

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Higher Education (Freedom of Speech) Act 2023, Paragraph 15. (See end of Document for details)*

## SCHEDULE

### MINOR AND CONSEQUENTIAL AMENDMENTS

PROSPECTIVE

#### PART 2

##### COUNTER-TERRORISM AND SECURITY ACT 2015

- 15 (1) Section 31 (freedom of expression in universities etc) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), omit the final “or”;
  - (b) after paragraph (b) insert—
    - “(ba) a constituent college, school or hall or other institution in England or Wales of an institution within paragraph (b), or”.
- (3) In subsection (2), for paragraph (a) substitute—
- “(a) must have particular regard to the duty—
    - (i) to take steps to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986, if it is subject to that duty;
    - (ii) to take steps to secure freedom of speech imposed by section [A1\(1\)](#) of the Higher Education and Research Act 2017, if it is subject to that duty;”.
- (4) In subsection (3), for paragraph (a) substitute—
- “(a) must have particular regard to the duty—
    - (i) to take steps to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986, in the case of authorities that are subject to that duty;
    - (ii) to take steps to secure freedom of speech imposed by section [A1\(1\)](#) of the Higher Education and Research Act 2017, in the case of authorities that are subject to that duty;”.
- (5) In subsection (4), for paragraph (a) substitute—
- “(a) must have particular regard to the duty—
    - (i) to take steps to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986, in the case of an authority that is subject to that duty;
    - (ii) to take steps to secure freedom of speech imposed by section [A1\(1\)](#) of the Higher Education and Research Act 2017, in the case of an authority that is subject to that duty;”.
- (6) In subsection (5)—
- (a) omit the definition of “the duty to ensure freedom of speech”;
  - (b) for the definition of “academic freedom” substitute—
    - ““academic freedom”—

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- (a) in relation to a registered higher education provider or a constituent institution of such a provider has the meaning given by section 85(6) of the Higher Education and Research Act 2017;
- (b) in relation to an institution in Wales or an institution in Scotland means the freedom referred to in section 202(2)(a) of the Education Reform Act 1988;”;
- (c) after the definition of “academic freedom” (inserted by paragraph (b)) insert—
  - ““constituent institution”, in relation to a registered higher education provider, has the same meaning as in Part A1 of the Higher Education and Research Act 2017 (see section A4(4) of that Act);
  - “institution in Scotland” means an institution whose activities are carried on, or principally carried on, in Scotland;
  - “institution in Wales” means an institution whose activities are carried on, or principally carried on, in Wales;”;
- (d) for the definition of “qualifying institution” substitute—
  - ““qualifying institution” means any of the following—
  - (a) a registered higher education provider,
  - (b) a constituent institution of such a provider, and
  - (c) an institution in Wales or an institution in Scotland which is a qualifying institution for the purposes of section 202 of the Education Reform Act 1988;”;
- (e) after the definition of “qualifying institution” (inserted by paragraph (d)) insert—
  - ““registered higher education provider” has the meaning given by section 3(10)(a) of the Higher Education and Research Act 2017.”

#### Commencement Information

- II** Sch. para. 15 not in force at Royal Assent, see [s. 13\(3\)](#)

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