



# Higher Education Act 2004

## 2004 CHAPTER 8

### PART 2

#### REVIEW OF STUDENT COMPLAINTS

#### **17 Privilege in relation to law of defamation**

- (1) For the purposes of the law of defamation, any proceedings relating to the review under the scheme of a qualifying complaint are to be treated as if they were proceedings before a court.
- (2) For those purposes, absolute privilege attaches to the publication of—
  - (a) any decision or recommendation made under the scheme by a person responsible for reviewing a qualifying complaint, and
  - (b) any report under paragraph 6 or 7 of Schedule 3.
- (3) In this section “the scheme” means the scheme for the review of qualifying complaints provided by the designated operator.

#### **Commencement Information**

- I1** S. 17 in force for E. at 1.11.2004 by [S.I. 2004/2781](#), [art. 2](#)
- I2** S. 17 in force for W. at 1.12.2004 by [S.I. 2004/3144](#), [Sch. Pt. 1](#)

**Changes to legislation:**

Higher Education Act 2004, Section 17 is up to date with all changes known to be in force on or before 02 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(1) s. 11 renumbered as s. 11(1) by [2022 asc 1 s. 128\(2\)\(a\)](#)
- s. 11(1)(a) words substituted by [2022 asc 1 Sch. 4 para. 16\(2\)](#)
- s. 11(2)-(5) inserted by [2022 asc 1 s. 128\(2\)\(b\)](#)
- s. 12(2A) inserted by [2022 asc 1 s. 128\(3\)\(a\)](#)
- Sch. 2 para. 3(2)(d) inserted by [2023 c. 16 Sch. para. 19](#)