



Universities (Scotland) Act 1889

1889 CHAPTER 55 52 and 53 Vict

PART II U.K.

10—^{F1} U.K.
13.

Textual Amendments

F1 Ss. 10–13 repealed by Statute Law Revision Act 1908 (c. 49)

Powers of Commissioners

14 Powers of Commissioners. U.K.

The Commissioners shall have power to call before them the principals, professors, University lecturers, assistants, recognised teachers, students, and examiners, or any other person employed in teaching or examining, or bearing office in or otherwise connected with the Universities or colleges thereof existing at the passing of this Act, and such other persons as they may think proper, and to examine them as to all rules and ordinances now in force in the Universities or colleges, and to require the production of all documents and accounts relating thereto, and after making due inquiry to make ordinances for all or any of the following purposes, as shall to them seem expedient:—

- (1) To regulate the foundations, mortifications, gifts, endowments and bursaries, held by any of the Universities or colleges thereof existing at the passing of this Act, or by any person in trust for or on behalf of the same, or for the benefit of any professors, students, or others therein, which have taken effect for more than twenty-five years previously to the passing of this Act, or if given within less than twenty-five years, are wholly or partially inoperative or dormant, or which they may be asked to revise and regulate by the Senatus Academicus and the founder of the trust conjointly, with the approval of the University Court, and in particular—

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- (a) To alter the conditions or directions affecting the same, if it shall appear to the Commissioners that the interests of learning and the main design of the donor, so far as is consistent with the promotion of such interests, may be better advanced by such alteration;
- (b) To combine or divide bursaries, and to establish bursary funds;
- (c) Where it shall seem requisite to frame regulations under which the patronage of existing bursaries vested in private individuals, or corporate or other bodies, shall be exercised;
- (d) To transfer the patronage of professorships now vested in private individuals or corporate or other bodies, other than the Curators of the University of Edinburgh, to the University Court:

Provided always, that where a professorship, the patronage of which is so transferred, shall have been maintained, or partially maintained, by funds provided annually or periodically by any corporate or other body, in which, or in the governing body of which, such patronage shall, in consideration of such annual or other periodical payment, have been vested, it shall upon such transfer be in the option of such corporate or other body to cease making such annual or other periodical payments.

Provided also, that nothing in this sub-section shall apply to any bursary or endowment granted by any incorporation or society whose funds, capital, or revenue have been and are contributed and paid by the members of such incorporation or society by way of entry moneys or other fixed or stated contributions.

Provided also, that in all cases where competition for bursaries and other endowments is at present restricted to the holders of certain degrees, the Commissioners shall have power to extend it to the holders of such other degrees as they may consider to constitute, in the circumstances, an equivalent standard of merit.

Provided also, that in framing such regulations or making such alterations the Commissioners shall take care not to diminish the advantages provided for poor students by such foundations, mortifications, gifts, endowments, or bursaries aforesaid;

- (e) To prepare a scheme by which a detailed and reasoned report on the qualifications of candidates for chairs may be submitted to the patrons, including the Crown, so as to assist them in the discharge of their patronage:
- (2) Subject to the provisions of the ^{M1}Universities (Scotland) Act 1858, as amended by this Act, to regulate the powers, duties, jurisdictions, and privileges of chancellors, rectors, assessors, . . . ^{F2}
 - (3) . . . ^{F3}
 - (4) To regulate the time, place, and manner of presenting and electing University officers, with power to ordain that in the election of the rectors of the Universities of Glasgow and Aberdeen the election shall be determined by the majority of the votes of all the students voting whenever the votes of the nations shall be equally divided:
 - (5) . . . ^{F4}

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- (12) To lay down regulations for the constitution and functions of a students representative council in each University, and to frame regulations under which that council shall be entitled to make representations to the University Court:
- (13) . . . ^{F5}
- (15) To fix the limits of time within which appeals may be lodged and representations may be made under section six, sub-sections two and three hereof:
- (16) . . . ^{F6}

Textual Amendments

- F2** Words repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F3** [S. 14](#) para. (3) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F4** [S. 14](#) paras. (5)–(11) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F5** [S. 14](#) paras. (13) (14) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)
- F6** [S. 14](#) para. (16) repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), [Sch. 7 Pt. I](#)

Marginal Citations

- M1** [1858 c. 83](#).

Extension of Universities

15 **Extension of Universities.** **U.K.**

The Commissioners may, if they think fit, make ordinances to extend any of the Universities, by affiliating new colleges to them, and after the expiration of their powers the University Court may make similar ordinances, under regulations to be laid down by the Commissioners, or after the expiry of their powers by the Universities Committee, subject to the following conditions:—

- (1) The University Court and college shall be consenting parties.
- (2) In cases arising after the expiration of the powers of the Commissioners the approval of the Universities Committee shall have been signified.
- (3) The University Court, or any college which under this Act shall have been affiliated to the University, may respectively at any time thereafter resolve that such college shall cease to be affiliated to such University; and, upon such resolution being passed by the University Court, or notified to the University Court by such college, the University Court shall, subject to the approval of the Universities Committee, rescind the ordinance by which such college was affiliated to such University.
- (4) The Commissioners, and after the expiry of their powers the Universities Committee, shall make arrangements, where it seems desirable, for the due representation of the University Court on the governing bodies of affiliated colleges, and of the governing bodies of affiliated colleges in the University Court, having regard to the circumstances of each particular case, to the relative numbers in the University and the college of the teaching staffs and of students proceeding to graduation, to the nature of the connexion proposed to be established, and to the purposes for which such representation is desirable. Provided always that these arrangements may include

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a limitation of the right of the persons so representing the University Court or the affiliated college, as the case may be, to sit and vote while any particular subject or subjects are under consideration.

(5) . . . ^{F7}

Textual Amendments

F7 S. 15(5) repealed by Statute Law Revision Act 1950 (c. 6), Sch. 1

16 ^{F8} **U.K.**

Textual Amendments

F8 S. 16 repealed by Statute Law Revision Act 1908 (c. 49) and University of St. Andrews Act 1953 (c. 40), s. 15(5)

17— ^{F9} **U.K.**
20.

Textual Amendments

F9 Ss. 17–20 repealed by Statute Law Revision Act 1908 (c. 49)

21 ^{F10} **U.K.**

Textual Amendments

F10 S. 21 repealed by Universities (Scotland) Act 1966 (c. 13), Sch. 7 Pt. I

Transfer of Property

22 ^{F11} **U.K.**

Textual Amendments

F11 s. 22 repealed by Statute Law Revision Act 1908 (c. 49)

23 **Vesting thereof.** **U.K.**

. . . ^{F12} All the right, title, and interest of Her Majesty, in right of Her Crown in each of the properties described in the second column of the schedule hereto shall be vested in the authority set opposite the description of such property in the first column of the

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said schedule hereto, subject nevertheless to any burdens, liabilities, or rights affecting the same.

Textual Amendments

F12 Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

24 Transfer of Crown rights in Edinburgh Botanic Garden to Commissioners of Works. U.K.

^{F13} ... All the right, title, and interest of Her Majesty, in right of Her Crown as proprietor of the Edinburgh Botanic Garden and all buildings therein, shall be vested in the Commissioners of Works, for behoof of the public ^{F14} ... the said garden and buildings to be held by the said Commissioners of Works upon the conditions subject to which the said garden and buildings were acquired by or on behalf of His late Majesty King George the Fourth.

Textual Amendments

F13 Words in s. 24 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

F14 Words in s. 24 repealed (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

C1 Functions of Commissioners of Works under s. 24 now exercisable by Secretary of State S.R. & O. 1945/991 (Rev. XV, p. 232: 1945 I, p. 1414), art. 1, [S.I. 1962/1549](#), **art. 2** and [S.I. 1969/383](#), **art. 2**, **Sch.**

25, 26. ^{F15} U.K.

Textual Amendments

F15 Ss. 25, 26 repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

27 ^{F16} U.K.

Textual Amendments

F16 S. 27 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

28— ^{F17} U.K.
30.

Changes to legislation: There are currently no known outstanding effects for the Universities (Scotland) Act 1889, Part II. (See end of Document for details)

Textual Amendments

F17 Ss. 28–30 repealed by [Universities \(Scotland\) Act 1966 \(c. 13\)](#), **Sch. 7 Pt. I**

Changes to legislation:

There are currently no known outstanding effects for the Universities (Scotland) Act 1889, Part II.