



Higher Education (Freedom of Speech) Act 2023

2023 CHAPTER 16

Functions of the Office for Students

7 Regulation of duties of students' unions

- (1) After section 69A of the Higher Education and Research Act 2017 (inserted by section 5) insert—

“69B Functions of the OfS in relation to students' unions

- (1) The OfS must monitor whether students' unions to which sections [A5](#) and [A6](#) apply are complying with their duties under those sections.
- (2) The OfS may impose a monetary penalty on a students' union if it appears to the OfS that it is failing or has failed to comply with any of its duties under those sections.
- (3) A “monetary penalty” is a requirement to pay the OfS a penalty of an amount determined by the OfS in accordance with regulations made by the Secretary of State.
- (4) The Secretary of State may by regulations make provision about matters to which the OfS must, or must not, have regard in exercising its power under subsection (2).
- (5) Schedule 3 (monetary penalties: procedure etc) applies in relation to the imposition of a penalty on a students' union under subsection (2), but as if—
 - (a) references to a registered higher education provider or the governing body of such a provider were references to the students' union, and
 - (b) references to section 15 were references to subsection (2).
- (6) The OfS must maintain a list of the students' unions to which, according to the information held by the OfS, sections [A5](#) and [A6](#) apply.

Changes to legislation: There are currently no known outstanding effects for the Higher Education (Freedom of Speech) Act 2023, Section 7. (See end of Document for details)

- (7) The OfS must make the list maintained under subsection (6) publicly available by such means as it considers appropriate.
- (8) A students' union to which sections A5 and A6 apply must provide the OfS, or a person nominated by the OfS, with such information for the purposes of the performance of the OfS's functions under this section as the OfS may require it to provide.
- (9) If a students' union fails to comply with a requirement under subsection (8) and does not satisfy the OfS that it is unable to provide the information, the OfS may enforce the duty to comply with the requirement in civil proceedings for an injunction."
- (2) In section 119 of that Act (regulations), in subsection (2)(b), after "15(2)" insert "or 69B(3)".

Commencement Information

- II** S. 7 in force at Royal Assent for specified purposes, see s. 13(1)(a)

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