

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, PART 2. (See end of Document for details)

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PROSPECTIVE

PART 2

COUNTER-TERRORISM AND SECURITY ACT 2015

14 The Counter-Terrorism and Security Act 2015 is amended as follows.

Commencement Information

II Sch. para. 14 not in force at Royal Assent, see [s. 13\(3\)](#)

- 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;”.

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(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”—
 - (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

I2 Sch. para. 15 not in force at Royal Assent, see [s. 13\(3\)](#)

16 In section 32 (monitoring of performance: further and higher education bodies), in subsection (1)—

- (a) in paragraph (b) of the definition of “relevant further education body”, after “students” insert “, excluding students undertaking distance learning courses,”;
- (b) in paragraph (b) of the definition of “relevant higher education body”, after “students” insert “, excluding students undertaking distance learning courses,”.

Commencement Information

I3 Sch. para. 16 not in force at Royal Assent, see [s. 13\(3\)](#)

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- 17 In Schedule 6 (list of authorities subject to the duty to have due regard to the need to prevent people from being drawn into terrorism), in Part 1 (England and Wales), under the heading “Education, child care etc”, in the entry beginning “The governing body of a qualifying institution”, after “2004” insert “, disregarding paragraphs (da) and (ea) of that section and the definition of “institution” in section 21(1) of that Act”.

Commencement Information

- I4** Sch. para. 17 not in force at Royal Assent, see [s. 13\(3\)](#)

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