

UNIVERSITIES ACT 1997

**UNIVERSITY COLLEGE CORK –
NATIONAL UNIVERSITY OF IRELAND, CORK**

TRANSITION STATUTE

*adopted by the Governing Body
at its meeting on 20 October 2009*

and as amended by Amending Statute 1

1 *Repeal of former statutes*

On the date on which this Statute comes into effect, all former statutes of University College Cork (Statutes 1 to 178 of University College Cork, and Statutes A to P of University College Cork - National University of Ireland, Cork) are hereby repealed, except as provided in the following sections.

2 *University Structure*

Certain individual Faculties, Departments, Schools and other academic units within the University are established, governed or named by specific statutes. This includes (but is not limited to) the following:

- Department of Applied Social Studies (Statute 166.2)
- Department of Chemistry (Statute 100.4)
- Department of History (Statute 165.1)
- Department of Law (Statutes 147.3-4 and 173.2)
- Faculty of Food Science and Technology, and the Departments within it (Statutes 20, 55.14, 69.6-7, 145.2 and 176)
- School of Mathematics, Applied Mathematics and Statistics, and the Departments within it (Statute 172)

All such academic units shall remain in place under their statutes unless lawfully modified or closed (under the powers in Chapter E of the Principal Statute or otherwise), and relevant statutes shall remain in force to the extent necessary to achieve this.

3 *Pension rights*

Where any person is or will become entitled to a pension under the statutes of the University, this entitlement shall not be in any way diminished or affected by the repeal in section 1 above. In particular (but without placing any limit on the preceding sentence) the following statutes will remain in force, to the extent that they create, define or regulate pension entitlements, until lawfully modified or repealed:

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|---------|---------|---------------|
| 79 | 125.5 | 143.1 |
| 80.28 | 129.1-3 | 145.1 |
| 85.1.2 | 132.2-3 | 147.2.3 and 5 |
| 94.4 | 136.3 | 147.6 |
| 96.4 | 137.3 | 160.1-3 |
| 98.2 | 138.1 | 161.3 |
| 108.3-6 | 138.2 | 163.2 |
| 119.3 | 141.2 | 164.4 |
| 120.2 | 141.7 | 171.2 |
| 121.2 | 142.6 | G.1.1 |

4 *Rights of pre-Universities Act officers*

The Universities Act, 1997, which entered into force on 16 June 1997, s 25(8), provides as follows:

“For the removal of doubt, it is hereby declared that—

- (a) the rights and entitlement in respect of tenure, remuneration, fees, allowances, expenses and superannuation enjoyed on the commencement of this section by persons who are employees, and in the case of superannuation, former employees, of a university to which this Act applies shall not, by virtue of the operation of this Act, be any less beneficial than those rights and entitlements enjoyed by those persons as employees of the university or corresponding constituent college or Recognised College immediately before that commencement, and
- (b) the conditions of service, restrictions and obligations to which such persons were subject immediately before the commencement of this Act shall, unless they are varied by agreement, continue to apply to such persons and shall be exercised or imposed by the university or the chief officer as may be appropriate, while such persons are employed by the university.”

Accordingly, section 1 above shall not operate to render less beneficial the rights or entitlements described in (a), or to alter the conditions of service, restrictions and obligations described in (b). Relevant statutes of the University shall remain in force to the extent necessary to achieve this. So for example:

Where treatment of complaints against a particular officer is governed by Statute 1.4.15-16, then section 1 above shall not affect the operation of those sections; and

Where an officer’s tenure is governed by Statutes 1.15.9, 1.34 or 79.1.7.a, then section 1 above shall not affect the operation of those provisions.

5 *Titles of offices*

Any title of a University office or category of office in the Principal Statute shall be understood as including the corresponding office under the legal regime that existed before the Universities Act, 1997 (except where such a reading would infringe upon the rights guaranteed by the preceding section). So for example:

References in the Principal Statute to “Senior Lecturers” shall be understood to include Statutory Lecturers, and

References in the Principal Statute to “Lecturers” shall be understood to include College Lecturers and Assistants.

By Amending Statute 1 (in force 14 December, 2010), the title of Associate Professor was changed to Professor (Scale 2), and the Principal Statute was amended accordingly. So references in the Principal Statute to “Professors (Scale 2)” shall include all Associate Professors (though references to “Professors” alone shall not). Any Associate Professor in post on 14 December, 2010 may still claim either title, for the duration of their tenure.

6 *Duties as stated in statute*

Where a University employee is in post on the date on which the Principal Statute comes into force, and his/her contractual duties (whether stated in earlier statutes or in their individual contract of employment) differ in any respect from those stated in the Principal Statute, then s/he is entitled to insist on his/her contract unless or until it is lawfully varied or terminated. So for example:

Where an employee’s duties are defined by Statutes 1.4 (President), 1.15 (Professors and Lecturers), 122.1.3 (Associate Professors) or I.1 (Registrar), then section 1 above shall not impose additional or different duties on him/her.

Where an employee was in post on 15 January 1980, and so is not subject to Statute 124.5 (residence requirement), then section 1 above shall not operate to impose such a requirement under the corresponding section of the Principal Statute (F.2.c).

7 *Headship of Department*

Where a University employee is in post on the date on which the Principal Statute comes into force, then the questions of:

- a. Whether s/he can be required to act as Head of Department,
- b. Whether s/he may require the University to appoint him/her as Head of Department, and
- c. Whether s/he is obliged to act under the general direction of the Head of his/her Department ,

are to be determined by reference to his/her individual rights under his/her contract of employment, and nothing in the Principal Statute (whether in E.4.c or any other section) shall operate to affect his/her rights in this regard. So for example, an employee who is not subject to the following statutes shall not be subject to the corresponding provisions of the Principal Statute (unless his/her contract is lawfully varied to achieve this):

Statute 140.1 (multi-professor Departments)

Statute 143.5 (appointment of Head of Department)
Statute 171.8 (duties of Associate Professors).

8 *Terminology: "College Session"*

Where any contract of employment of any employee refers to "the College Session", then this phrase shall continue to have the meaning given to it by statute 1.35, notwithstanding the repeal of that provision by section 1 above.

9 *Appointment procedures*

The appointment procedures in Statute C for any officer or class of officer (except the President) shall remain in force until the Governing Body shall specify a procedure for the appointment of that officer or class of officer by regulation.

10 *Date in force*

This statute shall come into effect contemporaneously with the Principal Statute.