

*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 6: When election to be arranged

15. Subsection (1) of section 6 places a duty on the governing body of each HEI to arrange an election for the position of senior lay member if more than one applicant for the position is entitled to stand as a candidate in the election, in the terms described in section 5, and confirms an intention to stand as a candidate. If fewer than two candidates are entitled to stand under section 5 then there would be a subsisting vacancy and the recruitment process would have to begin again from the point of advertisement under section 4. Where an HEI has arranged such an election but the number of candidates subsequently falls below two, subsection (2) of section 6 requires the HEI to postpone the election until it can be held with more than one candidate. In such a case, the vacancy would need to be advertised again, but any subsisting candidate remains entitled to stand in that reconvened election without the need to reapply or be interviewed again. Subsection (3) requires HEI governing bodies to offer reimbursement of campaigning expenses to candidates standing for election up to a limit to be fixed by the governing body. That limit is to apply per candidate and must apply equally to every candidate.