
Lords Message: Thursday 30 March 2023

Higher Education (Freedom of Speech) Bill (Motions relating to Lords Amendments)

This document should be read alongside the amendments the Lords have made to this Bill.

This paper sets out any motions to disagree, change or comment on amendments proposed by the Lords.

The motions are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: LA 10E(a)

Lords Amendment No. **10E**

Miriam Cates

To move, That this House disagrees with the Lords in their Amendment 10E but proposes the following Amendment to the Bill in lieu of that amendment:—

★ Page 6, line 27, at end insert—

(a)

- “(2) For the purposes of subsection (1) loss may be pecuniary or non-pecuniary.
- (3) In civil proceedings under subsection (1) the defendant may at any time after acknowledgement of service, and before delivering any pleadings or taking any other step in the proceedings, apply to the court or tribunal to stay the proceedings.
- (4) On an application under subsection (3) the court may make an order staying the civil proceedings if it is satisfied—
- (a) that there is no sufficient reason why the matter should not be determined under the free speech complaints scheme, having particular regard to:
 - (i) the value of the claim; and
 - (ii) the extent to which determination of the claim will entail a decision on the legal rights and obligations of parties to the proceedings, in particular rights and obligations under the Convention;
 - (b) that the applicant was at the time when the civil proceedings were commenced and still remains ready and willing to do all things necessary to the proper conduct of the investigation under the free speech complaints scheme; and

- (c) that the length of the stay is reasonable having regard to the likely duration of the investigation under the free speech complaints scheme.
 - (5) Nothing in this section affects the power of a court or tribunal to order injunctive relief in relation to any breach or threatened breach of a duty imposed by this Act, and there is no requirement that a claimant show that he will suffer a loss (whether pecuniary or non-pecuniary) in order to obtain such relief.”
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