CONSTITUTIONAL ARRANGEMENTS
FOR THE WORKING OF
THE UNIVERSITY OF EDINBURGH GENERAL COUNCIL
AND ITS BUSINESS COMMITTEE

PREAMBLE

15 September 2011
1. This document is a compendium of the various statutes, regulations and minuted decisions of the General Council and Business Committee which regulate and guide the workings of the General Council and the Business Committee. Reference is made to the relevant authority from which the various rules and guidelines are derived.

2. One of the objects is to produce a guide to the procedures and functions of the Business Committee for the benefit of present and future members of that committee. It is not a restricted document and copies may be made available to other members of the General Council or to University staff.

3. The sections in italics throughout the Constitutional Arrangements are taken directly from various Ordinances or other formal documents. They retain the numbering from their original documents.

4. The Constitutional Standing Committee would be most grateful if any errors or omissions could be drawn to its attention so that they may be checked and if substantiated corrected and included in any further edition of this document.
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1. LEGISLATIVE PROVISIONS

1.1 The Universities (Scotland) Act 1858, revised to 31 August 1978, provides by Sections 6 and 12.2 as follows:

"General Councils of the Universities to be constituted

6. There shall be in each University a General Council consisting of the Chancellor, of the members of the University Court, from and after their first election, of the professors; and the said General Council shall assemble twice every year, on such days as may be fixed by the Commissioners hereinafter appointed, subject to alteration thereafter from time to time by resolution of the said Council, with the approval of the University Court; it shall be competent to such Council to take part in the election of office-bearers of the University in manner herein provided, and also to take into their consideration all questions affecting the well-being and prosperity of the University, and to make representations from time to time on such questions to the University Court, who shall consider the same, and return to the Council their deliverance thereon.

Powers of University courts

12. The University court of each University shall, subject to the provisions of this Act, have the following powers; viz.,

2. To effect improvements in the internal arrangements of the University, after due communication with the senatus academicus, and with the sanction of the Chancellor; provided that all such proposed improvements shall be submitted to the University council for their consideration."

1.2 The Universities (Scotland) Act 1966 provides by Part II, Sections 4-12(1) as follows:

"Making of ordinances.

4. (1) The procedure for the making of ordinances as prescribed in section 21 of the Act of 1889 shall cease to have effect, but, subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the making of an ordinance under section 3 of this Act, that is to say-

(a) a draft of the ordinance shall be sent to the Senatus Academicus and to the General Council;
(b) throughout the period of eight weeks from the sending of the draft of the ordinance to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University;
(c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest concerning the ordinance if received by them within the period mentioned in the last foregoing paragraph;

(d) in computing the said period, the months of August and September shall be left out of account;

(e) no ordinance shall come into operation until it has been approved by Her Majesty in Council, and the University Court may submit the ordinance to Her Majesty in Council for approval as soon as may be after the end of the said period;

(f) Her Majesty in Council may refer the ordinance to the Universities Committee, who shall report to Her Majesty thereon;

(g) as soon as may be after the ordinance has been approved by Her Majesty in Council, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period;

(h) without prejudice to the other provisions of this section, the University Court shall not proceed with the making of any ordinance which relates to the purposes mentioned in section 2 of the Act of 1932 until after consultation with the General Assembly.

(2) Before proceeding to make an ordinance, the University Court may determine that on the ground of urgency the foregoing subsection shall apply in relation to that ordinance as if every reference to period, except in paragraph (g), were construed as a reference to the period of one month; and forthwith notices to that effect shall be sent to the Senatus Academicus and to the General Council and shall be displayed publicly within the University.

Ordinances made under former enactments.

5. Ordinances made under the Universities (Scotland) Acts 1858 to 1932 or the Act of 1953, which were in force immediately before the passing of this Act, shall remain in force until varied or revoked-

(a) in the case of the ordinances listed in Schedule 3 to this Act by ordinance made in pursuance of paragraph 6 of Part I of Schedule 2 to this Act;

(b) in the case of ordinances relating to any of the matters mentioned in paragraphs 1 to 3 and 5 to 7 of Part II of Schedule 2 to this Act, by resolution passed in accordance with section 6 of this Act; and

(c) in the case of any other ordinance, by such of the methods mentioned in section 3(2) of this Act as the University Court thinks fit.

Passing of resolutions.
6. (1) Subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the passing of a resolution under section 3 of this Act, that is to say—

(a) a draft of the resolution shall be sent to the Senatus Academicus and to the General Council;

(b) throughout the period of one month from the sending of the draft of the resolution to the Senatus Academicus and to the General Council, notices, stating that the draft has been sent to the Senatus Academicus and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University;

(c) the University Court shall take into consideration any representations from the Senatus Academicus, the General Council or any other body or person having an interest, concerning the resolution if received by them within the period mentioned in the last foregoing paragraph;

(d) in computing the said period the months of August and September shall be left out of account;

(e) the resolution may be passed by the University Court as soon as may be after the end of the said period, and it shall come into effect on a date fixed therein;

(f) after the resolution has been passed, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period.

(2) In the case of a resolution relating to matters mentioned in paragraph 2 or paragraph 5 of Part II of Schedule 2 to this Act, the University Court may at a meeting by a majority of not less than three-fourths of the members of the University Court present and voting determine that on the ground of extreme urgency the procedure set out in paragraphs (a) to (e) of the foregoing subsection in relation to that resolution should be dispensed with, and where the University Court so determine the resolution may be passed forthwith.

Senates

Constitution of Senates.

7. (1) The Senatus Academicus of each of the older Universities shall include a number of readers and lecturers of that University equal to not less than one-third of the number of persons who are members of that Senatus by virtue of section 5 of the Act of 1858.

(2) The readers and lecturers to be included on a Senatus Academicus to which this section applies shall be elected in such manner and for such term of office as may be provided by the University Court by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act, but the only
persons qualified to vote in the election of those readers and lecturers shall be the readers and lecturers of the University concerned.

(3) The validity of any proceedings of a Senatus Academicus to which this section applies shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

Powers of Senates.

8. (1) The Senatus Academicus of each of the older Universities shall have power to promote research; and accordingly section 7(1) of the Act of 1889 shall have effect as if at the end thereof there were inserted the words "and to promote research".

(2) Without prejudice to the said section 7, the Senatus Academicus as aforesaid shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

General Councils

Powers of General Councils.

9. (1) In addition to the meetings prescribed by section 6 of the Act of 1858, special meetings of the General Council of each of the older Universities may be held at any time in accordance with such procedure as the General Council may by rules determine.

(2) The quorum of the General Council of each of the older Universities shall be\(^5\).....[The quorum of University of Edinburgh General Council meetings was reduced to 30 at the University's General Council meeting on 24 June 1966.] ... but any such General Council may resolve that its quorum shall be altered to such number as it may determine:

Provided that a notice stating that the quorum has been so altered shall require to be sent to every member of the General Council, and the alteration shall take effect only after the expiry of three months from the sending of the notice.

(3) The General Council of each of the older Universities shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.
General Council register.

10.(1) The University Court of each of the older Universities shall cause to be maintained a register of members of the General Council in accordance with conditions prescribed by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act.

(2) On the approval by Her Majesty in Council of any such ordinance as is mentioned in the foregoing subsection, the enactments set out in Schedule 4 to this Act shall cease to have effect in relation to the University to which the ordinance applies.

Miscellaneous

University staff ineligible to become rector, or assessor on Court except in certain circumstances.

11. No person holding an appointment in any of the older Universities shall be eligible to be-
   (a) elected as rector of that University, or
   (b) nominated or elected as an assessor on the University Court by any other person or body than the Senatus Academicus:
      Provided that nothing in paragraph (b) of this section shall prejudice the right of the University Court as provided for in Schedule 1 to this Act to co-opt a person holding such an appointment.

Annual reports and financial statements.

12.(1) The University Court of each of the older Universities shall lay before the General Council annually-
   (a) a report of the work and activities of the University, and
   (b) a financial statement of the University which shall be audited by auditors appointed by the University Court.

1.3 The Universities (Scotland) Act 1966 provides by Schedule 2 Part I, as follows:

"Schedule 2

POWERS OF UNIVERSITY COURTS
PART I

Powers exercisable by ordinance

1. To amend the composition, powers and functions of the University Court, the Senatus Academicus, and the General Council, as set out in the Universities (Scotland) Acts 1858 to 1932, the Act of 1953 and this Act, and in the ordinances made under the said Acts of
1858 to 1932 and of 1953 as set out in Schedule 3 to this Act; and to amend the composition of the General Council as set out in section 28 of the Act of 1868.

2. To amend the composition of any other body set up under the Acts of 1858 and 1889 to which the University Court nominates or appoints members: Provided that before proceeding to the exercise of the powers herein contained the Court shall have regard to any recommendation made by the body concerned.

3. To fulfil the purposes which are mentioned in sections 14 and 15 of the Act of 1889, and section 2 of the Act of 1932.

4. To provide for the manner of election of readers and lecturers to the Senatus Academicus and their term of office.

5. To prescribe the conditions under which the register of members of the General Council is to be maintained.

6. To vary or revoke any of the ordinances set out in Schedule 3 to this Act.

1.4 The Universities (Scotland) Act 1966 provides by Schedule 2 Part III paragraph 9, as follows:

"PART III

Powers exercisable in accordance with procedure prescribed by the University Court

9. To make provision to enable the Senatus Academicus and the General Council to discharge their duties."

2. GENERAL COUNCIL

The powers of the General Council (‘the Council’) remain those conferred by the Universities (Scotland) Act 1858 and outlined in the first section. The Council is responsible for electing the Chancellor and three Assessors to the University Court. The Council has the power to elect a Business Committee and each half-yearly meeting concludes by empowering the Business Committee to act on behalf of the Council except on a matter where a statute provides otherwise.

2.1 Revised Standing Orders were approved by the Council on 24 June 2000. They are set out below.

Statutory Meetings

(1) The Council will meet twice a year, normally on the second Saturday of February and on the last Saturday of June each year.

Special Meetings

(2) In addition to the statutory meetings, the Business Committee by vote of a majority of its members present at a meeting called for this purpose may instruct the Secretary to call a special meeting of the Council at any time. Discretion is with the Business
Committee to decide how much notice is given, what publicity is given to the meeting and what circulation should take place.

**Quorum**

(3) The quorum of the Council shall be thirty⁹.

**Chairperson**

(4) Ordinance 210 of 2011 provides in Paragraph 1 as follows:

“At the meetings of the General Council, the Chancellor, whom failing the Rector, whom failing the Principal, whom failing the Chancellor’s Assessor shall preside; and in the absence of all the said Officials the Chair shall be elected by the meeting, provided that, at any meeting of the Council held in furtherance of electing an Assessor or Assessors to the University Court, no member of the Senatus Academicus, member of staff of the University of Edinburgh or matriculated student of the University of Edinburgh shall preside. The Chair shall have a deliberative and a casting vote, and in case of an equality of votes, the Chair or any one appointed by the University Court to act for the Chair as hereinafter provided, shall have a casting vote. The Chair of the meeting shall decide all points of order.”

**Circulation of papers**

(5) The papers for meetings of the Council containing the draft minutes of the previous meeting, reports for the meeting and such notices of motions as may be connected with the business of the meeting shall be circulated to all members of the Council¹⁰.

**Matters of Business**

(6) Any member of the Council may propose any matter of business for consideration at a Council meeting but it will not be included in the papers for the meeting unless it is a) seconded by a member of the Council and b) supported in writing by no fewer than ten other members of the Council.

**Motions**

(7) Notice of any motion to be proposed at a meeting of the Council shall be given in writing to the Secretary no later than 80 days before the meeting concerned.

(8) Every motion must have a seconder. For the avoidance of doubt, when a motion is proposed on behalf of the Business Committee of the Council such a motion is proposed by the Convener of the Business Committee and seconded by the Vice-Convener of the Business Committee.
(9) If the proposer of a motion included in the agenda is not present at the meeting, the seconder or one of the supporters of the motion may speak in support of the motion as if that member had proposed the motion.

(10) With the exception of the proposer, who may speak in support of the motion for up to a maximum period of five minutes, all other speakers will be limited to a maximum period of three minutes.

(11) A motion cannot be proposed at a meeting of the Council unless it is specifically on the agenda for the meeting or directly emanates from a report duly presented or where a majority of the members present at the meeting agree by vote that as an important and urgent matter it should be considered.

(12) No member may address the Council more than once on any motion except to intervene on a factual matter or provide clarification, but the mover of a substantive motion may reply and the reply shall be confined to answering previous speakers.

(13) A defeated motion, or a motion related to an issue substantially similar to that referred to in a defeated motion, may not be proposed at the next following statutory meeting of the Council. The Rector shall determine whether a motion relates to an issue which is substantially similar to that referred to in a defeated motion. In the unavoidable absence of the Rector, the Convener of the Business Committee shall make such a determination.

Change of Standing Orders

(14) Any repeal of, or alteration to the foregoing Standing Orders in this paragraph 2.2 may be made in accordance with Section 8 of these Constitutional Arrangements. New Standing Orders may be made by a statutory half-yearly meeting of the Council provided the proposed order has been duly noted on the agenda.

2.2 The Schedule of the Ordinance of the University Court No. 186: General Council Membership and Registration, effective from 11 February 1992, provides by Article 1 as follows:

"1. The General Council of the University of Edinburgh shall consist of—
   (a) all persons on whom the University has conferred a degree other than an Honorary Degree, whose names shall be recorded in the Register of Graduates referred to in section 3 of this Ordinance, in accordance with the provisions of this Ordinance;
   (b) all persons on whom the University has conferred an Honorary Degree or on whom it has conferred the title of Honorary Fellow of the University;
   (c) during their tenure of office—
      (i) the Chancellor of the University;
      (ii) the members of the University Court;
      (iii) the Professors of the University;"
(iv) all Readers, Senior Lecturers, and Lecturers in the University who have held any such office for a period of one year;
(d) former members of the University Court and former Professors who have elected to pay the statutory registration fee, if any;
(e) former Readers, Senior Lecturers and Lecturers who have retired after holding any such office in the University for a period of three years and who have elected to pay the statutory registration fee, if any."

3. ELECTION OF CHANCELLOR

3.1 The Universities (Scotland) Act 1858, revised to 31 August 1978, provides by Section 2 as follows:

"2. The Chancellor of each of the Universities of St. Andrew's (sic), Glasgow, and Aberdeen shall be elected by the other members of the general council hereinafter mentioned; and in time coming there shall be a Chancellor of the University of Edinburgh, to be elected in like manner: ....... the Chancellor of each of the said Universities shall hold his office for life; the Chancellor in each University shall have power to appoint a Vice-Chancellor, who may in the absence of the Chancellor discharge his office in so far as regards conferring degrees, but in no other respect."

3.2 Ordinance No. 210 of 2011: Election of Chancellor and General Council Assessors and Chairing of General Council Meetings, provides the following procedure for the election of a Chancellor

"Election of a Chancellor

2. (1) The Chancellor shall be elected for life by members of the General Council whose details are contained within the General Council Register by means of a single transferable vote system. The election shall be conducted in accordance with this Ordinance and arrangements determined from time to time by the Business Committee of the General Council.

(2) When a vacancy occurs in the office of Chancellor, the Business Committee of the General Council shall fix the date by which nominations for a successor shall be received, hereinafter called the nomination day, such date to be not fewer than 90 days from the date of the vacancy. The Secretary of the General Council shall intimate the nomination day and the conditions for the nomination of candidates in accordance with the arrangements determined from time to time by the Business Committee of the General Council. No person who is a member of staff of the University of Edinburgh or who is a matriculated student of the University of Edinburgh shall be eligible for nomination for election as Chancellor."
(3) The result of the election shall be transmitted to the Secretary of the University Court as soon as it is established and the said Secretary shall disseminate the said result within the University.”

In accordance with paragraph (2) detailed above the General Council has approved additional procedures for the nomination and election of candidates. These procedures are detailed in the Regulations for General Council Elections.

3.3 Ordinance 210 provides in paragraphs 4 and 5 the following conditions relating to the validity of elections for the office of Chancellor and for General Council Assessors and a procedure to be followed if the Chair of a meeting of the General Council or the Secretary of the General Council is incapacitated.

“Validity of an election

4. The validity of any election held in terms of this Ordinance shall not be affected by any defect in the procedure carrying out such election unless on the application of a candidate or a candidate's proposer or seconder made to the Secretary of the General Council prior to the result of the election being declared, the Convener or Acting Convener of the Business Committee of the General Council shall after due enquiry declare the election invalid.

Incapacity of Chairman or Secretary

5. If the Chairman of a meeting or the Secretary of the General Council is incapacitated by illness or otherwise from discharging the duties in reference to an election imposed by this Ordinance, or if the office of Secretary becomes vacant, the University Court in the case of the Chairperson of the meeting, and the Business Committee or other principal Committee of the General Council in the case of the Secretary, shall appoint a person to discharge such duties and the person so appointed shall, so far as the purposes of the election are concerned, act as, and be deemed to be, Chairperson of the meeting or Secretary, as the case may be.”

4. ELECTION OF GENERAL COUNCIL ASSESSORS

4.1 Ordinance No. 187 of the University Court, as amended by Ordinance No. 192, provides that the membership of the Court is as follows:

"1. The University Court of the University of Edinburgh shall consist of:
(a) the Rector;
(b) the Principal;
(c) four assessors elected from among its members by the Senatus Academicus, of whom at least one shall be a Professor and at least one a non Professorial member of the academic teaching staff;"
(d) an assessor nominated by the Chancellor;
(e) three assessors nominated by the General Council;
(f) an assessor nominated by The City of Edinburgh Council;
(g) an assessor elected by the members of the non-teaching staff from among their own number; Provided always that no person may serve as an assessor under sub paragraphs (d) to (f) above whilst he or she is a matriculated student of the University:
(h) two fully-matriculated students nominated by the Students' Representative Council;
(i) such persons, not exceeding eight in number, of whom at least one shall be male and at least one shall be female, as may be co-opted by the University Court. Not more than one such person may hold an appointment in the University of Edinburgh."

4.2 Ordinance No.210 provides as follows:

Election of Assessors

"3 (1) In the ordinary course and rotation, Assessors shall be elected every two years by members of the General Council whose details are contained within the General Council Register other than those who are also members of the Senatus Academicus of the University of Edinburgh. The Assessors shall be elected in accordance with this Ordinance and arrangements for the election of General Council Assessors as determined from time to time by the Business Committee of the General Council.

(2) Only members of the General Council can be nominated for election as a General Council Assessor. No member of the Senatus Academicus or member of staff of the University of Edinburgh or a matriculated student of the University of Edinburgh shall be eligible for nomination for election as a General Council Assessor notwithstanding that they may be a member of the General Council.

(3) Assessors shall be elected to serve for a period of four years and while eligible for re-nomination shall only be eligible for re-nomination for one consecutive period of office.

(4) In the case of a vacancy arising from the resignation, death or legal incapacity of an Assessor or upon an elected Assessor becoming a member of the Senatus Academicus, a member of staff of the University of Edinburgh or a matriculated student of the University of Edinburgh, the Business Committee of the General Council shall determine the appropriate course of action.

(5) The result of an election shall be transmitted to the Secretary of the University Court as soon as it is established and the said Secretary shall disseminate the said result within the University."
4.3 In accordance with the provisions of cause (1) of paragraph 3 of Ordinance 210 the Business Committee has agreed additional procedures for nomination and election of Assessors are detailed in the Regulations for General Council Elections.

Validity of an election

“4. The validity of any election held in terms of this Ordinance shall not be affected by any defect in the procedure carrying out such election unless on the application of a candidate or a candidate’s proposer or seconder made to the Secretary of the General Council prior to the result of the election being declared, the Convener or Acting Convener of the Business Committee of the General Council shall after due enquiry declare the election invalid.”

Incapacity of Chairperson or Secretary

“5. If the Chairperson of a meeting or the Secretary of the General Council is incapacitated by illness or otherwise from discharging the duties in reference to an election imposed by this Ordinance, or if the office of Secretary becomes vacant, the University Court in the case of the Chairperson of the meeting, and the Business Committee or other principal Committee of the General Council in the case of the Secretary, shall appoint a person to discharge such duties and the person so appointed shall, so far as the purposes of the election are concerned, act as, and be deemed to be, Chairperson of the meeting or Secretary, as the case may be.”

5. BUSINESS COMMITTEE

5.1 The name of the committee shall be the Business Committee (‘the Business Committee’) of the General Council (‘the Council’) of the University of Edinburgh.

Composition

5.2 The Business Committee shall comprise the following:

(1) Twenty members of the Council, elected by the Council, or co-opted as hereinafter provided, and serving as provided for in paragraph 5.9 hereof;
(2) a Convener and a Vice-Convener appointed and serving as provided for in paragraph 5.10 hereof;
(3) Three assessors to the University Court, elected and appointed by the Council and serving as ex officio members of the Business Committee;
(4) the Chancellor’s Assessor and the Secretary of the Council, both serving as ex officio members of the Business Committee.

Functions

5.3 The functions of the Business Committee shall include all functions of the Council which have been given to it by statute or ordinance or by use and wont and which, not having been reserved as matters to be dealt with only at statutory half-yearly meetings of the Council, have been delegated to the Business Committee by the Council.

These functions shall include, in terms of section 6 of the Universities (Scotland) Act 1858, the right to make representations on all questions affecting the well-being and prosperity of the University of Edinburgh, which representations shall be communicated to the University Court from time to time for it to deliberate upon and in due course return its observations or deliverances to the Business Committee.

The Business Committee's opinion as to whether or not a question affects the well-being and prosperity of the University shall be for the Business Committee to determine, save that if instructed by a statutory half-yearly meeting of the Council that a matter shall be considered by the Business Committee, then it shall be so considered irrespective of any previous views on the matter which the Business Committee may have expressed.

5.4 In the discharge of the Council's statutory duty to consider any aspect of the well-being and prosperity of the University, the Council in terms of Sections 4-12.1 of Part II of the Universities (Scotland) Act 1966 shall be consulted timeously on all draft ordinances, all draft resolutions and related matters, and shall receive annually a report of the University's work and activities and an audited financial statement of the University.

5.5 Further, the Business Committee shall consider on behalf of the Council any proposed improvements of substance in the internal arrangements of the University which the University Court may communicate to the Council in fulfilment of the requirements of section 12.2 of the Universities (Scotland) Act 1858.

5.6 Further, the Business Committee may consider matters remitted to it by the Council at its statutory half-yearly meetings and matters that occur to it on its own initiative or are raised by any individual member so long as deemed relevant by the Chairperson of the statutory half-yearly meeting at which the matter is raised. The Business Committee shall give a report of its deliberations to each statutory half-yearly meeting of the Council, which report shall cover in particular its decisions or recommendations on any matters remitted to it by the previous statutory half-yearly meeting.

5.7 So far as the expenditure of the Council and the Business Committee is concerned, the University Court has the power under paragraph 9 of Part III of Schedule 2 to the Universities (Scotland) Act 1966 to make provision to enable the Council to discharge its duties. In the event that the sum made available by the University Court is found inadequate by the Business Committee, the matter will be referred by the Business
Committee to the next statutory half-yearly meeting of the Council, and if that meeting so decides, the matter would then be referred to the University Court for fresh consideration.

Election of Members of the Business Committee and Periods of Office

5.8 The procedure for the nomination and election of candidates to become members of the Business Committee and the period of office of members of the Business Committee shall be as agreed from time to time by the General Council and are detailed in the Regulations for General Council Elections.

Appointment of Convener and Vice-Convener

5.9 The Business Committee shall appoint a Convener and a Vice-Convener from among its number or from among those who have served on the Committee within the past two years. The appointees shall serve for up to four years from the date of their taking up office, but on the expiry of their respective four year periods as Convener and Vice-Convener, they shall be eligible for re-election to their respective offices, each for a further of four years. At the expiry of this further period of four years, neither shall be eligible for re-election to the office which they have just completed except in the event of prevailing circumstances deemed by a majority of the Business Committee to be exceptional, when the period of office of either or both may be extended for such further period as the Business Committee deems fit according to the special circumstances, but not exceeding one year.

Removal from office of a Member of the Business Committee

5.10 Any member of the Business Committee who brings the office into disrepute may be removed from office by a two-thirds majority of all its members.

5.11 A member of the Business Committee, who has been removed from office in accordance with the procedures outlined in para. 5.11, or his or her representative, may appeal in writing, addressed to the Secretary of the General Council, against such removal. Such appeal shall be considered at the next statutory half-yearly meeting of the General Council at which the appellant or his or her representative shall be invited to address the meeting. The meeting of the General Council at which the appeal is heard may uphold or reject it. A member of the Business Committee may not attend any meeting of the Business Committee or any of its Standing Committees pending the outcome of the appeal against removal from office.

Secretary of the General Council

5.12 The Secretary of the Council shall be appointed by the Council on the recommendation of the Business Committee. The Secretary of the Council shall serve for an initial fixed-term period of four years with eligibility for re-appointment thereafter for one further fixed-term period of four years. The Secretary of the Council also acts as Secretary of the Business Committee.
The Secretary of the Council shall be responsible for supervising any staff employed. In particular the duties of the Secretary of the Council shall include an examination of all Billets, notices and reports to be issued in the name of the Council including the agenda for its statutory half-yearly meetings, which shall include ensuring that any motion to be on the agenda for a statutory half-yearly meeting is in the hands of the Secretary of the Council at least 80 days before the date of the meeting unless and until a statutory half-yearly meeting recommends a different period.

Chair

5.13 The Chair at all meetings of the Business Committee shall be taken by the Convener, whom failing by the Vice-Convener, whom failing by a Chairperson elected by the meeting for that meeting only.

Quorum

5.14 The quorum for meetings of the Business Committee shall be 12. [9(3) of Part II of the 1966 Act provides that the quorum may be determined by the Council.]

5.15 The Business Committee may create standing committees from time to time either on its own initiative or as instructed by a statutory half-yearly meeting of the Council, and give to these standing committees remits which it may change from time to time, but until otherwise determined the standing committees shall be as noted in Section 6 of these Constitutional Arrangements. The standing committees shall have such membership as is determined by the Business Committee, but with the approval of the Business Committee may co-opt to their number from outwith the membership of the Business Committee, if circumstances or special interests so merit.

6. COMMITTEES OF BUSINESS COMMITTEE

6.1 A meeting of the Council held on 26 June 1993 was notified of the following:

Academic Standing Committee

"1. This committee shall, in general, enable the Business Committee to act as a supportive and informed body of graduates, and thus to give the University every possible assistance with the development of its academic programme, especially during periods of major change in educational or social policy.

2. In particular, to consider the following areas and to advise the Business Committee on responses or observations, to be made when appropriate:
   2.1 matters of broad principle in the academic field;
   2.2 all draft Ordinances, Resolutions and Regulations relating to academic matters formally submitted to the Business Committee;
   2.3 changes in degree and other courses, the content of new courses, and lengths of period of study for degrees, examination methods, etc.
   2.4 all matters affecting teaching and research; and
2.5 the provision of facilities and matters generally that impinge on the academic life of the University.

3. To meet regularly with representatives of academic and academic-related staff in order to receive information and exchange views on matters of mutual concern and report back to the Business Committee."

Finance and Services Standing Committee

"This committee shall take into consideration and make representations or other observations to the Business Committee on (1) the general financial affairs of the University, (2) the funding of the General Council, (3) the level of the registration fee on graduation, and (4) any other financial matters relating to the University remitted to it by the Business Committee or that occur to it on its own initiative; in addition this committee shall review trends in staff and student numbers and patterns of graduation."

6.2 A meeting of the Council held on 23 June 1990 was notified of the following:

Public Affairs Standing Committee

The terms of reference of this Standing Committee shall be:
" (a) to consider matters remitted to it by the Business Committee and/or
(b) to consider matters which it regards as important involving the actions of Parliament, H.M. Government, quasi-governmental agencies and other public bodies which might affect universities in general and/or Edinburgh in particular; and
(c) to report to the Business Committee and recommend action where appropriate."

6.3 A meeting of the Council held on 25 June 1994 was notified of the following:

Remit of the Constitutional Standing Committee

"This Committee shall take into consideration and may make representations or other observations, to the Business Committee, on:-

1. matters appertaining to the constitutional relationship between the General Council and its Business Committee, on the one hand, and other parts of the University, on the other hand:
2. matters appertaining to the constitution of the Business Committee, its elected officers and its standing committees:
3. matters appertaining to the honorary and salaried officers of the General Council.

(Explanatory Note: It is anticipated that, normally, all such matters would be referred to the Constitutional Standing Committee by the Business Committee but, where appropriate, the Standing Committee may initiate the consideration by the Business Committee of matters in the areas described above.)"

6.4 At a meeting of the Council held on 10 February 2001, it was agreed that the Constitutional Standing Committee should consider the procedures for setting up ad
hoc Search Committees of the Business Committee. A meeting of the Business Committee held on 20 September 2001 approved the following:

**Search Committees**

“Search Committees are normally formed for the appointment of General Council Assessors to the University Court and of the Secretary of the General Council. A Search Committee should be chaired by the Convener of the Business Committee, and should consist of two other office bearers and two co-opted members, covering as broad a range of disciplines as possible. The appointment of members of Search Committees is the responsibility of the Convener of the Business Committee, but, where time permits, the appointments should be subject to the approval of the Business Committee.”

7. **ELECTION OF CONVENER AND VICE CONVENER OF THE BUSINESS COMMITTEE**

7.1 The Business Committee meeting of 23 June 1994 adopted the following:

“Rules for the Election of the Convener and the Vice-Convener of the Business Committee

1. The Convener shall be a serving member of the Business Committee or shall have served on the Committee within the past two years. Any person so qualified may be nominated with the nominee’s consent by two members of the Business Committee who shall sign the nomination paper which shall include a statement about the nominee of not more than one hundred words, and shall return the nomination paper to the Secretary of the Council before the closing date for the receipt of nominations.

2. The Convener shall be elected by a postal ballot of the Committee from those nominated.

3. The Convener shall hold office for a period of four years and shall preside at meetings of the Committee.

4. In circumstances deemed by a majority of the Business Committee to be exceptional, the Convener shall be eligible for reappointment for one additional year at the invitation of the Committee.

5. The appointment of the Convener shall take effect not later than 1 August in the year of the election.

6. When for any reason the Convener ceases to serve on the Committee before the Convener’s term of office ends, the vacancy so arising shall be filled by a member appointed in accordance with the provisions of Rules 1. to 4. Such member shall take office immediately upon election and the term of office shall extend for a period of four years from 1 August coincident with or next following the date of the Convener’s election.
7. The same rules shall be followed for the election of the Vice-Convener.

Procedure for the Election of the Convener and the Vice-Convener of the Business Committee

(i) As soon as possible after the closing date for receipt of nominations, ballot papers containing the names of duly nominated candidates, the names of their proposers and seconders and the statements about the candidates shall be despatched by recorded delivery post to all members of the Business Committee. A statement about a candidate will be printed only to the end of the last sentence preceding the one hundred and first word if the statement is longer.

(ii) Enclosed with the ballot paper shall be an envelope addressed to the Secretary of the Council, stamped and marked with the letter ‘B’.

(iii) Envelopes containing ballot papers received from members of the Committee shall be kept unopened by the Secretary of the Council, who shall be responsible for the safe-keeping of all ballot papers.

(iv) A period of four weeks shall elapse after despatch of ballot papers to allow a reasonable time for them to reach members of the Committee who may be away from home.

(v) A returning Committee consisting of the Convener and Secretary of the Council shall meet at a time to be arranged for the purpose of opening the envelopes containing the ballot papers and counting the votes. In the event of either of these Office-bearers being a candidate, such Office-bearer shall be ineligible to serve on the returning Committee, and the Business Committee shall appoint instead one of its members who is not a candidate for either office.

(vi) In the event of there being only two candidates, the candidate obtaining the greater number of votes shall be elected. In the event of a tie, the returning Committee shall determine by lot which candidate shall be selected. In the event of there being more than two candidates, members of the Committee shall indicate their order of preference of all or any number of these candidates on the ballot papers and if one candidate does not obtain an overall majority the election shall be decided by use of the single transferable voting system. The majority of votes required for election under this system shall be determined relative to the number of valid ballot papers received.

(vii) The result of the election shall be announced at the Business Committee meeting immediately following the counting of the votes.

Single Transferable Vote
More than two nominations make it necessary to use the single transferable vote procedure as follows:

If no candidate has obtained a clear majority of first preference votes the candidate with the lowest number of such votes is eliminated.

The second preferences of the eliminated candidate’s supporters are then examined and these votes are transferred to the remaining candidates as first preference votes.

This transference should ensure a clear majority for one of the remaining candidates, but if necessary it can be repeated after elimination of the candidate who at this stage has the lowest number of first preference votes.

If, when a candidate has to be eliminated, two or more candidates are each credited with the same number of votes and are lowest, regard shall be had to the total number of votes credited to each of those candidates at the latest count at which they had unequal values, and the candidate with the smallest value at that count shall be excluded. If two or more candidates are lowest and are each credited with the same value at all counts, the returning Committee shall arrange the papers of such candidates according to the next available preferences recorded thereon for continuing candidates, including the candidates in question, and shall exclude that lowest candidate for whom the total value of the next available preferences expressed is smallest, and if the total values of the next available preference recorded for two or more of the candidates in question are then equal and smallest, the returning Committee shall determine by lot as between the candidates last mentioned which candidate shall be excluded.”

8. AMENDMENTS TO THE CONSTITUTIONAL ARRANGEMENTS

8.1 The foregoing constitutional arrangements can be changed as follows:

A where they are imposed by statute by statute only, unless a statute provides otherwise;

B where they are imposed by ordinance by ordinance only, unless a statute provides otherwise;

C where they have been created by a statutory half-yearly meeting of the General Council, by a statutory half-yearly meeting, and only then provided the proposed change has been duly noted on the agenda; and

D where they have been created by the Business Committee itself, then by the Business Committee, so long as the proposed change is raised at one meeting and not decided upon until the next.

1 This document is a revised version of the original dated 30 May 1995, revised 20 September 2001, 13 February 2003 and 14 February 2004.

2 Composition of General Council and registration from 1858 Act superseded in Ordinance 186
Order of chair from 1858 Act superseded in Ordinance 198

Section 6 amended by Representation of the People (Scotland) Act 1868 s. 28 and Universities (Scotland) Act 1966 s.9,10 (2) and Schedule 4

The 1966 Act provided that the quorum would be 50 unless amended

Schedule 3 includes regulations for Election of Chancellor and Assessors

Universities (Scotland) Act 1858 s.6

General Council meetings on 1 May 1963 and 28 January 1979. Section 6 of the 1858 Act states that the dates of General Council meetings may be altered by resolution of the Council with the approval of the University Court

Quorum set at 30 at the General Council meeting on 24 June 1966

General Council meeting on 29 June 2002; Business Committee meeting on September 2002

General Council 12 February 1994 regarding important and urgent business within 80 days of a meeting

Business Committee 24 November 1994

Words repealed by Statute Law Revision Act 1875

Inclusion notified by Constitutional Standing Committee to Business Committee on 24 November 1994

Constitutional Standing Committee decision notified to Business Committee on 24 November 1994

Reports of the General Council from at least 1872 are headed “Business of the General Council” and reports in the 1880s are attributed to the “Business Committee”. The Universities (Scotland) Act 1889, s.8 allowed General Council to appoint committees (confirmed in the Universities (Scotland) Act 1966 s.9 (3))

The 1966 Act s.9 (3) gives the General Council the power both to appoint committees and to define their powers

Business Committee 23 February 1995

Business Committee 23 June 1994

General Council 20 June 2009

General Council 27 June 1992 7.7.3.5 in Appendix II of the Billet

General Council 11 February 1995. Age restriction and total duration of appointment under review

The Assistant to the Secretary is responsible to the Secretary of the General Council: General Council 27 June 1992: 7.7.3.6 in Appendix II of the Billet

General Council 27 June 1992: 7.7.3.5 in Appendix II of the Billet

General Council 12 February 1994
Rule 3 of the Rules and Procedures for the election of the Convener in Section 7

The General Council has the power to determine the quorum of the Business Committee: 1966 Act s.9 (3)

Business Committee 19 June 2003

Certain statutory provisions may be amended by Ordinance in accordance with the 1966 Act, Schedule 2, Part 1

Certain Ordinances may be amended by Resolution or by other method determined by the University Court in accordance with the 1966 Act, s.5(b) and (c)