
Changes to legislation: There are currently no known outstanding effects for the Higher Education (Freedom of Speech) Act 2023, Paragraph 11. (See end of Document for details)

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

HIGHER EDUCATION AND RESEARCH ACT 2017

- 11 (1) Section 85 (other definitions) is amended as follows.
- (2) In subsection (1)—
- (a) before the definition of “an access and participation plan condition” insert—
““academic freedom” has the meaning given by subsection (6);”;
 - (b) after the definition of “a fee limit condition” insert—
““constituent institution”, in relation to a registered higher education provider, has the same meaning as in Part A1 (see section A4(4));”;
 - (c) after the definition of “foundation degree only authorisation” insert—
“references to freedom of speech have the same meaning as in Part A1 (see section A1(13));”;
 - (d) after the definition of “the institutional autonomy of English higher education providers” insert—
““member”, in relation to a registered higher education provider or a constituent institution of such a provider, has the same meaning as in Part A1 (see sections A1(13) and A4(4));
“member”, in relation to a students’ union which is a representative body and not an association (see section 20(1)(b) of the Education Act 1994), means those whom it is the purpose of the union to represent, excluding any student who has signified that they do not wish to be represented by it;”;
 - (e) after the definition of “registered higher education provider” insert—
““registered higher education provider that is eligible for financial support” means a registered higher education provider that is an eligible higher education provider for the purposes of section 39;”;
 - (f) after the definition of “sector-recognised standards” insert—
““students’ union”, in relation to any institution, has the same meaning as it has in Part 2 of the Education Act 1994 in relation to establishments to which that Part applies (see section 20 of that Act);”.
- (3) After subsection (5) insert—
- “(6) In this Part, “academic freedom”, in relation to academic staff at an institution, means their freedom within the law—
- (a) to question and test received wisdom, and
 - (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in any of the ways described in subsection (7).
- (7) Those ways are—
- (a) loss of their jobs or privileges at the institution;
 - (b) the likelihood of their securing promotion or different jobs at the institution being reduced.”

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Commencement Information

II Sch. para. 11 in force at Royal Assent, see **s. 13(1)(f)**

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