

# HIGHER EDUCATION GOVERNANCE (SCOTLAND) ACT 2016

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: General Provisions**

##### ***Section 24: Ancillary regulations***

48. **Section 24(1)** gives the Scottish Ministers the power, by regulations, to make such supplemental, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of or in connection with the Act. Section 24(2)(a) provides that these regulations will be subject to the affirmative procedure when they add to, replace, or omit any part of the Act or any other Act. Section 24(2)(b) provides that, in all other circumstances, regulations will be subject to the negative procedure.

##### ***Section 25: Consequential modifications***

49. **Section 25** introduces a schedule to the Act making a number of consequential amendments to, or modifications of, other enactments as a result of the Act. Paragraph 1 of the schedule makes consequential amendments to the Universities (Scotland) Act 1858. Paragraph 2 of the schedule makes consequential amendments to the Universities (Scotland) Act 1889. Finally, paragraph 3 makes consequential amendments to the Universities (Scotland) Act 1966. The consequential amendments are necessary as a result of the Act's provisions on the appointment of senior lay members of governing bodies, the composition of governing bodies of HEIs and the composition of academic boards.

##### ***Section 26: Commencement***

50. **Section 26(1)** brings sections 26 and 27 (which provides for the Act's short title) into force on the day after Royal Assent. Section 26(2) provides that the other provisions in the Act come into force on a day appointed by the Scottish Ministers in regulations. Section 26(3)(a) allows the Scottish Ministers by regulations made under subsection (2) to bring the other provisions of the Act into force on different days for different purposes and section 27(3)(b) allows the Scottish Ministers to include transitional, transitory or saving provision in those regulations.