

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 4: Advertisement and application

13. **Section 4** sets out requirements in relation to advertisement of a current or upcoming vacancy in the position of senior lay member, as described in section 1. Section 4(1) obliges an HEI's governing body to advertise such a vacancy widely in a manner suitable for bringing it to the attention of a broad range of persons. Section 4(2) requires that the committee to whom responsibility has been delegated for devising the relevant criteria with respect to the position of senior lay member must ensure that the advert includes certain things. Specifically, it must set out the functions exercisable by the senior lay member under section 1(2), summarise the relevant criteria and state how more information about those criteria can be obtained, as well as explaining the appointment process, how the application form can be obtained, that expenses can be met for attending an interview and campaigning in an election, and that remuneration and allowances are available for holding the position. Section 4(2)(a) does not require the advert to make reference to functions beyond those specified in section 1(2). In the case of the ancient universities at which there is a rector, the senior lay member's functions under paragraphs (a) and (b) of section 1(2) are subject to the preservation of the functions of the rector by section 2 as discussed above and so the terms of the advertisement will need to reflect this. In that and any other case, there is no requirement as to the level of detail that the advert must contain when explaining the matters in section 4(2) and so this remains a decision for the HEI.