

## SCHEDULES

### SCHEDULE 6

Section 13.

#### TRANSFER OF PROPERTY, ETC. TO UNIVERSITY OF DUNDEE AND OTHER TRANSITIONAL PROVISIONS

##### *Transfer of property and liabilities*

- 1 Subject to the provisions of this Schedule, on the appointed day all property, heritable and moveable, and all rights and interests of every description, which immediately before that day belonged to the University Court or, as the case may be, were exercisable by the University Court, in connection with Queen's College, shall vest in or, as the case may be, become exercisable by, the University of Dundee.
- 2 (a) Before the appointed day the University Court shall submit to Her Majesty in Council a statement of all endowment funds held by the University Court wholly or partly in connection with Queen's College.
- (b) On the appointed day such of the funds referred to in the foregoing subparagraph as may be determined by Her Majesty by Order in Council shall be transferred to the University of Dundee.
- 3 (a) Within two months after the appointed day the University Court shall submit to Her Majesty in Council an abstract of the accounts of the University Appeal Fund as at the appointed day; and such part of the said Appeal Fund as may be determined by Her Majesty by Order in Council shall be transferred to the University of Dundee.
- (b) Within two months after the appointed day the University Court shall submit to Her Majesty in Council for approval a scheme for the allocation between the University of St. Andrews and the University of Dundee of such donations to the said Appeal Fund as may be received by the University Court after the appointed day under covenant made before that day; and all such donations shall be allocated in accordance with a scheme so approved.
- 4 On the appointed day the funds, not being endowment funds, specified in the first column of the Table set out at the end of this Schedule to the amount specified in the second column of that Table, shall be transferred to the University of Dundee.
- 5 (a) All property vesting in or transferred to the University of Dundee under any of the preceding paragraphs of this Schedule shall be applied to the purposes for which the University of Dundee is incorporated.
- (b) Subject to the provisions of paragraph 9 of this Schedule, any property which by any scheme, will or other instrument or otherwise was held upon trust for any specific foundation or object of Queen's College and which vests in or has been transferred to the University of Dundee by virtue of any of the preceding paragraphs of this Schedule shall, after the said vesting or

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transfer, be held upon trust for, and applied as far as possible to, the like foundation or object of the University of Dundee.

- (c) Subject to the provisions of the last foregoing paragraph, any property which was held upon any trust and which vests in or has been transferred to the University of Dundee by virtue of any of the preceding paragraphs of this Schedule shall, after the said vesting or transfer, be held upon the same trust.

6 The transfer of property to and its vesting in the University of Dundee under paragraphs 1 to 4 of this Schedule shall have effect by virtue of this Act alone without any conveyance or other instrument.

7 On the appointed day all liabilities incurred before the appointed day by the University Court in connection with Queen's College and still outstanding shall be transferred to the University of Dundee and shall thereafter be discharged by the University of Dundee.

8 Any dispute between the University Court and the University of Dundee as to the property or the liabilities to be transferred to the University of Dundee under paragraphs 1 to 4, and paragraph 7 respectively, of this Schedule shall be determined by arbitration.

#### *Bursaries*

- 9 (a) On and after the appointed day those bursaries which immediately before that day were governed by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961, and whose respective endowment funds are transferred to the University of Dundee under paragraph 2(b) of this Schedule shall become bursaries in the University of Dundee.
- (b) The bursaries referred to in the foregoing sub-paragraph shall, on and after the appointed day, continue to be governed, as nearly as may be practicable, by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961, until a new scheme for their administration has been prepared under the Education (Scotland) Act 1962, and has been approved by Her Majesty in Council.

#### *Construction of contracts etc.*

10 On and after the appointed day any reference to Queen's College or to Queen's College Council contained in any contract or agreement shall have effect as if it were a reference to the University of Dundee or, as the case may be, to the governing body of the University of Dundee.

#### *Court Proceedings*

11 All court proceedings pending at the appointed day to which the University Court are a party and which relate in whole or in part to Queen's College shall proceed with the substitution of the University of Dundee for the University Court to the extent of the Queen's College interest.

#### *Construction of gifts, etc.*

12 (a) On and after the appointed day any gift in favour of Queen's College shall have effect as if the University of Dundee had been named as the

beneficiary therein, whether such gift is regulated by any scheme will or other instrument, or in any other manner and whether made or executed or taking effect before or on or after the appointed day.

- (b) Any gift in favour of the University of St. Andrews which was regulated after 31st July 1953 and before the appointed day by any scheme will or other instrument, or in any other manner and which takes effect on or after the appointed day shall, in the absence of specific directions in the governing instrument as to the proportion in which Queen's College was to benefit therefrom, be deemed to be a gift in favour of the University of St. Andrews and the University of Dundee equally; and any fund which is created by or under any such gift and which, in terms of the governing instrument, would have vested in the University Court, shall be divided equally and one half shall vest in the University Court and the other in the University of Dundee, to be held and administered for the purposes of the gift.
- (c) If the governing instrument of any such gift specifies the proportions in which the United College and St. Mary's College on the one hand and Queen's College on the other are to benefit therefrom the gift shall be deemed to be a gift in favour of the University of St. Andrews and the University of Dundee in those proportions ; and any fund which is created by or under any such gift and which, in terms of the governing instrument, would have vested in the University Court, shall be divided in the same proportions and the two parts shall vest in the University Court and the University of Dundee respectively, to be held and administered for the purposes of the gift.
- (d) Any reference in this paragraph to a gift shall include a reference to a bequest or trust.

#### *Officers and staff*

- 13 On the appointed day—
- (a) all professors of the University of St. Andrews who immediately before that day were members of Queen's College shall become professors of the University of Dundee ;
  - (b) all other members of the teaching staff of the University of St. Andrews who immediately before that day were members of Queen's College shall become members of the teaching staff of the University of Dundee ;
  - (c) all other persons who immediately before that day were employed in any capacity by the University Court and whose duties lay wholly or mainly in Queen's College shall become employed by the University of Dundee ;
  - (d) all persons who immediately before that day were employed in any capacity by Queen's College Council shall become employed by the University of Dundee.
- 14
- (a) Any person who has been appointed before the appointed day by the University Court to a post with effect from a date on or after the appointed day and whose duties were to lie wholly or mainly in Queen's College shall from the effective date of his appointment become employed by the University of Dundee.
  - (b) Any person who has been appointed before the appointed day by Queen's College Council to a post with effect from a date on or after that day

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shall from the effective date of his appointment become employed by the University of Dundee.

15 On or before the appointed day the University Court, after consultation with Queen's College Council, shall determine who are the persons falling within the categories specified in paragraphs 13(c) and 14(a) of this Schedule.

16 The persons referred to in paragraphs 13 and 14 of this Schedule shall hold office or continue to hold office upon the same terms and conditions, as nearly as may be practicable, as governed their appointment immediately before the appointed day.

*Abolition of qualifying examinations and degrees  
in medicine etc. in the University of St. Andrews*

17 (a) The University of St. Andrews shall on the appointed day cease to hold qualifying examinations in medicine, surgery and midwifery, and in dentistry:

Provided that a student who has matriculated in the faculty of medicine in the University of St. Andrews before the appointed day shall for a period of five years from the start of the academic session next following that day be entitled, subject to his compliance with the rules and regulations of the University of Dundee from time to time in force, to take any qualifying examinations in those subjects in the University of Dundee.

(b) The University of St. Andrews shall on the appointed day cease to grant degrees in medicine, surgery or midwifery and degrees and licences in dentistry other than to students who have matriculated in the faculty of medicine in the University of St. Andrews before the appointed day and have passed the necessary qualifying examinations in the University of St. Andrews or the University of Dundee or partly in the one and partly in the other.

*Amendments to the Medical Act 1956 and Dentists Act 1957*

18 On and after the appointed day the University of Dundee shall be, and the University of St. Andrews shall cease to be, entitled to choose one representative to be a member of the General Medical Council, and accordingly section 3(1) of the Medical Act 1956 shall have effect as if the words " St. Andrews " were omitted, and for the words " and Edinburgh " there were substituted the words " Edinburgh and Dundee ".

19 Notwithstanding the provisions of the last foregoing paragraph, as read with subsections (3) and (4) of section 2 of the Dentists Act 1957 (which in effect provide that for the purposes of that Act a dental authority means any of the Universities who choose appointed members of the General Medical Council), the University of St. Andrews shall on and after the appointed day be deemed to be a dental authority for the purposes of that Act in relation to graduates upon whom it has conferred before or may confer after the appointed day in pursuance of paragraph 17(b) of this Schedule a degree or licence in dentistry.

20 Section 11(1)(a) of the Medical Act 1956 (which states the Universities in which a qualifying examination may be held for the purposes of Part II of that Act) shall have effect as if the words " St. Andrews " were omitted, and for the words " and Edinburgh " there were substituted the words " Edinburgh and Dundee ".

*Existing students*

- 21 In consultation with the University of St. Andrews, the University of Dundee shall make such regulations as it considers appropriate concerning the continuation of the courses of study and the granting of degrees to students of the University of St. Andrews who have matriculated before the appointed day:

Provided that, subject to the provisions of paragraph 17 of this Schedule, any person who before the appointed day has matriculated in Queen's College as a candidate for a qualification of the University of St. Andrews and who after the appointed day becomes a student of the University of Dundee and satisfies all the conditions required for the like qualification in the University of Dundee shall be entitled to proceed to the qualification in the University of St. Andrews ; but the University of St. Andrews shall not be under any obligation to grant a qualification to any candidate who has not passed all the necessary examinations before the expiry of the maximum period of study prescribed by the regulations of the University of St. Andrews which were in force immediately before the appointed day.

*Compensation for loss of office*

- 22 (a) 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 Schedule shall be entitled to compensation.
- (b) Any compensation payable under this paragraph shall be paid by the University Court and the University of Dundee to the extent of one half each and shall be of such amount as may be agreed between the University Court, the University of Dundee and the person entitled to the compensation or, in default of such agreement, as may be determined by arbitration.

*Arbitration*

- 23 Any question which requires, in accordance with paragraph 8 or paragraph 22 of this Schedule, to be determined by arbitration shall be determined by a single arbiter agreed upon by the parties or, failing such agreement, appointed by the Lord President of the Court of Session on the application of any of the parties to the question, and at any stage in the proceedings in any such arbitration the arbiter may, and shall if so directed by the Court of Session, state a case for the opinion of that court on any question of law arising in the arbitration.

*Interpretation*

- 24 In this Schedule the expression " the University Court" means the University Court of St. Andrews.

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TABLE

FUNDS, OTHER THAN ENDOWMENT FUNDS, TO BE TRANSFERRED,  
IN WHOLE OR IN PART, TO THE UNIVERSITY OF DUNDEE.

<i>Fund</i>	<i>Amount to be transferred to the University of Dundee</i>
(1) Replacements Reserve	One half
(2) Investment Income Reserve	One half
(3) Queen's College Hall Appeal Fund	The whole fund
(4) Accumulated surplus on Income and Expenditure Account	One half