Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 5
RISK OF BEING DRAWN INTO TERRORISM

CHAPTER 1
PREVENTING PEOPLE BEING DRAWN INTO TERRORISM

31 Freedom of expression in universities etc

(1) This section applies to a specified authority if it is the proprietor or governing body of—
   (a) an institution that provides further education (within the meaning given by section 2(3) of the Education Act 1996),
   (b) an institution that provides courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses),
   (c) a post-16 education body within the meaning of the Further and Higher Education (Scotland) Act 2005.

(2) When carrying out the duty imposed by section 26(1), a specified authority to which this section applies—
   (a) must have particular regard to the duty to ensure freedom of speech, if it is subject to that duty;
   (aa) must have particular regard to the need to ensure freedom of speech, if it is the proprietor or governing body of an institution mentioned in subsection (1)(c);
   (b) must have particular regard to the importance of academic freedom, if it is the proprietor or governing body of a qualifying institution.

(3) When issuing guidance under section 29 to specified authorities to which this section applies, the Secretary of State—
   (a) must have particular regard to the duty to ensure freedom of speech, in the case of authorities that are subject to that duty;
(4) When considering whether to give directions under section 30 to a specified authority to which this section applies, the Secretary of State—

(a) must have particular regard to the duty to ensure freedom of speech, in the case of an authority that is subject to that duty;

F3(aa) must have particular regard to the need to ensure freedom of speech, in the case of an authority that is the proprietor or governing body of an institution mentioned in subsection (1)(c);]

(b) must have particular regard to the importance of academic freedom, in the case of an authority that is the proprietor or governing body of a qualifying institution.

(5) In this section—

“the duty to ensure freedom of speech” means the duty imposed by section 43(1) of the Education (No. 2) Act 1986;

“the need to ensure freedom of speech” means the need to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the institution in question and for visiting speakers;

“academic freedom” means the freedom referred to in section 202(2)(a) of the Education Reform Act 1988;

“qualifying institution” has the meaning given by section 202(3) of that Act.

---

**Textual Amendments**

| F1 | Word in s. 31(1)(a) omitted (25.3.2015) by virtue of The Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Amendment and Guidance) Regulations 2015 (S.I. 2015/928), regs. 2, 5(2) |
| F2 | S. 31(1)(c) and word added (25.3.2015) by The Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Amendment and Guidance) Regulations 2015 (S.I. 2015/928), regs. 2, 5(2) |
| F3 | S. 31(2)(aa) added (25.3.2015) by The Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Amendment and Guidance) Regulations 2015 (S.I. 2015/928), regs. 2, 5(3) |
| F4 | S. 31(3)(aa) added (25.3.2015) by The Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Amendment and Guidance) Regulations 2015 (S.I. 2015/928), regs. 2, 5(4) |
| F6 | Words in s. 31(5) added (25.3.2015) by The Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Amendment and Guidance) Regulations 2015 (S.I. 2015/928), regs. 2, 5(6) |

**Commencement Information**

| I1 | S. 31 partly in force at Royal Assent; s. 31(1)(3)(5) in force at Royal Assent, see s. 52(3)(d)(5) |
| I2 | S. 31(2)(4) in force at 1.7.2015 by S.I. 2015/956, reg. 4(c) |
Changes to legislation:
There are currently no known outstanding effects for the Counter-Terrorism and Security Act 2015, Section 31.