

Reprint  
as at 1 August 2020



## Lincoln University Act 1961

Public Act      1961 No 52  
Date of assent      8 November 1961  
Commencement      see section 1(2)

Act name: amended, on 1 January 1990, by section 49(2)(a) of the Education Amendment Act 1989 (1989 No 156).

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
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**This Act is administered by the Ministry of Education.**

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## **An Act to constitute Lincoln University**

**Title:** amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

### **1 Short Title and commencement**

(1) This Act may be cited as the Lincoln University Act 1961.

(2) This Act shall come into force on 1 January 1962:

provided that section 7 shall come into force on the passing of this Act.

Section 1(1): amended, on 1 January 1990, by section 49(2)(b)(i) of the Education Amendment Act 1989 (1989 No 156).

## 2 Interpretation

(1) In this Act, unless the context otherwise requires,—

**assisted student** means an international student who is in New Zealand to study under an assistance programme administered by the New Zealand Government

**the Council** means the Council of Lincoln University constituted in accordance with subpart 3 of Part 4 of the Education and Training Act 2020

**domestic student** means a person who is not an international student

**exempt student** means an international 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)

**international 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

**lecturer** means a member of the staff of Lincoln University 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

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

**the Registrar** means the Registrar of Lincoln University

**Secretary** means the chief executive of the Ministry of Education

**the University** means Lincoln University constituted under this Act.

(2) In the absence of proof to the contrary,—

(a) a certificate signed by the chief executive of the Ministry of Foreign Affairs and Trade that on a specified day, or for a specified period, a specified person was or was not, or will or will not be in New Zealand to study under an assistance programme administered by the New Zealand Government; or

(b) a certificate signed by the Secretary that on a specified day, or for a specified period, a specified person was or was not, or will or will not be in

New Zealand to study under an exchange programme approved by the  
New Zealand Government,—

is, for the purposes of subsection (1), conclusive evidence of the matter certified; and judicial notice shall be taken of the signature on any such certificate of the chief executive or (as the case may be) the Secretary.

Compare: 1930 No 31 s 2

Section 2(1) **assisted student**: inserted, on 1 January 1990, by section 52(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **assisted student**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **the Chairman**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the College**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Council**: replaced, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Council**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **the Deputy Chairman**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **domestic student**: inserted, on 1 January 1990, by section 52(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **domestic student**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **exempt student**: inserted, on 1 January 1990, by section 52(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **exempt student**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **financial year**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **foreign student**: repealed, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **general course of study**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **international student**: inserted, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **lecturer**: amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **Minister**: inserted, on 1 January 1990, by section 52(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **personal course of study**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Principal**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **professor**: amended, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Professorial Board**: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(1) **the Registrar**: amended, on 1 January 1990, by section 49(2)(b)(ii) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **Secretary**: inserted, on 1 January 1990, by section 52(2) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **the University**: inserted, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 2(2): inserted, on 1 January 1990, by section 52(3) of the Education Amendment Act 1989 (1989 No 156).

Section 2(2): amended, on 1 July 1993, pursuant to section 9(2) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

### 3 Constitution of University

- (1) For the advancement of knowledge and the dissemination and maintenance thereof by teaching and research there shall be a University to be called Lincoln University.
- (2) The University shall consist of the Council, the professors emeriti, the professors, lecturers, Registrar and librarian of the University for the time being in office, the graduates and undergraduates of the University, the graduates of the University of New Zealand or of the University of Canterbury who studied at Canterbury Agricultural College or Lincoln College, the holders of diplomas granted by Lincoln College before the commencement of this section or by the University after that commencement, and such other persons and classes of persons as the Council may from time to time determine.
- (3) The University shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and may suffer all that bodies corporate may do and suffer.
- (4) The University established by this section is the same institution as the institution of the same name that existed immediately before the commencement of this section.

Section 3: replaced, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

### 4 Court of Convocation

- (1) There shall be a Court of Convocation for Lincoln University.
- (2) The said Court of Convocation shall consist of the persons whose names are enrolled on a register to be kept by the Registrar.
- (3) The power of the Council under section 284 of the Education and Training Act 2020 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 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.

- (4) The said court may make representations to the Council on any matter concerning the interests of the University.

Section 4: replaced, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

Section 4(3): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

## **5 Visitor of the College**

*[Repealed]*

Section 5: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

### *The Council*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

## **6 Constitution of Council**

*[Repealed]*

Section 6: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

## **7 Transitional provisions**

*[Repealed]*

Section 7: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

## **8 Term of office**

*[Repealed]*

Section 8: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

## **9 Employees as Council members**

*[Repealed]*

Section 9: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**10 Disqualification of members of Council**

*[Repealed]*

Section 10: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**11 Casual vacancies in Council**

*[Repealed]*

Section 11: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**12 Proceedings of Council not affected by vacancies, etc**

*[Repealed]*

Section 12: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**13 Election of members**

*[Repealed]*

Section 13: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**14 Meetings of Council**

*[Repealed]*

Section 14: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**15 Special meetings of Council**

*[Repealed]*

Section 15: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**16 Council may appoint committees**

*[Repealed]*

Section 16: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Powers of the Council*

**17 Council to be governing body of College**

*[Repealed]*

Section 17: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**18 Appointment of professors, lecturers, etc**

*[Repealed]*

Section 18: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).



**18A Council to consult staff organisation about conditions of employment of academic staff**

*[Repealed]*

Section 18A: repealed, on 19 December 1989, by section 30(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**19 Provision of courses and conferment of degrees and other academic qualifications**

*[Repealed]*

Section 19: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**20 Award of fellowships, etc**

The Council shall have power, under such conditions as it thinks fit, to award fellowships, scholarships, bursaries, and prizes, and to make other awards.

**21 Lectures to members of the public**

The Council shall have power to provide such lectures and instruction for any persons, whether or not they are members of the University, as it thinks fit, and on such conditions as it thinks fit, and may award certificates to any of them.

**22 Power to make statutes and regulations**

*[Repealed]*

Section 22: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**23 Seal of the College**

*[Repealed]*

Section 23: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**24 Admission of students**

*[Repealed]*

Section 24: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Chairman and Deputy Chairman of Council*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**25 Chairman of the Council**

*[Repealed]*

Section 25: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**26 Election of Deputy Chairman**

*[Repealed]*

Section 26: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**27 Right to preside at meetings of Council**

*[Repealed]*

Section 27: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*The Principal and Vice-Principal*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**28 Principal**

*[Repealed]*

Section 28: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**29 Vice-Principal**

*[Repealed]*

Section 29: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*The Professorial Board*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**30 Constitution of Professorial Board**

*[Repealed]*

Section 30: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**31 Chairman of Professorial Board**

*[Repealed]*

Section 31: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**32 Meetings of Professorial Board**

*[Repealed]*

Section 32: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**33 Proceedings of Professorial Board not affected by vacancies, etc**

*[Repealed]*

Section 33: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**34 Functions of Professorial Board**

*[Repealed]*

Section 34: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**35 Professorial Board may appoint committees**

*[Repealed]*

Section 35: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**36 Council to consult Professorial Board on academic matters**

*[Repealed]*

Section 36: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Financial provisions*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**37 Benefactions to be strictly applied**

*[Repealed]*

Section 37: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**38 Bulk funding**

*[Repealed]*

Section 38: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**39 Money to be paid into bank**

*[Repealed]*

Section 39: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**40 Loan money to be paid into a separate account**

*[Repealed]*

Section 40: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**41 Investment of money**

*[Repealed]*

Section 41: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**42 Provision for Common Fund investment**

*[Repealed]*

Section 42: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**43 Travelling allowances and expenses of members of Council**

*[Repealed]*

Section 43: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**44 Council may insure members against personal accident while engaged in duties**

*[Repealed]*

Section 44: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**45 Unauthorised expenditure of Council**

*[Repealed]*

Section 45: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**46 Council to prescribe fees**

*[Repealed]*

Section 46: repealed, on 1 January 1990, by section 52(1) of the Education Amendment Act 1989 (1989 No 156).

**46A Fees for domestic students**

*[Repealed]*

Section 46A: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**46B Fees for foreign students**

*[Repealed]*

Section 46B: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**47 Fees payable to associations of students**

*[Repealed]*

Section 47: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**48 Grants by Council to associations of staff or students**

*[Repealed]*

Section 48: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**49 Powers of Council in respect of property**

*[Repealed]*

Section 49: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**50 Special powers**

*[Repealed]*

Section 50: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**51 Power to borrow by way of overdraft or temporary loan**

*[Repealed]*

Section 51: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**52 Annual report and statement of accounts**

*[Repealed]*

Section 52: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

*Repeals, amendments, and savings*

*[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**53 Consequential amendments**

*[Repealed]*

Section 53: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**54 Repeals and savings**

*[Repealed]*

Section 54: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**Schedule 1**

**Diplomas**

*[Repealed]*

s 19(2)

Schedule 1: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**Schedule 2**

**Enactments repealed**

*[Repealed]*

s 54(1)

Schedule 2: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

## Reprints notes

### **1** *General*

This is a reprint of the Lincoln University Act 1961 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Education and Training Act 2020 (2020 No 38): section 668

Foreign Affairs Amendment Act 1993 (1993 No 48): section 9(2)

Education Amendment Act 1990 (1990 No 60): section 50(4)

Education Amendment Act 1989 (1989 No 156): sections 49(2)(a), (b)(i), 52

State Sector Amendment Act (No 2) 1989 (1989 No 136): section 30(1)