

LORDS AMENDMENTS TO THE
HIGHER EDUCATION (FREEDOM OF SPEECH) BILL

[The page and line references are to HL Bill 30, the bill as first printed for the Lords]

Clause 1

- 1 Page 2, line 4, leave out “, beliefs or views” and insert “or opinions”
- 2 Page 2, line 5, leave out “, beliefs or views” and insert “or opinions”
- 3 Page 2, line 34, at end insert—
- “(10A) In order to achieve the objective in subsection (2), the governing body of a registered higher education provider must secure that the provider does not enter into a non-disclosure agreement with a person referred to in that subsection in relation to a relevant complaint made to the provider by the person (and if such a non-disclosure agreement is entered into it is void).
- (10B) In subsection (10A)—
- “non-disclosure agreement” means an agreement which purports to any extent to preclude the person from—
- (a) publishing information about the relevant complaint, or
- (b) disclosing information about the relevant complaint to any one or more other persons;
- “relevant complaint” means a complaint relating to misconduct or alleged misconduct by any person;
- “misconduct” means—
- (a) sexual abuse, sexual harassment or sexual misconduct, and
- (b) bullying or harassment not falling within paragraph (a).”
- 4 Page 2, line 36, leave out from “speech” to end of line 38 and insert “are to the freedom to impart ideas, opinions or information (referred to in Article 10(1) of the Convention as it has effect for the purposes of the Human Rights Act 1998) by means of speech, writing or images (including in electronic form);”

5 Page 2, line 38, at end insert—
““the Convention” has the meaning given by section 21(1) of the
Human Rights Act 1998;”

6 Page 2, line 38, at end insert—
““member”, in relation to a registered higher education provider, does
not include a person who is a member of the provider solely
because of having been a student of the provider;”

Clause 2

7 Page 4, line 14, at end insert—
““member”, in relation to a constituent institution of a registered
higher education provider, does not include a person who is a
member of the institution solely because of having been a student
of the institution;”

Clause 3

8 Page 4, line 41, leave out “, beliefs or views” and insert “or opinions”

9 Page 4, line 43, leave out “, beliefs or views” and insert “or opinions”

Clause 4

10 Leave out Clause 4

Clause 5

11 Page 7, line 12, leave out “the promotion of” and insert “how to support”

Schedule

12 Page 19, line 40, at end insert—
“(ca) 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(11) 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;”;

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**Higher Education (Freedom of
Speech) Bill**

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