
STATUTORY INSTRUMENTS

1984 No. 1167 (N.I. 10)

NORTHERN IRELAND

**The University of Ulster
(Northern Ireland) Order 1984**

Approved by both Houses of Parliament

Made

31st July 1984

Coming into operation on a day to be appointed under Article 1(2)

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Transfer of property, etc.
4. Dissolution of Ulster Polytechnic.
5. Staff of The New University of Ulster and Ulster Polytechnic.
6. Amendments, transitional provision and repeals.

SCHEDULES:

Schedule 1—Amendments.

Schedule 2—Repeals.

At the Court at Buckingham Palace, the 31st day of July 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

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Title and commencement

1.—(1) This Order may be cited as the University of Ulster (Northern Ireland) Order 1984.

(2) If Her Majesty is pleased, by Royal Charter, to provide for the foundation of a new university in Northern Ireland with the name and style of the “University of Ulster” (in this Order referred to as “the University”), the Head of the Department may by order appoint a day for the coming into operation of this Order.

Interpretation

1954 c. 33 (N.I.)

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the appointed day” means the day appointed under Article 1(2) for the coming into operation of this Order;

“the Department” means the Department of Education;

“the University” has the meaning given in Article 1(2).

Transfer of property, etc.

3.—(1) There are hereby transferred to and vested in the University on the appointed day—

(a) all assets and liabilities to which The New University of Ulster was entitled or subject immediately before the appointed day;

(b) all assets and liabilities to which the Governors of the Ulster Polytechnic were entitled or subject immediately before the appointed day; and

1968 c. 14 (N.I.)

(c) all land held or acquired, by the Department under the Ulster College Act (Northern Ireland) 1968 for the purposes for which the Governors of the Ulster Polytechnic were constituted, and all liabilities incurred by the Department in connection with such land immediately before the appointed day.

(2) Anything which, immediately before the appointed day, was in the process of being done by or in relation to—

(a) The New University of Ulster;

(b) the Governors of the Ulster Polytechnic; or

(c) the Department,

in connection with things transferred under paragraph (1) (including, in particular, any legal proceedings to which any of those bodies is a party), may be continued by or in relation to the University.

(3) Any reference to The New University of Ulster or the Governors of the Ulster Polytechnic in any document, made before the

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appointed day and relating to anything transferred under paragraph (1), shall be construed as a reference to the University in so far as is necessary for the purpose of or in consequence of that transfer.

(4) Any property to which this paragraph applies shall be held by the University, in accordance with its Charter, for the purpose of maintaining in Londonderry, as an integral part of the University, an institution to be known as Magee University College.

(5) The property to which paragraph (4) applies is any property vesting in the University under paragraph (1), which, immediately before the appointed day, was held by The New University of Ulster by virtue of section 1(1) of the Magee University College Londonderry Act (Northern Ireland) 1970.

1970 c. 15 (N.I.)

(6) Any bequest, gift, trust or endowment in favour of or in relation to—

- (a) The New University of Ulster;
- (b) the Governors of the Ulster Polytechnic; or
- (c) the Department, for the purposes of the Ulster Polytechnic,

shall on the appointed day be construed and have effect as if the University had been named or referred to therein instead of any of those bodies, whether the bequest, gift, trust or endowment is made, regulated or constituted by any will, scheme, order of court, deed or document or in any other manner.

(7) Paragraph (6) shall have effect whether the bequest, gift, trust or endowment is made or executed, or takes effect, before or after the appointed day.

Dissolution of Ulster Polytechnic

4. The body corporate known as the Governors of the Ulster Polytechnic is hereby dissolved on the appointed day.

Staff of The New University of Ulster and Ulster Polytechnic

5.—(1) Where any person to whom paragraph (4) applies—

- (a) declines to accept an offer of employment by the University;
or
- (b) within the period of 6 months from the appointed day relinquishes his employment by the University, on the grounds that—
 - (i) he is to suffer, or has suffered a diminution in pay; or
 - (ii) he is not to be employed, or has not been employed, on terms and conditions which are as nearly as practicable the same as those which governed his employment immediately before the appointed day;

he shall be entitled to compensation from the University on such terms and subject to such conditions as may be specified in regulations made by the Department.

(2) Without prejudice to anything in section 17 of the Interpretation Act (Northern Ireland) 1954, regulations made under paragraph (1)—

1954 c. 33 (N.I.)

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- (a) may include provision as to the manner in which, the time within which and the person to whom, any claim for compensation is to be made; and
- (b) shall be subject to negative resolution.

(3) Where any person to whom paragraph (4) applies enters into a contract of employment with the University, his employment by the University and his previous employment by The New University of Ulster or, as the case may be, by the Governors of the Ulster Polytechnic shall be deemed for all purposes of those bodies to be a single continuing employment.

(4) This paragraph applies to any person—

- (a) who, immediately before the appointed day, was employed—
 - (i) by The New University of Ulster for purposes wholly or mainly connected with that University, or
 - (ii) by the Governors of the Ulster Polytechnic for purposes wholly or mainly connected with the Ulster Polytechnic; and
- (b) who was not so employed on a temporary basis or on the basis of a fixed term contract which expired on or before the appointed day.

(5) If any question arises as to whether a person is, on either of the grounds mentioned in paragraph (1), justified in declining or relinquishing employment by the University, that person may require the question to be referred to and determined by an industrial tribunal.

(6) Where a question is referred to an industrial tribunal under paragraph (5), it shall be for the University to show that the grounds upon which the reference is founded do not exist.

(7) A person to whom paragraph (4) applies shall not be taken to have been dismissed from his employment by The New University of Ulster, or, as the case may be, the Governors of the Ulster Polytechnic by reason of redundancy.

Amendments, transitional provision and repeals

6.—(1) The statutory provisions specified in Schedule 1 shall have effect subject to the amendments set out in that Schedule.

(2) On the appointed day—

- (a) any Trustee of the Ulster Folk and Transport Museum who was appointed under Article 3(1) of the Museums (Northern Ireland) Order 1981 by The New University of Ulster or the Governors of the Ulster Polytechnic; and
- (b) any Trustee of the Ulster Museum who was appointed under Article 4(1) of that Order by either of those bodies,

shall, by virtue of this paragraph, cease to be such a Trustee.

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(3) The statutory provisions specified in columns 1 and 2 of Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

SCHEDULE 1

Article 6(1).

AMENDMENTS

The Education and Libraries (Northern Ireland) Order 1972 (NI 12)

In Article 41(1) and (3) and Article 43(1) for the references to the Ulster Polytechnic substitute references to the University of Ulster.

In Article 92(1), after the word "institution" insert the word "and", and omit the words "and the Governors of the Ulster Polytechnic".

The Rates (Northern Ireland) Order 1977 (NI 28)

In Schedule 13 omit the reference to the Governors of the Ulster Polytechnic and for the reference to The New University of Ulster substitute a reference to the University of Ulster.

The Museums (Northern Ireland) Order 1981 (NI 14)

In Articles 3(1) and 4(1), in each place—

(a) for sub-paragraph (b) substitute the following sub-paragraph—

“(b) one person appointed by the University of Ulster;”;

(b) omit sub-paragraph (c).

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Article 6(3).

SCHEDULE 2

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1968 c. 14 (N.I.).	The Ulster College Act (Northern Ireland) 1968.	The whole Act.
1970 c. 15 (N.I.).	The Magee University College Londonderry Act (Northern Ireland) 1970.	Sections 1 to 3, 4(2)(c), 8 and 9. In section 10 the definition of "the General Assembly".
1972 NI 12	The Education and Libraries (Northern Ireland) Order 1972.	In Article 59 the words "or the Ulster Polytechnic". In Article 92(1) the words "and the Governors of the Ulster Polytechnic".
1972 NI 17	The Planning (Northern Ireland) Order 1972.	In Article 17A(2), in the definition of "educational institution", sub-paragraph (b).
1976 c. 25.	The Fair Employment (Northern Ireland) Act 1976.	In section 57(1), in the definition of "training", sub-paragraph (d).
1976 NI 15.	The Sex Discrimination (Northern Ireland) Order 1976.	In Article 24, the fourth entry in the Table.
1977 NI 28	The Rates (Northern Ireland) Order 1977.	In Schedule 13, the words "The Governors of the Ulster Polytechnic".
1978 c. 53.	The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.	Section 8(2)(c).
1978 NI 10	The Education (Northern Ireland) Order 1978.	Article 16.
1981 NI 14	The Museums (Northern Ireland) Order 1981.	Articles 3(1)(c) and 4(1)(c).
1981 NI 20	The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981.	Article 11(5)(f)(ii).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides, upon the granting of a Royal Charter for the foundation of a University to be known as the “University of Ulster”, for the transfer to that University of the property, rights and liabilities of The New University of Ulster and of the Ulster Polytechnic, and for the dissolution of the Ulster Polytechnic.

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