

2019 No. 213

EDUCATION

**The Queen Margaret University, Edinburgh (Scotland)
Amendment Order of Council 2019**

Made - - - - - *13th June 2019*

Laid before the Scottish Parliament *18th June 2019*

Coming into force - - - *1st October 2019*

At the Council Chamber, Whitehall, the 13th day of June 2019

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships make the following Order in exercise of the powers conferred by sections 45 and 60(3) of the Further and Higher Education (Scotland) Act 1992(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Queen Margaret University, Edinburgh (Scotland) Amendment Order of Council 2019 and comes into force on 1 October 2019.

(2) In this Order, “the 2007 Order” means the Queen Margaret University, Edinburgh (Scotland) Order of Council 2007(b).

Amendment of the 2007 Order

2.—(1) The 2007 Order is amended in accordance with the following paragraphs.

(2) In article 2(1) (interpretation)—

(a) for the definition of “all other staff”, substitute—

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

“Articles of Association” means the Articles of Association of the University(d),

“Chair” means the person referred to in article 4(2)(a),”

(b) omit the definitions of “Memorandum of Association” and “Articles of Association”,

(c) for the definition of “the objects of the University”, substitute—

““the objects of the University” means the objects set out in the Articles of Association,”.

(a) 1992 c.37.

(b) S.S.I. 2007/116, amended by S.S.I. 2015/305.

(c) 2016 asp 15.

(d) Queen Margaret University, Edinburgh is a company limited by guarantee registered in Scotland under company number SC007335.

(3) In article 4 (the court)(a)—

(a) for paragraph (2), substitute—

“(2) The membership of the Court is to be composed of—

- (a) the Chair, being the member appointed by the Court to the position of senior lay member by virtue of section 8 of the 2016 Act,
- (b) the Principal,
- (c) the Vice-Principal, or if there are two Vice-Principals, both of them, or if there are more than two Vice-Principals, such two Vice-Principals as are nominated by the Principal,
- (d) one member appointed by being nominated by the Senate from among its members who are academic staff,
- (e) two members appointed by being elected by the staff of the University from among their own number,
- (f) one member appointed by being nominated by a trade union from among the academic staff of the University who are members of a branch of a trade union that has connection with the University,
- (g) one member appointed by being nominated by a trade union from among the support staff of the University who are members of a branch of a trade union that has a connection with the University,
- (h) two members appointed by being nominated by the students’ association of the University from among the students of the University, and
- (i) 11 to 15 lay members appointed by the Court from time to time in accordance with its rules and procedures with the aim of the Court having a broad range of skills and experience.”,

(b) omit paragraphs (3) and (4),

(c) for paragraph (5), substitute—

“(5) The Court is to make rules for the election of members to be appointed under paragraph (2)(e) in accordance with section 11 of the 2016 Act.”,

(d) in paragraph (6), omit “academic” and “or all other staff of the University, as the case may be,”,

(e) in paragraph (7), for “(2)(d)(ii) or (iii)”, substitute “(2)(e)”,

(f) after paragraph (7), insert—

“Nomination of certain members

(7ZA) The Court is to make rules for the nomination of members appointed under paragraph (2)(f) to (h) in accordance with section 12 of the 2016 Act.”.

(4) After article 4, insert—

“Chair of the Court

4A.—(1) The Chair is to be appointed in accordance with sections 3 to 8 of the 2016 Act and an appointment process prescribed by the Court.

(2) Subject to article 6, the Court is to prescribe the duties, responsibilities and terms and conditions of the Chair which may include such remuneration and allowances as the Court considers to be reasonable in accordance with section 9 of the 2016 Act.”.

(a) Article 4 was amended by article 3 of S.S.I. 2015/305.

- (5) In article 5 (vice-chair of the court)(a)—
- (a) in paragraphs (1) and (4), for “4(2)(a)”, substitute “4(2)(i)”,
 - (b) in paragraph (2)(d), after “article 6(7)”, insert “or resigns as a member or is removed as a member in accordance with rules made under article 6(8A)”.
- (6) In article 6 (members of the court)—
- (a) in paragraph (1), for “ex officio”, substitute “under article 4(2)(b) or (c)”,
 - (b) in paragraph (6), for “ex officio or a member appointed in accordance with article 4(2)(d)”, substitute “appointed in accordance with article 4(2)(b) to (g)”,
 - (c) in paragraph (7)—
 - (i) omit sub-paragraphs (a) to (e) and (g),
 - (ii) omit “or” following sub-paragraph (h),
 - (iii) omit sub-paragraph (i),
 - (d) after paragraph (8), insert—

“Resignation and removal of members

(8A) The Court may make rules about the procedure for the resignation and removal of its members in accordance with section 13 of the 2016 Act.”,
 - (e) in paragraph (9)—
 - (i) omit “under paragraph (7)”,
 - (ii) omit “or elected”.
- (7) In article 9(1) (allowances to members of the court), after “member”, insert “appointed under article 4(2)(b) to (i)”.
- (8) In article 14(1) (senate), after “Principal”, insert “, provided that the constitution of the Senate is in accordance with Chapter 2 of Part 1 of the 2016 Act.”.
- (9) Omit article 15 and the schedule (variation and revocation of articles of association).

Transitional Provision

3.—(1) The Chair appointed under article 4(2)(za) of the 2007 Order(b) who is in office immediately before 1 October 2019 is to be regarded, for the remainder of that Chair’s period in office, as if appointed to the position of Chair in accordance with articles 4(2)(a) and 4A of the 2007 Order as amended by this Order.

(2) The persons appointed as members of the Court under article 4(2)(e) of the 2007 Order who are in office immediately before 1 October 2019 are to be regarded, for the remainder of their periods in office, as if appointed to the Court in accordance with article 4(2)(h) of the 2007 Order as amended by this Order.

Richard Tilbrook
Clerk of the Privy Council

(a) Article 5 was substituted by article 4 of S.S.I. 2015/305.
 (b) Article 4(2)(za) was inserted by article 3(2) of S.S.I. 2015/305.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Queen Margaret University, Edinburgh (Scotland) Order of Council 2007 (“the 2007 Order”). The 2007 Order was amended by the Queen Margaret University, Edinburgh (Scotland) Amendment Order of Council 2015. The 2007 Order remains the principal governance Order in relation to the Queen Margaret University, Edinburgh (“the University”).

Article 1 of the Order provides that the Order comes into force on 1 October 2019 and provides a definition of the 2007 Order for the purposes of this Order.

Article 2 of the Order amends the 2007 Order. Article 2(2) amends article 2(1) of the 2007 Order which sets out relevant definitions. It omits the definitions of “all other staff”, and “Memorandum of Association” and “Articles of Association”. It also inserts definitions of “the 2016 Act”, “Articles of Association” and “Chair”.

Article 2(3) of the Order amends article 4 of the 2007 Order, which makes provision for the Court. Sub-paragraph (a) substitutes a new article 4(2), which sets out the composition of the Court. Sub-paragraph (b) omits paragraphs (3) and (4) which are no longer necessary and sub-paragraphs (c) to (e) make amendments that are consequential to the changes to the composition of the Court made by sub-paragraph (a). Sub-paragraph (f) inserts a new paragraph (7ZA) to provide that the Court is to make rules for the nomination of members appointed under article 4(2)(f) to (h).

Article 2(4) of the Order inserts a new article 4A (Chair of the Court) into the 2007 Order. Article 4A(1) provides that the Chair is to be appointed in accordance with sections 3 to 8 of the Higher Education Governance (Scotland) Act 2016 (“the 2016 Act”) and an appointment process prescribed by the Court. Article 4A(2) provides that the Court is to prescribe the duties, responsibilities, and terms and conditions of the Chair, which may include reasonable remuneration and allowances.

Article 2(5) of the Order makes amendments to article 5 of the 2007 Order (Vice-Chair of the Court) that are consequential to the changes to the composition of the Court, to the amendment of article 6(7) of the 2007 Order (vacation of office of member) and the insertion of article 6(8A) by article 2(6)(c) and (d) of this Order.

Article 2(6) of the Order makes amendments to article 6 of the 2007 Order (members of the Court). Sub-paragraphs (a), (b) and (e)(ii) are consequential to the changes to the composition of the Court. Sub-paragraph (c) omits sub-paragraphs (a) to (e), (g) and (i) of paragraph (7) of the 2007 Order and, in place of those provisions, sub-paragraph (d) inserts a new paragraph (8A), which provides the Court with the power to make rules regarding the procedure for the resignation and removal of Court members in accordance with section 13 of the 2016 Act; and sub-paragraph (e)(i) amends article 6(9) of the 2007 Order in consequence of those amendments.

Article 2(7) of the Order amends article 9(1) of the 2007 Order (allowances to members of the Court) to provide that the Court’s power to reimburse members for expenses does not apply to the Chair as that power is now included in new article 4A.

Article 2(8) of the Order amends article 14(1) of the 2007 Order (Senate) to provide that the Senate is to be constituted in accordance with Chapter 2 of Part 1 of the 2016 Act.

Article 2(9) of the Order omits the schedule of the 2007 Order which made amendments to the Articles of Association of the University.

Article 3(1) of the Order makes transitional provision to provide that the Chair appointed under article 4(2)(za) of the 2007 Order who is in office immediately before commencement of this Order is treated as if appointed in accordance with articles 4(2)(a) and 4A of the 2007 Order as amended by this Order. Article 3(2) makes transitional provision to ensure that student members of the Court appointed under article 4(2)(e) of the 2007 Order who are in office immediately before the commencement of this Order are treated as if appointed in accordance with article 4(2)(h) of the 2007 Order as amended by this Order.

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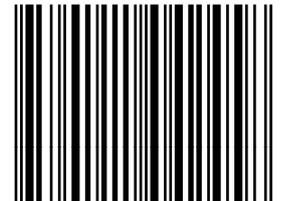
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