

*These notes relate to the Higher Education Governance (Scotland)
Act 2016 (asp 15) which received Royal Assent on 13 April 2016*

HIGHER EDUCATION GOVERNANCE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Governance Arrangements

Chapter 1: Governing bodies

Senior lay member of governing body

Section 8: Appointment and tenure

17. Subsection (1) of section 8 places a duty on the governing body to appoint the winning candidate in an election (as determined under section 7) to the position of senior lay member. Subsection (2) provides that appointment is to be made for the period specified in rules made by the governing body. Those rules may also specify that this period can be extended, without the need for the individual to seek re-election. Subsection (3) provides that appointment under section 8 (i.e. appointment following an election under section 7) is the only way in which a senior lay member may be appointed. Should the winning candidate decline to be appointed or be unable to take up the position, there would be a subsisting vacancy and the recruitment process would have to begin again from the point of advertisement under section 4.