

EXECUTIVE NOTE

THE QUEEN MARGARET UNIVERSITY, EDINBURGH (SCOTLAND) ORDER OF COUNCIL 2007 (S.S.I 2007/116)

The above instrument was made in exercise of the powers conferred upon the Lords of Her Majesty's Most Honourable Privy Council by sections 45 and 60 of the Further and Higher Education (Scotland) Act 1992. The instrument is subject to negative resolution procedure.

Policy Objectives

Queen Margaret University, Edinburgh, along with the majority of other post 1992 universities and designated higher education institutions has a Governance Order, the Queen Margaret University College, Edinburgh (Scotland) Order of Council 1994 ("the 1994 Order"), made by the Privy Council. Queen Margaret University, Edinburgh is a company limited by guarantee incorporated under the Companies Act. The name of the institution was changed from Queen Margaret University College, Edinburgh to Queen Margaret University, Edinburgh by resolution of the members of the University on 13 December and Privy Council consent on 14 December 2006, and the change took formal legal effect on 15 January 2007.

The purpose of this instrument is to provide for a more modern constitution for the University in line with the Governance code of practice and general principles set out in the Committee of University Chairmen's (CUC) 'Guide for Members of Higher Education Governing Bodies in the UK', available on the internet at the following link: http://www.hefce.ac.uk/pubs/hefce/2004/04_40/. The instrument also allows the university greater flexibility in its operation. This is in line with the current policy of, where appropriate, reducing the burden on higher education institutions in respect of changes they wish to make to their governance arrangements. The Order also rationalises the appointment of the Court, Senate and executive offices. The new Order replaces the provisions in the 1994 Order which is revoked.

Powers of the Court

Article 3 of the instrument provides the Court with modern powers to facilitate the development of the objects of the University. The updated powers comprise organisational powers, powers of delegation and responsibility to approve strategic plans and organisational management. The Objects are set out in the Memorandum and Articles of Association of the University.

The University Court

Article 4 specifies "the Court" as the governing body of the University. In a change from the 1994 Order the core membership and co-opted membership of the governing body are merged. In addition there is now only one category of lay membership with a minimum number of 12 lay members and a maximum number of 16. As regards the non lay-members the article provides that:

- the Principal and Vice Principal (or equivalent) will be appointed *ex officio*. If there are two Vice Principals both will be appointed *ex officio*. However, if there are more than two Vice-Principals, no more than two (chosen by the Principal) will be appointed;
- a second student member will be appointed *ex officio* (this will be a second nominated office of the Students' Association), and

- part-time staff will be eligible for appointment as staff member and will be able to vote for the election of academic and non-academic staff member.

Members of the Court

Article 6 specifies that members, others than those appointed *ex officio*, will have terms of appointment of 3 years, plus 3 years and an additional 3 years but only in exceptional cases. As a general rule, therefore members will hold office for a maximum of 6 years but 9 years in exceptional cases. The requirements for vacation of office are rationalised and supplemented to those in the 1994 Order and the provisions relating to the filling of vacancies are streamlined.

Article 7 sets out a clear statement dealing with conflicts of interest of members and Article 10 specifies the responsibilities of members.

Executive Offices

Article 11 provides a new office of Chancellor as the titular head of the University, entitled to confer degrees and other awards. The appointment and the period of office of the Chancellor will be determined by the Court.

Article 12 updates the role of the Principal in that it more clearly expresses this as being the strategic direction and operational management of the University.

Article 13 provides that the office of Secretary ensures the proper operation and conduct of the affairs of the Court. The Court will appoint and agree the terms of engagement of the Secretary from someone holding a senior administrative or management position at the University.

Senate

Article 14 sets out a modernised appointment and maintenance of the Senate with the details of its membership and regulation left to the Court, acting on the advice of the Principal.

Articles of Association

Article 15 introduces certain changes to the Articles of Association insofar as those Articles relate to the Court. These changes refer to the new SSI, the new Court and to the new Senate. They also update the Articles so as to provide that the Court has the entire control and management of the institution. The Articles dealing with the powers of the former governing body are revoked as they have been replaced by Articles 3 and 4(8) to (12) of the new Order.

Consultation

The Privy Council Office and Queen Margaret University, Edinburgh have been consulted during the preparation of the instrument.

Financial Effects

A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Enterprise, Transport and Lifelong Learning Department
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