, that is to say—

(*a*) to maintain and manage the buildings and grounds belonging to the University in St. Andrews and in Dundee respectively, to allocate the use of such buildings among the departments of the University for which the University Court require accommodation to be provided, and to maintain, manage and administer any residences provided in St. Andrews and in Dundee respectively for teachers who provide instruction and students who are engaged in studies in the University;

(*b*) to employ such officers and servants (other than teaching staff) as may be necessary for the execution of the functions imposed on the Council by or under this Act;

(*c*) to provide facilities for further education for members of the adult population who are not members of the University, and to make recommendations to the University Court with respect to the appointment or assignment of teaching staff for the provision of such education;

(*d*) to take such measures as may seem to them proper for the provision and dissemination of information with respect to the educational and other facilities available at the University in St. Andrews and in Dundee respectively.

(2) It shall be the duty of the College Councils to perform such other functions as may be imposed on them by ordinances made by the Commissioners appointed under this Act or as may from time to time be delegated to them by the University Court or by the Senatus Academicus.

(3) The College Councils may—

(*a*) make representations and recommendations to the University Court and to the Senatus Academicus with respect to any matter affecting the administration of the University or the teaching therein;

(*b*) make recommendations to the University Court with respect to the appointment of readers, lecturers, assistants and other members of the teaching staff of the University in St. Andrews and in Dundee respectively;

(*c*) prepare and submit to the University Court estimates of the amounts required to be defrayed by the Council, whether out of annual revenues or out of capital, in the execution of the functions imposed on them by or under this Act.

Provisions as to existing colleges, and transfer of property, etc.

6.—(1) The common law foundations known as the United College of St. Salvator and St. Leonard and St. Mary's College shall cease to be bodies corporate and their governing bodies shall be dissolved, and the property and liabilities (including any property and liabilities vested or arising under any trust) of the Colleges shall vest in the University Court.

(2) The deed of endowment and trust whereby provision was made for the establishment and maintenance of University College, Dundee, shall cease to have effect, and that College and its governing bodies shall be dissolved; and the property and liabilities (including any property and liabilities vested or arising under that or any other trust) of that College shall vest in the University Court.

(3) Nothing in the foregoing provisions of this section shall be held to authorise the application by the University Court of the funds arising from any endowment thereby transferred to them to any purpose to which such funds were not, immediately before such transfer, applicable.

(4) Every person who, immediately before the date of the coming into force of this section, held the appointment to an office (other than the office of Principal of University College, Dundee) in any of the Colleges aforesaid shall as from that date be deemed to have been appointed to the like office in the University and on the like terms and conditions as before that date, and, if a teacher, shall, in accordance with the provisions of section one of this Act, become a member of the appropriate College of the University:

Provided that if the Commissioners appointed under this Act, after taking into consideration any representations made to them by the person holding the appointment to the office concerned, determine that no like office in the University exists or that the office shall be abolished, the provisions of this subsection shall not have effect in relation to that person.

Dissolution of Dundee School of Economics, and transfer of property, etc.

7.—(1) The deed of endowment and trust whereby provision was made for the establishment and maintenance of the Dundee and East of Scotland Commercial College, usually known, and in this Act referred to, as the Dundee School of Economics, shall cease to have effect, and that School shall be dissolved; and the property and liabilities (including any property and liabilities vested or arising under that or any other trust) of that School shall vest in the University Court.

(2) Nothing in the foregoing subsection shall be held to authorise the application by the University Court of the funds arising from any endowment thereby transferred to them to any purpose to which such funds were not, immediately before such transfer, applicable.

(3) Every person who, immediately before the date of the coming into force of this section, held the appointment to an office in the said School shall as from that date be deemed to have been appointed to the like office in the University and on the like terms and conditions as before that date, and, if a teacher, shall, in accordance with the provisions of section one of this Act, become a member of the appropriate College of the University:

Provided that if the Commissioners appointed under this Act, after taking into consideration any representations made to them by the person holding the appointment to the office concerned, determine that no like office in the University exists or that the office shall be abolished, the provisions of this subsection shall not have effect in relation to that person.

Exemption from stamp duty on vesting of property under s. 6 or s. 7. 58 & 59 Vict. c. 16.

8. Stamp duty shall not be chargeable under section twelve of the Finance Act, 1895 (which relates to the stamp duty payable in connection with certain statutory conveyances) on any copy of this Act or on any instrument relating to the vesting in the University Court under the two last foregoing sections of this Act of the property of University College, Dundee, and of the Dundee School of Economics.

Appointment of Commissioners.

9.—(1) Her Majesty may within three months after the passing of this Act by Order in Council appoint a body of Commissioners (not exceeding six in number) to be styled "the University of St. Andrews Commissioners", and may appoint one of their number to be the chairman of the Commissioners.

(2) If any vacancy occurs among the Commissioners Her Majesty may by Order in Council appoint a person to fill the vacancy.

(3) Every Order in Council made under this section shall be laid before Parliament after being made.

Staff and expenses of Commissioners.

10.—(1) The Commissioners may, with the consent of the Treasury as to number, employ such persons as they think necessary for the execution of their duties under this Act.

(2) There shall be paid to any person employed by the Commissioners such remuneration as the Treasury may determine, and all expenses incurred by the Commissioners in the execution of this Act, including the remuneration aforesaid, shall to an amount approved by the Treasury be paid out of moneys provided by Parliament.

Duration of powers of Commissioners and proceedings thereof.

11.—(1) The powers of the Commissioners shall become exercisable on such day as may be specified in the Order in Council appointing the Commissioners and shall continue in force for three years and during such further period (if any) thereafter as Her Majesty may by Order in Council direct.

(2) In the absence of the person appointed to be chairman of the Commissioners from any meeting, the Commissioners present shall choose one of their number to be chairman of the meeting.

(3) The powers of the Commissioners may be exercised at any meeting at which three or more Commissioners are present.

(4) The person presiding at any meeting shall have a deliberative vote and also a casting vote in the case of equality.

(5) The Commissioners shall be a body corporate and shall have a common seal which shall be judicially noticed.

(6) An act of the Commissioners shall not be invalid by reason only of a vacancy in their numbers, but if at any time, and so long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

Powers of Commissioners.

12.—(1) Subject to the provisions of this Act, the Commissioners shall have the like power to make ordinances as was, immediately before their powers became exercisable, vested in the University Court, and shall, in addition, have power to make such ordinances as may appear to them to be necessary or desirable for carrying into effect the provisions and purposes of this Act and, subject to any modifications which may appear to them to be expedient, the recommendations contained in the report of the Commission.

(2) The Commissioners shall have power to make recommendations in writing to the Scottish Universities Committee of the Privy Council with respect to any endowment vested in or administered by or in the gift of the University or any of the Colleges thereof; and where a recommendation has been so made with respect to any such endowment the Scottish Universities Committee shall have the like powers and duties with regard to the endowment as they would have with regard thereto by virtue of the provisions of subsection (5) of section one hundred and sixteen of the Education (Scotland) Act, 1946, if the University Court had intimated their consent to the endowment being dealt with under that section. 9 & 10 Geo. 6. c. 72.

Provisions as to ordinances.

13.—(1) The Commissioners shall, before making any ordinance under this Act, consult with the University Court and take into consideration any representations made by them.

(2) The provisions of section twenty-one of the Universities (Scotland) Act, 1889, with respect to the making of ordinances and to the proceedings to be taken after the making of ordinances by the University Court shall with the necessary substitutions apply in relation to the making of ordinances and to ordinances made under this Act by the Commissioners, and any such proceedings may be taken in relation to an ordinance made by the Commissioners notwithstanding that their powers have ceased to be exercisable before such proceedings are completed.

(3) So long as the powers of the Commissioners continue in force, the power of the University Court to make ordinances shall not be exercisable.

(4) Section twenty-one of the Universities (Scotland) Act, 1889, (which empowers the University Court to alter or revoke ordinances framed and passed under that Act) shall, after the expiration of the powers of the Commissioners under this Act, have effect as if any reference to ordinances framed and passed under that Act included a reference to ordinances made under this Act.

Compensation for loss of office.

14.—(1) Any person who suffers loss of office or employment, or loss or diminution of emoluments or pension rights, which is attributable to the coming into force of any of the provisions of this Act or to anything done under any of those provisions, shall be entitled to compensation.

(2) Any compensation payable by virtue of the provisions of this section shall be paid by the University Court, and shall be of such amount as may be agreed between the University Court and the person entitled to the compensation or, in default of agreement, as may be determined by an arbiter appointed by the Lord President of the Court of Session.

Short title, interpretation, commencement and repeals.

15.—(1) This Act may be cited as the University of St. Andrews Act, 1953.

(2) The Commissioners appointed under this Act may by ordinance determine that any part of the University or any building or other property belonging to the University shall, notwithstanding that it is not situated in St. Andrews or in Dundee, be deemed for the purposes of this Act to form part of, or to belong to, the University in St. Andrews or in Dundee; and where the Commissioners have so determined, references in this Act to the University, or to buildings or other property belonging to the University, in St. Andrews or in Dundee, as the case may be, shall be construed accordingly.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

(4) Section one in so far as may be necessary for the purpose of determining the persons qualified to be elected, or to elect persons, to offices under sections three and four of this Act, section two and sections nine to thirteen of this Act and this section shall come into force on the passing of this Act, and the provisions of this Act other than the said provisions shall come into force on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for different purposes.

(5) In that portion of the Act twenty George the Second, chapter thirty-two, which relates to the right of patronage and presentment of the Principal and the several professors in the United College of St. Salvator and St. Leonard the words " Principal and " where they first occur, and subsection (6) of section five and section sixteen of the Universities (Scotland) Act, 1889, are hereby repealed.

CHAPTER 41

An Act to provide for the constitution of a Scottish Hospital Endowments Research Trust; to empower the Hospital Endowments Commission to transfer endowments to the said Trust; to amend the provisions of the National Health Service (Scotland) Act, 1947, relating to the said Commission; and for purposes connected with the matters aforesaid.

[31st July 1953.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Scottish Hospital Endowments Research Trust.

1.—(1) The Secretary of State shall constitute, in accordance with the Schedule to this Act, a Scottish Hospital Endowments Research Trust (hereinafter referred to as " the Trust ").

(2) It shall be the duty of the Trust to hold and administer funds on trust for the purpose of assisting the conduct of research into any matters relating to the causation, prevention, diagnosis or treatment of illness or mental deficiency or to the development of medical or surgical appliances including hearing aids.

(3) The Trust shall have power to accept, hold and administer in accordance with the said Schedule any property on trust for the purpose aforesaid.