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1975 No. 697 (S.115)

**EDUCATION, SCOTLAND**

**Duncan of Jordanstone College of Art Scheme 1975**

<i>Made - - - -</i>	<i>21st April 1975</i>
<i>Laid before Parliament</i>	<i>6th May 1975</i>
<i>Coming into Operation</i>	<i>21st May 1975</i>

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In exercise of the powers conferred on him by section 118(1) of the Education (Scotland) Act 1962(a) and section 125(6) of the said Act as substituted by section 19 of the Education (Scotland) Act 1969(b) and all other powers enabling him in that behalf and after—

- (a) preparing a draft scheme for the future management of the properties and endowments specified and described in Schedule 1 to this scheme,
- (b) carrying out the procedure specified in section 125(1) of the said Act,
- (c) receiving and considering objections and proposed amendments to the draft scheme,
- (d) framing a scheme under section 125(3) of the said Act to take account of certain of the objections and proposed amendments received,
- (e) carrying out the procedure specified in section 125(4) of the said Act,
- (f) a petition having been presented to the Court of Session under section 125(5) of the said Act and the said petition having been withdrawn by the petitioners, and
- (g) a petition praying that the scheme be laid before Parliament having been presented to the Secretary of State under section 125(6) of the said Act,

the Secretary of State hereby makes the following scheme:—

**PART I**  
**CITATION AND INTERPRETATION**

*Citation*

1. This scheme may be cited as the Duncan of Jordanstone College of Art Scheme 1975 and shall come into operation on 21st May 1975.

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(a) 1962 c. 47.

(b) 1969 c. 49.

### *Interpretation*

2.—(1) In this scheme, unless the context otherwise requires—

“College” means the Duncan of Jordanstone College of Art;

“College of Technology” means the Dundee College of Technology;

“financial year” means the period beginning on 1st August and ending on 31st July each year or such other period of 12 months as on the application of the governing body the Secretary of State may decide;

“governing body” means the Governors of the Duncan of Jordanstone College of Art constituted under the provisions of paragraph 3;

“governing body of the College of Technology” means the Governors of the Dundee College of Technology constituted under the provisions of paragraph 3 of the Dundee College of Technology Scheme 1975.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

(3) References in this scheme to any enactment, regulation or scheme shall, except where the context otherwise requires, be construed as references to that enactment, regulation or scheme as amended by or under any other enactment, regulation or scheme or as contained in any other enactment, regulation or scheme substituted for that enactment, regulation or scheme.

(4) References in this scheme to a part, paragraph, schedule or column shall, except where the context otherwise requires, be construed as references to a part or paragraph of or a schedule to this scheme or a column of such schedule, as the case may be.

## PART II

### THE GOVERNING BODY

#### *Constitution of the governing body*

3. For the purpose of carrying this scheme into effect a governing body shall be and is hereby constituted under the name of “The Governors of Duncan of Jordanstone College of Art” as a body corporate with perpetual succession and a common seal, and with all rights, powers and privileges of a body corporate.

#### *Composition of the governing body*

4.—(1) The governing body shall consist of 3 *ex-officiis* governors, 20 appointed governors and not more than 6 co-opted governors.

(2) The following persons shall be *ex-officiis* governors—

(a) the principal of the College;

(b) the vice-principal of the College, and

(c) the president of the students’ representative council in the College.

(3) The following persons shall be appointed governors—

(a) 2 persons appointed by the District Council of the City of Dundee;

(b) 1 person appointed by the Regional Council of Tayside;

(c) 1 person appointed by the Regional Council of Fife;

(d) 1 person appointed by the Senatus Academicus of the University of Dundee;

(e) 1 person appointed by Dundee Chamber of Commerce;

(f) 1 person appointed by Dundee Institute of Architects;

(g) 1 person appointed by the Royal Scottish Academy;

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(a) 1889 c. 63.

- (h) 1 person appointed by the Design Council, Scottish Committee;
  - (i) 1 person appointed by the Royal Town Planning Institute, Scottish Branch;
  - (j) 1 person appointed by the Scottish Trades Union Congress;
  - (k) 1 person appointed by the Society of Industrial Artists and Designers Limited;
  - (l) 1 person appointed by the Society of Master Printers of Scotland;
  - (m) 2 persons appointed by the Secretary of State;
  - (n) 4 persons appointed as follows:—
    - (i) such number of persons not exceeding 3 as may be decided by the governing body to be appointed by the Academic Council of the College from among the members of the full-time academic staff of the College who are members of the Academic Council, and
    - (ii) such number of persons not exceeding 3 as may be decided by the governing body to be appointed by the full-time academic staff of the College from their own number in a manner to be specified by the governing body, and
  - (o) 1 person appointed by the full-time matriculated students of the College from their own number in a manner (whether involving an election or otherwise but, in the case of an election, not including the manner of the election) to be specified in a scheme made by the students' representative council in the College and to be approved by the governing body.
- (4) Not more than 6 persons shall be co-opted by the governors of the College.
- (5) The governing body shall—
- (i) after consultation with the full-time academic staff of the College, make rules for the election of the governors to be appointed by the full-time academic staff under the provisions of sub-paragraph 3(n)(ii) of this paragraph, and
  - (ii) after consultation with the students' representative council in the College make rules for the election of the governor to be appointed by the full-time matriculated students of the College under the provisions of sub-paragraph 3(o) of this paragraph:

Provided that any rules made by the governing body under this sub-paragraph may, after consultation with the full-time academic staff of the College or with the students' representative council in the College, as the case may be, be revoked and replaced, or varied, by further rules made by the governing body under this sub-paragraph.

#### *Appointed governors*

5. The first appointments to the office of appointed governor shall be made by the respective appointing bodies as soon as possible after 21st May 1975 and the names of the persons appointed shall be intimated by them to the secretary of the Dundee Institute of Art and Technology immediately thereafter.

#### *Co-opted governors*

6. The co-option of governors shall be made by the governing body at meetings convened and conducted in accordance with the provisions of this scheme.

#### *Disqualification from office as governor*

7.—(1) A person who has attained the age of 70 years shall not be eligible to be appointed or co-opted as a governor under the provisions of paragraph 4(3) and (4):

Provided that a governor who attains the age of 70 years during his term of office as an appointed or a co-opted governor shall be entitled to complete that term of office.

(2) In respect of any person who was a governor of the Dundee Institute of Art and Technology immediately prior to 21st May 1975 and who after the said date has become a member of the governing body under the provisions of paragraph 4, the provisions of the foregoing sub-paragraph of this paragraph shall apply as if the age of 75 years was substituted for the age of 70 years.

(3) A person shall be disqualified from being a governor under the provisions of paragraph 4, other than a governor *ex-officio* or a governor appointed by the Academic Council or by the full-time academic staff of the College or by the full-time matriculated students of the College, if he is a member of the full-time academic staff of the College or if he is in receipt of full-time education being provided by the College or if he, while pursuing a course of full-time education being provided by the College, is allowed leave of absence from the course for a period.

#### *Demission of office*

8.—(1) A governor shall be deemed to have vacated office as a governor and the governing body shall declare his place vacant in any of the following circumstances:—

- (a) where he intimates in writing to the governing body his resignation as a governor;
- (b) where he has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract;
- (c) where he has become incapacitated by physical or mental illness from acting as a governor;
- (d) where he has failed to attend any meetings of the governing body or any of its committees or sub-committees for a period longer than 6 consecutive months otherwise than for a reason approved by the governing body;
- (e) in the case of a governor whose appointment falls to be made either from among the members of the Academic Council or the full-time academic staff of the College when he ceases to be a member of the Academic Council or of the full-time academic staff as the case may be, or
- (f) in the case of a governor whose appointment falls to be made from among the full-time matriculated students of the College when he ceases to be a full-time matriculated student.

(2) A governor *ex-officio* shall be deemed to have vacated office on his ceasing to hold the office by virtue of which he is such a governor.

#### *Period of office of governors*

9.—(1) The governing body shall make a scheme which shall—

- (a) determine the period of office, being a period not exceeding 4 years, of the governors appointed under sub-paragraphs (3)(a) to (n) inclusive of paragraph 4 and the governors co-opted under sub-paragraph (4) of paragraph 4;
- (b) determine the period of office, being a period not exceeding 1 year, of the governor appointed under sub-paragraph (3)(o) of paragraph 4, and
- (c) make provision for the retirement from office of the governors to whom

the scheme applies, either at one time for all such governors or at different times for different such governors:

Provided that a scheme made by the governing body under this sub-paragraph may be revoked and replaced, or varied, by a further scheme made by the governing body under this sub-paragraph.

(2) Any co-opted governor shall hold the office of such a governor for such a period, not exceeding 4 years, from the date of the resolution by the governing body to co-opt him as may be determined by the governing body.

(3) A governor appointed or co-opted to succeed a governor who has died or otherwise vacated office before the end of his term of office shall hold office only during the unexpired portion of the said governor's term.

(4) Notwithstanding the provisions of the foregoing sub-paragraphs (1), (2) and (3) of this paragraph, the period of office of any person appointed as a governor under sub-paragraphs (3)(a) to (n) inclusive of paragraph 4 or co-opted as a governor under sub-paragraph (4) of paragraph 4 on or after 1st August 1975 and before 31st July 1977 shall not extend beyond 31st July 1977 and the period of office of any person appointed under sub-paragraph (3)(o) of paragraph 4 shall not in any event exceed 1 year.

#### *Procedure on occurrence of vacancies*

10.—(1) Every vacancy whether occasioned by the expiry of a term of office as a governor, or by resignation or any other cause, shall be entered in the minute book.

(2) Every vacancy among the appointed governors shall be intimated by the secretary or other proper officer of the governing body to the body or person entitled to appoint a successor.

(3) In the case of a vacancy caused by the expiry of a normal term of office the said intimation shall be made not less than 3 months before the date of the vacancy. In any other case the vacancy shall be intimated as soon as may be after its occurrence.

(4) Within 3 months of the said intimation a successor shall be appointed or co-opted and if a body or person entitled to appoint a governor shall fail to appoint a successor within the said period it shall be in the power of the governing body to appoint a successor and any appointment under this sub-paragraph shall be deemed to be an appointment by the body entitled to make the appointment.

#### *Eligibility for second or subsequent terms of office*

11. Subject to the provisions of paragraphs 8 and 9 any appointed or co-opted governor on the expiry of his term of office shall be eligible for further appointment or co-option as a governor.

#### *Validity of proceedings of governing body*

12. No failure or defect in the appointment or co-option of any governor and no vacancy in the office of governor shall prevent the governing body from acting in the execution of this scheme, nor shall any act or proceeding of the governing body or of any committee appointed by them be invalidated or be illegal by reason or in consequence of any such vacancy or of any such defect in the appointment or co-option of any one or more governors:

Provided that the number of governors entitled to act shall not thereby be reduced below 15.

### *Execution of deeds*

13. All deeds and other writings, sealed by the corporate seal and signed by two of the governors and their secretary or other officer appointed for the purpose shall be held to be validly executed on behalf of the governing body.

## PART III

### ADMINISTRATIVE ARRANGEMENTS

#### *Transitional arrangements*

14. The secretary of the Dundee Institute of Art and Technology shall as soon as can be conveniently arranged after the date of the coming into operation of this scheme convene the first meeting of the governing body notice of which shall be given to each member of the governing body or, if the names of such members have not been intimated to the said secretary, to the bodies entitled to appoint governors.

#### *Chairman and Vice-Chairman*

15. The governing body shall appoint a chairman and a vice-chairman from their own number at their first meeting and thereafter at an ordinary meeting held at such period of the year as they may determine. In the absence of both the chairman and the vice-chairman the governing body shall appoint one of their own number to preside at any meeting.

#### *Committees*

16.—(1) The governing body may appoint such committees of their own number as they think fit, appoint the convener of each committee, confer on each committee all such powers and give all such instructions as may appear expedient and fix the quorum of each committee.

(2) The governing body may appoint as additional members of any committee persons not being governors whom the governing body deem specially fitted to assist in the work of such committee and any persons so appointed shall hold office for such period as the governing body may determine.

#### *Administrative staff*

17. The governing body may appoint a secretary or other proper officer and such other officers as they consider necessary at such reasonable salaries and under such conditions of service as they may determine. Any such officer shall hold office at the pleasure of the governing body. Any officer of the governing body whose duties include intrusions with funds vested in the governing body shall find such caution as the governing body may require for his intrusions. No governor acting as secretary, other proper officer or other officer shall be entitled to any remuneration.

#### *Meetings of the governing body*

18.—(1) The governing body shall hold at least 4 ordinary meetings in the year, at such times and places as they may determine.

(2) The chairman or any 3 governors may, for any cause which seems to him or them sufficient, require a special meeting to be convened by giving notice in writing to the secretary or other proper officer of the governing body specifying the business to be transacted.



(3) At least 7 days' notice of meetings shall be given and such notice shall specify the date, time and place of the meeting and the business to be transacted:

Provided that the chairman or any governor duly authorised by the chairman may convene a meeting on less than 7 days' notice but no resolution or motion carried at that meeting shall be valid unless not less than two-thirds of the governors present and voting have voted in favour of it or unless it is confirmed at any subsequent meeting on the usual notice being given.

#### *Quorum of governing body*

19.—(1) At all meetings of the governing body 9 governors shall be a quorum and, subject to the proviso to paragraph 18(3), all questions shall be determined by a majority of the governors present. In any case where there is an equality of votes, the chairman of any meeting shall have a second or casting vote in addition to a deliberative vote.

(2) If at any time appointed for a meeting or if before the business of any meeting has been completed the number of governors present is less than 9, the governors present shall adjourn the meeting to such day or time as they may determine and the meeting may be reconvened on less than 7 days' notice being given.

#### *Reserved areas of business*

20. Where at any meeting of the governing body or of any committee of the governing body, as the case may be, any of the following matters are to be considered, that is to say, the salary, conditions of service, appointment, promotion, suspension or dismissal of any member of the staff of the College, any governor who is present at the meeting and who is a governor by virtue of his appointment under sub-paragraph (2)(c) or sub-paragraph (3)(o) of paragraph 4 shall withdraw from the meeting, or that part of the meeting, at which any of the said matters are to be considered, unless invited to remain by virtue of a resolution of the other members of the governing body or committee thereof, as the case may be, present at the meeting.

#### *Allowances*

21. The governing body may pay to any of its members allowances in respect of—

- (a) expenses properly incurred in the performance of their duties;
- (b) loss of remunerative time, and
- (c) additional expenses (other than as aforesaid) necessarily incurred by them for the purpose of enabling them to perform their duties, being expenses to which they would not otherwise have been subject:

Provided that such allowances shall be at the same rates and on the same conditions as apply for the time being for similar allowances to members of local authorities in Scotland under the Local Government Act 1948(a) or sections 45(4) and 46 of the Local Government (Scotland) Act 1973(b).

#### *Minute book*

22. A minute book shall be kept by the governing body and minutes of all proceedings of the governing body shall be entered therein, including resolutions authorising writings or deeds to be executed on behalf of the governing body.

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(a) 1948 c. 26.

(b) 1973 c. 65.

*Custody of deeds, etc.*

23. The governing body may make from time to time such arrangements as they think fit for the custody of all deeds and other documents belonging to the governing body, for the deposit of money and for drawing cheques:

Provided that all cheques shall be signed by not less than one governor and the secretary or other officer appointed for the purpose.

*Rules and standing orders*

24. The governing body may make rules and standing orders for the exercise of their functions under the provisions of this scheme:

Provided that any such rules and standing orders shall not be inconsistent with the provisions of this scheme.

PART IV

HONORARY PRESIDENT

*Honorary President*

25. It shall be in the power of the governing body to bestow the title of "Honorary President" on any person who has been a governor of the Dundee Institute of Art and Technology or the College, or both, who is no longer qualified to be a governor of the College under the provisions of this scheme and whose past services to the governing body of the said Institute or the College, or both, in the opinion of the governing body, merit special recognition:

Provided that no person on whom the title of "Honorary President" is bestowed under this paragraph shall be entitled to exercise any of the powers or perform any of the duties appropriate to a member of the governing body of the College under the provisions of this scheme.

PART V

FINANCIAL ARRANGEMENTS

*Vesting of properties and endowments*

26.—(1) From and after 1st August 1975 the properties, heritable and moveable, and the endowments specified and described in Schedule 1 which, together with all rights, interests and liabilities therein, are transferred to and vested in the governing body under the provisions of paragraph 3 of the Dundee Institute of Art and Technology Scheme 1975 shall be held, administered and applied by the governing body exclusively in accordance with the conditions and provisions of this scheme.

(2) Without prejudice to anything contained in this paragraph, if the governing body think fit to complete a title to any part of the heritable property transferred to and vested in them by virtue of the Dundee Institute of Art and Technology Scheme 1975 by expeding a notarial instrument or notice of title or otherwise, this scheme shall be deemed to be and may be used as a general disposition or assignment as the case may be of such heritable property in favour of the governing body.

(3) Without prejudice to anything contained in this paragraph any person in whose name any part of the moveable property transferred to the governing body by virtue of the Dundee Institute of Art and Technology Scheme 1975 is registered shall if so required by the governing body execute a transfer of the said property in favour of the governing body.

### *Constitution of funds*

27.—(1) From and after 1st August 1975 the properties, heritable and moveable, and the endowments specified and described in Schedule 1 shall be reorganised in the following manner—

- (a) the properties, heritable and moveable, specified and described in column (2) opposite to serial numbers 1(1)(a) to (g) inclusive and the endowment described in column (2) opposite to serial number 1(2)(a) in column (1) shall be amalgamated to form a fund under the name of the General Fund;
- (b) the endowment described in column (2) opposite to serial number 5 in column (1) shall form a fund under the name of the Scholarship Fund;
- (c) the endowment described in column (2) opposite to serial number 2 in column (1) shall form a fund under the name of the Art Lending Museum Fund, and
- (d) the endowments described in column (2) opposite to serial numbers 3 and 4 and serial numbers 6 to 8 inclusive in column (1) shall be amalgamated to form a fund under the name of the Prizes Fund.

(2) Each of the funds constituted under the provisions of the preceding sub-paragraph of this paragraph shall be held, administered and applied exclusively in accordance with the conditions and provisions of this scheme.

(3) The governing body shall keep separate accounts of the capital and income of each of the funds constituted under this paragraph.

(4) If at the end of any financial year there is an unexpended balance of income of any of the funds, the governing body may add the whole or a part of the said balance to the capital of the fund and, in so far as they do not do so, they shall carry the said balance or part thereof forward to the following financial year.

### *The General Fund*

28.—(1) All fees collected by the governing body under paragraph 39, all grants received by them from public funds and any miscellaneous income accruing to them from any other source shall be added to the income of the General Fund.

- (2) The governing body shall out of the income of the General Fund—
  - (a) defray the necessary expenses of administration and the burdens and taxes affecting the General Fund, and
  - (b) meet the expenditure incurred by them in the exercise of their functions under Parts VI and VII of this scheme.

(3) Where in the exercise of their functions under paragraph 34 the governing body require to incur expenditure which in their opinion may by reason of the purpose for which such expenditure is required, be properly met by borrowing, the governing body may borrow money for the purpose:

Provided that the governing body shall obtain the approval of the Secretary of State before they enter into any borrowing arrangements.

(4) All monies borrowed under the preceding sub-paragraph shall be repaid from the income of the General Fund within such number of years not exceeding 60 as the governing body may determine to be reasonable having regard to the purposes for which the said monies were borrowed and any interest payable on the said borrowed monies shall be paid from the income of the said Fund.

(5) The governing body may use, for any purpose for which under sub-paragraph (3) of this paragraph they have power to borrow, any monies forming a part of the capital of any fund constituted under this scheme, and where such monies are so used the following provisions shall have effect—

- (a) the monies so used shall be repaid in accordance with sub-paragraph (4) of this paragraph, and
- (b) amounts equal to the interest, at a rate determined by the auditor of the accounts of the governing body as reasonable having regard to all the circumstances, on the monies so used and for the time being not repaid shall be paid from the revenue of the General Fund to the revenue of the fund of which such monies form a part:

Provided that this paragraph shall not apply to any such monies forming a part of the capital of the General Fund.

#### *Scholarship Fund*

29. The governing body, after paying from the income of the Scholarship Fund the necessary expenses of administration and the burdens and taxes affecting the said Fund, shall apply the income of the said Fund in accordance with the provisions of paragraph 46.

#### *Prizes Fund*

30. The governing body, after paying from the income of the Prizes Fund the necessary expenses of administration and the burdens and taxes affecting the said Fund, shall apply the income of the said Fund in accordance with the provisions of paragraph 47.

#### *Art Lending Museum Fund*

31. The governing body, after paying from the income of the Art Lending Museum Fund the necessary expenses of administration and the burdens and taxes affecting the said Fund, shall apply the income of the said Fund in purchasing works of art for the College.

#### *Additional donations*

32. The governing body may accept donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as “additional donations”) for the purposes of this scheme or for purposes connected therewith and such additional donations shall be applied in accordance with the directions of the respective testators or donors. In the absence of any specific direction relating thereto the governing body shall apply any additional donations to the capital or the income of one or more of the Funds constituted under paragraph 27 or to both the capital and the income of one or more of the said Funds in such proportion as they think fit.

#### *Powers of investment*

33. In regard to the investment of the endowments vested in the governing body, the governing body shall have all powers competent to them under the Common Law of Scotland as a body corporate.

## PART VI THE COLLEGE

#### *Provision of education*

34.—(1) From and after 1st August 1975 the governing body shall provide,

maintain, furnish, equip and administer Duncan of Jordanstone College of Art for education and study in art and related subjects or any other subject approved by the Secretary of State and shall, subject to the provisions of this scheme, have all the rights, powers and privileges necessary or expedient to enable them to carry this paragraph into effect.

(2) Without prejudice to the generality of their powers under the foregoing sub-paragraph, it shall be in the power of the governing body to provide, equip, maintain, administer and conduct playing fields and other accommodation and facilities for sports, social and recreational purposes, libraries and reading-rooms, hostels and houses for students and members of the staff of the College or both students and staff and a students' union.

*Appointment of staff*

35.—(1) The governing body shall appoint a principal of the College.

(2) The governing body shall appoint a committee, on which there shall be a majority of members of the academic staff of the College, to make recommendations to them as to the filling of any post in the academic staff other than that of principal and vice-principal.

(3) The principal, vice-principal, heads of departments and all other members of the staff of the College shall hold office at the pleasure of the governing body.

*Pensions, allowances and gratuities for staff*

36.—(1) The governing body shall have power, subject to the following provisions of this paragraph, to pay such sum or sums by way of pension, allowance or gratuity as they think fit to—

- (a) any member of the staff of the College on his retirement, through age or permanent incapacity, from the employment of the governing body, or
- (b) the surviving spouse or any dependant of any such member in the event of the death of the member in the employment of the governing body,

in respect of any period of such member's service in the employment of the governing body or in the employment of the governors of the Dundee Institute of Art and Technology immediately preceding his service with the governing body:

Provided that the award of a pension, allowance or gratuity shall not be competent, and no payment thereof shall be made under this paragraph unless the Secretary of State has given his consent in writing to that award.

In this paragraph the reference to the permanent incapacity of a member of the staff of the College is a reference to a disability of mind or body of such a nature or to such an extent as, in the opinion of the governing body, renders that member permanently incapable of continuing to serve efficiently in their employment.

(2) A pension, allowance or gratuity under this paragraph shall not be payable in respect of any period of service which is reckoned for the purpose of any other pension, allowance, gratuity, or like benefit, payable—

- (a) out of any superannuation scheme or fund established by or under any enactment, or
- (b) directly or indirectly out of monies provided by Parliament or raised by a rate.

In this paragraph "benefit" includes a return of contributions but does not

include a benefit within the meaning of section 17 of the National Insurance Act 1965(a).

#### *Academic Council*

37. The governing body shall discharge the duties relating to an Academic Council imposed under the provisions of regulations 4 and 8(a) and (b) of the Central Institutions (Scotland) Regulations 1972(b).

#### *Organisation and management of the College and the discipline therein*

38. The governing body shall discharge the duties relating to the organisation and management of the College and the discipline therein imposed under the provisions of regulations 5(1) and 8(b) of the Central Institutions (Scotland) Regulations 1972.

#### *Admission to the College*

39.—(1) The governing body shall admit to the College all students for whom accommodation is available and who, in the opinion of the governing body, are qualified to benefit from the education provided at the College:

Provided that it shall be in the power of the governing body to exclude any person from the College or part thereof if, in the opinion of the governing body, the admission of the said person would be likely to prejudice the efficiency or development of the College.

(2) The governing body shall charge such fees as the Secretary of State considers reasonable for attendance at the College.

#### *Award of diplomas, etc.*

40. It shall be in the power of the governing body to award diplomas and certificates under their common seal upon such conditions and under such regulations as they may from time to time make with the approval of the Secretary of State.

#### *Affiliation, etc.*

41.—(1) The governing body may arrange for the affiliation of the College with any educational institution or association having objects wholly or partly similar to those of the College and may arrange for the affiliation with the College of any such educational institution or association, all on such terms and conditions as may be arranged.

(2) The governing body may enter into arrangements or co-operate with any persons, educational institutions, schools or associations having objects wholly or partly similar to those of the governing body for the purposes of or for purposes incidental to the functions of the governing body upon such terms and conditions as may be arranged.

#### *Research and educational experiments*

42. The governing body may undertake or assist such bodies and persons as may be approved by them to undertake research and educational experiments related to the objects of the College.

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(a) 1965 c. 51.

(b) S.I. 1972/1753 (S.135) (1972 III, p. 5082).

## PART VII

### JOINT FUNCTIONS OF THE GOVERNING BODY AND THE GOVERNING BODY OF THE COLLEGE OF TECHNOLOGY

#### *Joint Standing Committee of the College and the College of Technology*

43.—(1) The governing body acting jointly with the governing body of the College of Technology shall establish within 3 months of 1st August 1975 a Joint Standing Committee of the College and the College of Technology (hereinafter referred to as the "Joint Standing Committee").

(2) (a) The Joint Standing Committee shall consist of 12 persons of whom 6 persons shall represent the College and 6 persons shall represent the College of Technology.

(b) The 6 persons who represent the College shall be:—

- (i) the principal of the College;
- (ii) 3 persons who are heads of departments in the College, and
- (iii) 2 persons who are full-time members of the academic staff other than heads of departments.

(c) The governing body shall delegate to the Academic Council of the College all functions of the governing body with respect to the appointment of the persons to represent the College under sub-paragraphs (b)(ii) and (iii) of this paragraph.

(3) The governing body acting jointly with the governing body of the College of Technology shall determine the periods of office, not exceeding 4 years, of the members of the Joint Standing Committee. The members of the said Committee shall be eligible for reappointment after the lapse of such period of time, not being less than 1 year, following the expiry of a period of office as may be determined by the governing body.

(4) The chairmanship of the Joint Standing Committee shall alternate annually between the principal of the College and the principal of the College of Technology. The said Committee shall at its first meeting decide as to which principal shall be the first chairman and if an equal number of votes is given for both principals then the meeting shall determine by lot which of the principals shall be selected.

(5) At all meetings of the Joint Standing Committee 5 members shall be a quorum and where there is equality of votes at any meeting the chairman shall have a casting vote in addition to a deliberative vote.

(6) The Joint Standing Committee shall keep under continuing review matters in which the interests of the College and the College of Technology overlap, with a view to securing that the maximum benefit to the students of the said Colleges may be obtained as economically as possible from the resources available to both the said Colleges.

(7) The Joint Standing Committee shall submit annually to the governing body, the governing body of the College of Technology, the Academic Council of the College and the Academic Council of the College of Technology reports on the reviews which the said Committee have undertaken.

(8) The governing body and the Academic Council of the College shall call for the views of the Joint Standing Committee on matters which are of mutual concern to the College and the College of Technology.

(9) The Joint Standing Committee shall have responsibility for the planning of any facilities for sports, social and recreational purposes which the governing body acting jointly with the governing body of the College of Technology may decide to provide for the joint use of the students of the College and the College of Technology.

(10) The Joint Standing Committee shall have power to appoint such committees as they think fit to assist them in the exercise of their functions under this paragraph, appoint the convener of each committee, confer on each committee all such powers as may appear expedient and fix the quorum of each committee.

(11) The Joint Standing Committee shall as soon as can conveniently be arranged set up a Joint Board of Studies for the School of Home Economics and Institutional Management which shall be responsible for the co-ordination and supervision of the teaching of the subjects which are or which may be provided in the said School. In the event of any other course of education and instruction being provided by the governing body acting jointly with the governing body of the College of Technology the Joint Standing Committee shall then set up a Joint Board of Studies for such course to be responsible for the co-ordination and supervision of the teaching of the subjects which comprise or which may comprise the course.

(12) The Joint Standing Committee shall determine the membership of, the proceedings for the conduct of the business of and the extent of the powers and duties of the Joint Board of Studies for the School of Home Economics and Institutional Management and of any other Joint Board of Studies which may be set up under sub-paragraph (11) of this paragraph:

Provided that the members of each Joint Board of Studies shall be members of the academic staff employed in organising the teaching of or in the teaching of the subjects which comprise or which may comprise the course for which the Joint Board of Studies was set up.

(13) Each Joint Board of Studies set up under sub-paragraph (11) of this paragraph shall report on the exercise of their functions under the said sub-paragraph to the Joint Standing Committee and the said Committee shall, where they consider it appropriate, forward the report together with any recommendations which they may wish to make thereon to the Academic Council of the College and to the Academic Council of the College of Technology for submission to their respective governing bodies.

*Joint Residential Accommodation Committee of the College and the College of Technology*

44.—(1) The governing body acting jointly with the governing body of the College of Technology shall within 3 months of 1st August 1975 establish a Joint Residential Accommodation Committee of the College and the College of Technology (hereinafter referred to as the "Joint Residential Accommodation Committee") and shall delegate to the Joint Residential Accommodation Committee their functions relating to the management of the residential accommodation provided for the use of the students of the College and the College of Technology.

(2) The governing body acting jointly with the governing body of the College of Technology shall determine the composition of the membership of the Joint Residential Accommodation Committee:

Provided that the said Committee shall comprise equal numbers of persons representing the College and the College of Technology.



(3) The governing body acting jointly with the governing body of the College of Technology shall determine the proceedings for the conduct of the business of the Joint Residential Accommodation Committee and the extent of its powers and duties which duties shall include provision requiring the said Committee to submit for the approval of the governing body and the governing body of the College of Technology a scheme for the management of the said residential accommodation.

(4) The chairmanship of the Joint Residential Accommodation Committee shall alternate annually between a member of the said Committee representing the College and a member representing the College of Technology. The said Committee shall at its first meeting decide which member shall be the first chairman and if an equal number of votes is given for a member representing the College and a member representing the College of Technology then the meeting shall determine by lot which member shall be selected.

#### *Joint Committees of the College and the College of Technology*

45.—(1) The governing body acting jointly with the governing body of the College of Technology may appoint such other joint committees of their own numbers as they think fit, appoint the convener of each joint committee, confer on each joint committee all such powers and give all such instructions as may appear expedient and fix the quorum of each joint committee.

(2) The governing body acting jointly with the governing body of the College of Technology may appoint as additional members of any such joint committee persons not being members of either of the said governing bodies whom the said governing bodies deem specially fitted to assist in the work of such joint committee and any persons so appointed shall hold office for such period as the said governing bodies may determine.

### PART VIII

#### SCHOLARSHIP AND PRIZES

##### *Scholarship*

46.—(1) The governing body shall award from the income of the Scholarship Fund the scholarship named in column (2) of Schedule 2 and the sum to be expended annually on the scholarship shall be that shown in column (3) opposite the scholarship specified in column (2) of the said Schedule. The scholarship shall be awarded to a student answering the description given in column (4) and shall be subject to the special conditions set forth in column (5) of the said Schedule.

(2) If at any time there is a change in the income of the Scholarship Fund the governing body may vary the sum to be expended on the scholarship and they may award additional scholarships.

(3) The governing body shall satisfy themselves that each candidate to whom they make an award is of sufficient attainment and qualified under such regulations as may apply to merit the scholarship. If on any occasion on which a scholarship is offered for award no candidate is of sufficient attainment to merit the award, the scholarship shall be withheld. Any scholarship not awarded may be offered for award in any subsequent year in addition to any scholarship normally falling to be awarded in that year.

(4) The governing body may make rules under the provisions of paragraph 24 relating to the award of additional scholarships under the preceding subparagraph (2) of this paragraph.

### *Prizes*

47.—(1) The governing body shall award annually from the income of the Prizes Fund the prizes named in column (2) of Schedule 3 in such numbers as are specified in column (3), or where no number is stated such number as the governing body think fit and under such special conditions as are specified in column (5) of the said Schedule. The sums to be expended each year on the respective prizes shall be those shown in column (4) of the said Schedule.

(2) If at any time there is a change in the income of the Prizes Fund the governing body may vary the sums to be expended on any of the prizes and may award additional prizes.

(3) If in the opinion of the governing body no student is of sufficient merit to justify the award of a particular prize in any year they may withhold the prize in that year.

(4) It shall be in the power of the governing body to decide the particular form a prize shall take.

### *Limitation of value of awards*

48. The amount of any award under this scheme to a person who holds, or is to hold, a scholarship or other allowance which is paid out of monies provided by Parliament or out of any fund aided by grants from Parliament shall not be such as may cause the said scholarship or other allowance to be reduced.

### *Withdrawal of awards*

49. The governing body shall require the holder of any scholarship awarded under this scheme to satisfy them that he is making satisfactory progress in his course of study. If in the opinion of the governing body any such holder shall be guilty of serious misconduct or shall fail to make reasonable progress, the governing body may withdraw the scholarship or suspend the holder from the benefits thereof and their determination in such cases shall be final.

### *Names of founders*

50. The governing body shall as far as possible associate the names of the founders of the endowments to which this scheme relates with the awards made under the scheme.

## PART IX

### MISCELLANEOUS PROVISIONS

#### *Condition of grant*

51. It shall be a condition of the payment of any grant to the governing body under the provisions of section 75(c) of the Education (Scotland) Act 1962 as substituted by section 12 of the Education (Scotland) Act 1969 that the governing body shall comply with the requirements imposed on them under the provisions of this scheme.

#### *Continuation of benefits*

52. Any person who at 1st August 1975 is a beneficiary under any of the endowments to which this scheme relates shall continue to enjoy the benefit thereof subject always to the conditions under which it was awarded.

*Copies of scheme*

53. The governing body shall maintain a supply of printed copies of this scheme and shall cause a copy to be kept available for inspection by any member or officer of the governing body and copies shall be sold at a reasonable price to all persons applying for them.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St Andrew's House,  
Edinburgh.  
21st April 1975.

SCHEDULE 1

Preamble, paragraphs 26 and 27

Particulars of the Properties and Endowments to which this Scheme relates

Serial No. (1)	Name of Properties and Endowments (2)	Designation of Founders (3)	Governing Instrument (4)
1	<p>Dundee Institute of Art and Technology insofar as it relates to— The properties, heritable and moveable, of Duncan of Jordanstone College of Art as hereinafter specified and described— (1) (a) Duncan of Jordanstone College of Art, Perth Road, Dundee; (b) No. 17 Springfield, Dundee; (c) No. 18 Springfield, Dundee; (d) No. 21 Springfield, Dundee; (e) No. 22 Springfield, Dundee; (f) No. 23 Springfield, Dundee; (g) Halls of Residence, Hillside, Dundee (one half share <i>pro indiviso</i>). (2) The endowment of Duncan of Jordanstone College of Art as hereinafter specified and described— (a) Duncan of Jordanstone Bequest.</p>	—	<p>Dundee Institute of Art and Technology Scheme 1933 approved by His late Majesty King George V in Council on 22nd March 1934 as amended by the Dundee Institute of Art and Technology (Amendment) (No. 1) Scheme 1939 approved by His late Majesty King George VI in Council on 20th December 1939.</p>
2	Art Lending Museum Fund	—	<p>Minute of Meeting of the Art College Committee of the governing body of the Dundee Institute of Art and Technology held on 8th May 1973.</p>
3	David W. Crichton Prize Fund.	David W. Crichton	<p>Trust Disposition and Settlement dated 14th April 1959 and registered in the Books of Council and Session on 19th September 1963.</p>

4	Miss Patricia Holmes Memorial Fund	Staff Association of Duncan of Jordanstone College of Art	Excerpt from Minute of Meeting of the Art College Committee of the governing body of the Dundee Institute of Art and Technology held on 13th June 1967.
5	John T. Maclaren Travelling Scholarship Fund	John T. Maclaren	Will dated 25th July 1939 and registered in the Books of Council and Session on 17th April 1948.
6	Gordon Mathewson Fund	G. Mathewson and Mrs. Hazel Mathewson	Letters dated 2nd and 19th August 1971 setting forth trust purposes.
7	Mitchell Prize Fund (insofar as it relates to the Duncan of Jordanstone College of Art).	Henry G. Mitchell	Will dated 26th April 1960 and registered in the Forfar Sheriff Court Books on 4th May 1962.
8	Jozef Sekalski Printmaking Award Fund	Subscribers to the Fund	Letters dated 10th and 29th January 1973 setting forth trust purposes.

SCHEDULE 2

Paragraph 46

SCHOLARSHIP

<i>Serial number</i> (1)	<i>Name of Scholarship</i> (2)	<i>Sum to be expended annually</i> (3)	<i>Description of persons to whom award may be made</i> (4)	<i>Special Conditions</i> (5)
1	John T. Maclaren Travelling Scholarship	£72	Student of the College who has been a candidate for the Certificate in Architecture, which carries exemption from the R.I.B.A. Intermediate Examination, and which is gained on the successful completion of either the three year full-time course or the four year part-time course.	The holder to travel and study in Great Britain or abroad during the summer vacation immediately following the award.

SCHEDULE 3

Paragraph 47

PRIZES

<i>Serial Number</i> (1)	<i>Name</i> (2)	<i>Number to be awarded annually</i> (3)	<i>Sum to be expended annually</i> (4)	<i>Special Conditions</i> (5)
1	David W. Crighton Prize	—	£97-00	The prizes shall be awarded to students in printing arts.
2	Miss Patricia Holmes Memorial Prize	2	£10-00	The prizes shall be awarded at the direction of the principal and the academic staff.
3	Gordon Mathewson Prize	1	£16-00	The prize shall be awarded to the best third year student in architecture.
4	Mitchell Prize	1	£11-50	The prize to be awarded to the best student who completes the first year of the general course in fine art.
5	Jozef Sekalski Printmaking Award	1	£16-00	The prize shall be awarded to a student showing promise as a printmaker.