

Reprint
as at 29 November 2010

**University of Otago Amendment
Act 1961**

Public Act 1961 No 48
Date of assent 8 November 1961

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This Act is administered by the Ministry of Education.

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An Act to amend the University of Otago Ordinance 1869

1 Short Title and commencement

- (1) This Act may be cited as the University of Otago Amendment Act 1961, and shall be read together with and deemed part of the Otago Provincial Ordinance usually known as the University of Otago Ordinance 1869.
- (2) The said Ordinance may be cited as the University of Otago Ordinance 1869, and is hereafter in this Act referred to as the principal Ordinance.
- (3) This Act shall come into force on the 1st day of January 1962.

2 Interpretation

In this Act and in the principal Ordinance, unless the context otherwise requires,—

Assisted student means a foreign student who is in New Zealand to study under an assistance programme administered by the New Zealand Government

Assisted student, Domestic student, Exempt student and Foreign student: these definitions were inserted, as from 1 January 1990, by section 47(2) Education Amendment Act 1989 (1989 No 156).

The Chancellor*[Repealed]*

The Chancellor: this definition was repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990.

[Repealed]

The Council means the Council of the University of Otago constituted in accordance with Part 15 of the Education Act 1989

The Council: this definition was amended, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60) by inserting the words “constituted in accordance with Part 15 of the Education Act 1989”.

Domestic student means a person who is not a foreign student

Assisted student, Domestic student, Exempt student and Foreign student: these definitions were inserted, as from 1 January 1990, by section 47(2) Education Amendment Act 1989 (1989 No 156).

Exempt student means a foreign student who—

- (a) Is in New Zealand to study under an exchange programme approved by the New Zealand Government; or
- (b) Is for the time being exempted under section 34B(2) of this Act:

Assisted student, Domestic student, Exempt student and Foreign student: these definitions were inserted, as from 1 January 1990, by section 47(2) Education Amendment Act 1989 (1989 No 156).

Financial year*[Repealed]*

Financial year and General course of study: these definitions were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

[Repealed]

foreign student means a person who is not a New Zealand citizen and is—

- (a) a person to whom section 15 or 16 of the Immigration Act 2009 applies; or
- (b) a person obliged by or under that Act or any other enactment to leave New Zealand immediately or within a specified time; or

- (c) treated for the purposes of that Act as being unlawfully in New Zealand

General course of study*[Repealed]*

Financial year and General course of study: these definitions were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

[Repealed]

Lecturer means a member of the staff of the University of Otago who is in terms of his appointment an associate professor, a reader, a senior lecturer, or a lecturer of the University; and includes such other persons and classes of persons as the Council from time to time determines

Minister means the Minister of the Crown for the time being responsible for the administration of this Act

Minister: this definition was inserted, as from 1 January 1990, by section 47(2) Education Amendment Act 1989 (1989 No 156).

Personal course of study*[Repealed]*

Personal course of study and The Pro-Chancellor: these definitions were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

[Repealed]

The Pro-Chancellor*[Repealed]*

Personal course of study and The Pro-Chancellor: these definitions were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

[Repealed]

Professor means a professor of the University of Otago; but does not include an associate professor

The Pro-Vice-Chancellor*[Repealed]*

The Pro-Vice-Chancellor: this definition was inserted, as from 2 October 1977, by section 3 University of Otago Amendment Act 1977 and repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

[Repealed]

The Registrar means the Registrar of the University of Otago

Secretary means the chief executive of the Ministry of Education

Secretary: this definition was inserted, as from 1 January 1990, by section 47(2) Education Amendment Act 1989 (1989 No 156).

The Senate*[Repealed]*

The Senate and The Vice-Chancellor: these definitions were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

[Repealed]

The University means the University of Otago established by the principal Ordinance

The Vice-Chancellor*[Repealed]*

The Senate and The Vice-Chancellor: these definitions were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

[Repealed]

Compare: 1946 No 25 s 2

Section 2(1) **foreign student**: substituted, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Subsection (2) was inserted by section 47(3) Education Amendment Act 1989 (1989 No 156) and repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

The University

3 The University

- (1) The University of Otago established by the principal Ordinance shall consist of the Council, the professors emeriti, the professors, lecturers, assistant lecturers, Registrar, and librarian of the University for the time being in office, the graduates and under-graduates of the University, the graduates of the University of New Zealand whose names are for the time being on the register of the Court of Convocation of the University, and such other persons and classes of persons as the Council, after considering a recommendation from the Senate, may from time to time determine.

(2)

Compare: Principal Ordinance, s 1

Subsection (1) was amended, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60) by substituting the word “University” for the words “Otago University District”.

Subsection (2) was repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

4 University District and Court of Convocation

- (1)
- (2)
- (3) There shall be a Court of Convocation of the University.
- (4) The said Court of Convocation shall consist of the persons whose names are enrolled on a register to be kept by the Registrar.
- (5) The power of the Council under section 194 of the Education Act 1989 to make statutes extends to making statutes for the keeping of the register of the Court of Convocation, which statutes may include provisions prescribing the persons and classes of persons who are eligible for membership of the said Court of Convocation and the circumstances in which, and the conditions (whether as to payment of fee or otherwise) on which, persons are entitled to have their names enrolled on the register of the said Court; and, subject to this Act and to the said statutes, if any, the said Court shall have power to make such rules for the conduct of its business as it thinks fit, and until rules governing its meetings are so made shall meet at such times and places as the Council may determine.
- (6) The said Court may make representations to the Council on any matter concerning the interests of the University.

Compare: 1956 No 20 s 3

Subsections (1) and (2) were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

Subsection (3) was amended, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60) by substituting the words “of the University” for the words “for the Otago University District”.

Subsection (5) was amended, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60) by substituting the words “The power of the Council under section 194 of the Education Act 1989 to make statutes extends to making statutes” for the words “The Council may from time to time make statutes or regulations”, and by omitting the words “or regulations”.

5 Constitution of Council

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

6 Transitional provisions

[Repealed]

Section 6 was repealed, as from 2 October 1977, by section 10 University of Otago Amendment Act 1977 (1977 No 42).

7 Term of office

[Repealed]

Subsection (1A) was inserted, and subsections (2) to (5) were repealed, as from 2 October 1977, by section 4(5) University of Otago Amendment Act 1977 (1977 No 42).

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

8 Employees as Council members

[Repealed]

Subsection (1) was amended, as from 2 October 1977, by section 4(5) University of Otago Amendment Act 1977 (1977 No 42) by inserting the words “or paragraph (bb)”.

Subsection (1) provisos were inserted, as from 23 October 1969, by section 3 University of Otago Amendment Act 1969 (1969 No 111) by inserting the words “or paragraph (bb)”.

Subsection (1) second proviso was amended, as from 1 January 1973, by section 8(2) University of Albany Amendment Act 1973 (1973 No) by substituting the words “such amount as the Minister of Education from time to time determines” for the expression “\$1,500”.

Subsection (2) was repealed, as from 18 December 1968, by section 9(1) Local Authority (Members’ Interests) Act 1968 (1968 No 147).

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

9 Disqualification of members of Council

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

10 Casual vacancies in Council

[Repealed]

Subsection (1) was amended, as from 27 November 1970, by section 2(4) University of Otago Amendment Act 1970 (1970 No 107) by inserting the words “Subject to subsection (1A) and (1B) of this section.”.

Subsection (1)(g) was substituted, and subsection (1)(h) was inserted, as from 27 November 1970, by section 2(1) University of Otago Amendment Act 1970 (1970 No 107).

Subsections (1A) and (1B) were inserted, as from 27 November 1970, by section 2(2) University of Otago Amendment Act 1970 (1970 No 107).

Subsection (3) was amended, as from 27 November 1970, by section 2(3) University of Otago Amendment Act 1970 (1970 No 107) by inserting the words “, in place of the vacating member,”.

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

11 Proceedings of Council not affected by vacancies, etc
[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

12 Election of members
[Repealed]

Subsection (2) was amended, as from 1 January 1962, by section 2 University of Otago Amendment Act 1966 by inserting the words “and determined”.

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

13 Council may appoint committees
[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

Students and examiners

14 Admission of students
[Repealed]

Subsection (2)(f) was substituted, as from 12 October 1977, by section 6(1) University of Otago Amendment Act 1977.

Subsection (4) was amended, as from 12 October 1977, by section 6(2) University of Otago Amendment Act 1977 by substituting the words “, department, class or course of the University shall be deemed to exist, and the maximum number of students who may be admitted to any faculty, department, course or class” for the words “or department of the University shall be deemed to exist, and the maximum number of students who may be admitted to any course or class”.

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

15 Discipline

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

16 Fees of examiners, etc

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

**The Vice-Chancellor and Acting
Vice-Chancellor**

17 Vice-Chancellor

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

17A Pro-Vice-Chancellor

[Repealed]

Section 17A was inserted, as from 12 October 1977, by section 7 University of Otago Amendment Act 1977, and repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

18 Acting Vice-Chancellor

[Repealed]

Subsection (1) was substituted, as from 12 October 1977, by section 8 University of Otago Amendment Act 1977.

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

The Senate

19 Constitution of Senate

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

20 Vice-Chairman of Senate

[Repealed]

Subsection (3) was inserted, as from 12 October 1977, by section 9 University of Otago Amendment Act 1977.

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

21 Meeting of Senate

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

22 Proceedings of Senate not affected by vacancies, etc

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

23 Functions of Senate

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

24 Senate may appoint committees

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

25 Council to consult Senate and obtain consent on certain matters, etc

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

Financial provisions

26 Application of income and capital of University

[Repealed]

Subsection (2) was inserted, as from 2 September 1966, by section 3 University of Otago Amendment Act 1966 (1966 No 12).

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

27 Money to be paid into bank*[Repealed]*

Subsection (2) was amended, as from 1 January 1973, by section 8(2) University of Albany Amendment Act 1973 (1973 No 12) by inserting the words “, or other instrument,”.

The reference to twenty dollars was substituted, as from 10 July 1967, for a reference to ten pounds pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

28 Loan money to be paid into a separate account*[Repealed]*

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

29 Investment of money*[Repealed]*

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

30 Provision for Common Fund investment*[Repealed]*

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

31 Travelling allowances and expenses of members of Council*[Repealed]*

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

32 Council may insure members against personal accident while engaged in duties*[Repealed]*

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

33 Unauthorised expenditure of Council

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60)

34 Council to prescribe fees

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

35 Fees payable to associations of students

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

36 Grants by Council to associations of staff or students

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

37 Powers of Council in respect of property

[Repealed]

Subsection (1)(d) was amended, as from 27 November 1970, by section 3 University of Otago Amendment Act 1970 (1970 No 107), by inserting the words “, on such terms and conditions as may be fixed by the Minister of Finance,”.

Subsection (2) proviso was inserted, as from 1 January 1970, by section 28 Public Bodies Leases Act 1969 (1969 No 141).

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

38 Power to borrow by way of overdraft or temporary loan

[Repealed]

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

Repeals and amendments

39 Repeals and amendments

[Repealed]

Subsection (5) was repealed, as from 3 December 1982, by section 4(3)(b) Health Amendment Act (No 2) 1982.

Sections 5 to 39 were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

Schedule 1
Enactments repealed
[Repealed]

Section 39(1)

Schedule 1 was repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

Schedule 2
Amendments of principal ordinance

Section 39(2)

Section of Principal Ordinance	Amendment
1	<p>By omitting the words “consisting of a Council and Senate”.</p> <p>By omitting the words “politic and”.</p> <p>By omitting the words “the said Colony”, and substituting the words “New Zealand”.</p> <p>By omitting the word “take” where it first appears, and substituting the word “receive”.</p> <p>By omitting the word “take” where it secondly appears.</p> <p>By omitting the words “body politic” where they secondly appear, and substituting the words “body corporate”.</p> <p>By repealing the first proviso.</p> <p>By omitting the words “Provided further that”, and substituting the words “Provided that except as provided in the University of Otago Amendment Act 1961 and any other Act”.</p>

Section of Principal Ordinance	Amendment
2	<p>By omitting the words “be nominated and appointed by the said Superintendent with the advice and consent of his Executive Council within six months after the passing of this Ordinance and shall consist of twelve Councillors of whom six at least shall be laymen and the said Council shall”.</p> <p>By omitting the word “Vice-Chancellor” in each place where it occurs, and substituting in each case the words “Pro-Chancellor”.</p>
5	<p>By omitting the words “or Senate respectively”, and also the words “or at any meeting of the said Senate unless twenty members thereof be present”.</p>
6	<p>By omitting the word “Vice-Chancellor” in each place where it occurs, and substituting in each case the word “Pro-Chancellor”.</p> <p>By omitting the words “and at every meeting of the Senate the Warden shall preside as Chairman”, and also the words “and in the absence of the Warden the members of the Senate present”.</p>
7	<p>By inserting, after the words “subject to the”, the words “University of Otago Amendment Act 1961 and any other Act and the”.</p> <p>By repealing the proviso.</p>

Section of Principal Ordinance	Amendment
8	<p>By repealing this section, and substituting the following section:</p> <p>“8 Statutes and regulations</p> <p>The said Council shall have full power to make and alter any statutes and regulations which are in its opinion necessary or expedient for the administration of the affairs of the University (so as the same be not repugnant to any existing law or to the provisions of this Ordinance or in the case of regulations to any such statute):</p> <p>“Provided that no statute shall come into force until it has been approved by the Governor-General.</p>
9	<p>By inserting, after the word “establishment” where it first appears, the words “situated within the Otago University District”.</p>
10	<p>By adding, as subsections (2) and (3), the following subsections:</p> <p>“(2) All such statutes and regulations shall have effect according to their tenor, and shall be published by the Council.</p> <p>“(3) A copy of any such statute or regulation under the seal of the University shall be sufficient evidence in all Courts of the same and of its having been made and (where necessary) approved in accordance with this Ordinance.</p>

Section of Principal Ordinance	Amendment
11	<p>By repealing this section, and substituting the following section:</p> <p>“11 Council to confer degrees</p> <p>“(1) The said Council shall have power to confer any degree or to award any other academic qualification specified in the Schedule to this Ordinance.</p> <p>“(2) The Council may from time to time, by statute, add to or omit from the list of degrees and other academic qualifications specified in the Schedule to this Ordinance the name or description of any degree or other academic qualification or otherwise amend the list; and every such statute shall have effect according to its tenor:</p> <p>“Provided that no statute adding to the said list of degrees shall come into force until it has been approved by the University Grants Committee.</p>
13	<p>By repealing this section and substituting the following section:</p> <p>“13 Council to report annually</p> <p>“(1) The said Council shall during the month of April in every year report the proceedings of the University during the previous year to the Visitor, the Minister of Education, and the University Grants Committee.</p> <p>“(2) The Council shall also, as soon as practicable after the end of every financial year of the University furnish to the Min-</p>

Section of Principal Ordinance	Amendment
	ister of Education and to the University Grants Committee a statement of the assets and liabilities of the University as at the end of that financial year, together with an account of income and expenditure showing the financial transactions for that year, which statement and account shall be audited by the Audit Office.
14	By omitting the words “Superintendent of the said Province for the time being”, and substituting the word “Governor-General”.

Schedule 3
Schedule to principal ordinance
[Repealed]

Section 39(3)

Schedule 3 was repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

Schedule 4
University of Otago Ordinance 1869

Section 39(4)

Clause 1 Proviso and cls 2 to 14 and SCHEDULE were repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

**IN THE THIRTY-SECOND YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA**

SESSION XXV No 280

An Ordinance to incorporate the University of Otago

Preamble

WHEREAS it is expedient to promote sound learning in the Province of Otago in the Colony of New Zealand and with that intent to establish and incorporate a University at Dunedin in the said Province of Otago open to all classes and denominations of Her Majesty's subjects:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago by and with the advice and consent of the Provincial Council thereof as follows:

1 Constitution of University

A University shall be established at Dunedin aforesaid and when duly constituted and appointed according to the provisions of this Ordinance shall be a body corporate by the name of the University of Otago and by that name shall have perpetual succession and shall adopt and have a common seal and shall by the same name sue and be sued, plead and be impleaded, answer and be answered unto in all Courts of New Zealand, and shall be capable in law to receive, purchase, and hold all goods, chattels, and personal property whatsoever and shall also be able and capable in law to receive, purchase, and hold for ever not only such lands, buildings, hereditaments, and possessions as may from time to time be exclusively used and occupied by the said University for its immediate requirements but also any other lands, buildings, hereditaments, and possessions whatsoever situate in the said province or elsewhere, and shall be able and capable in law to grant, demise, alienate, or otherwise dispose of all or any of the property, real or personal, belonging to the said University, and also to do all other matters and things incidental or appertaining to a body corporate:

[Repealed]

2 Chancellor and Pro-Chancellor

[Repealed]

3 Custody of Seal

[Repealed]

- 5 Questions how decided**
[Repealed]
- 6 Chairmanship of Council**
[Repealed]
- 7 Council to have entire management of University**
[Repealed]
- 8 Statutes and regulations**
[Repealed]
- 9 Colleges may be affiliated**
[Repealed]
- 10 Statutes, etc, upon whom binding**
[Repealed]
- 11 Council to confer degrees**
[Repealed]
- 12 No religious test to be administered**
[Repealed]
- 13 Council to report annually**
[Repealed]
- 14 Governor-General to be Visitor**
[Repealed]

Schedule
Degrees and other academic qualifications
[Repealed]

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Notes

1 General

This is an eprint of the University of Otago Amendment Act 1961. The eprint incorporates all the amendments to the Act as at 29 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Immigration Act 2009 (2009 No 51): section 406(1)
