



# Higher Education (Freedom of Speech) Act 2023

## CHAPTER 16

### HIGHER EDUCATION (FREEDOM OF SPEECH) ACT 2023

#### *Duties to protect freedom of speech*

- 1 Duties of registered higher education providers
- 2 Duties of constituent institutions
- 3 Duties of students' unions
- 4 Civil claims

#### *Functions of the Office for Students*

- 5 General functions
- 6 Regulation of duties of registered higher education providers
- 7 Regulation of duties of students' unions
- 8 Complaints scheme
- 9 Overseas funding
- 10 Director for Freedom of Speech and Academic Freedom

#### *General*

- 11 Minor and consequential amendments
- 12 Extent
- 13 Commencement
- 14 Short title

**Changes to legislation:** Higher Education (Freedom of Speech) Act 2023 is up to date with all changes known to be in force on or before 27 May 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. (See end of Document for details) [View outstanding changes](#)

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- 1 The Higher Education and Research Act 2017 is amended as...
- 2 (1) Section 2 (general duties of the OfS) is amended...
- 3 In section 14 (public interest governance condition), omit subsection (7)....
- 4 (1) Section 36 (duty to protect academic freedom) is amended...
- 5 (1) Section 67B (publication of decision to conduct or terminate...
- 6 In section 67C (protection for defamation claims) after subsection (2)...
- 7 (1) Section 73 (costs recovery) is amended as follows.
- 8 In section 74 (grants from Secretary of State), in subsection...
- 9 (1) Section 75 (regulatory framework) is amended as follows.
- 10 In section 77 (Secretary of State directions), in subsection (2),...
- 11 (1) Section 85 (other definitions) is amended as follows.
- 12 (1) Schedule 1 (the Office for Students) is amended as...
- 13 (1) Schedule 7 (costs recovery etc) is amended as follows....  
PART 2 — COUNTER-TERRORISM AND SECURITY ACT 2015
- 14 The Counter-Terrorism and Security Act 2015 is amended as follows....
- 15 (1) Section 31 (freedom of expression in universities etc) is...
- 16 In section 32 (monitoring of performance: further and higher education...
- 17 In Schedule 6 (list of authorities subject to the duty...  
PART 3 — OTHER ACTS
- 18 In section 43 of the Education (No. 2) Act 1986...
- 19 In Schedule 2 to the Higher Education Act 2004 (conditions...

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1 coming into force by [S.I. 2024/566 reg. 2\(a\)](#)
- s. 2 coming into force by [S.I. 2024/566 reg. 2\(b\)](#)
- s. 3 coming into force by [S.I. 2024/566 reg. 2\(c\)](#)
- s. 4 coming into force by [S.I. 2024/566 reg. 2\(d\)](#)
- s. 5 coming into force by [S.I. 2024/566 reg. 2\(e\)](#)
- s. 6 coming into force by [S.I. 2024/566 reg. 3\(a\)](#)
- s. 7 coming into force by [S.I. 2024/566 reg. 2\(f\)](#)
- s. 8 coming into force by [S.I. 2024/566 reg. 2\(g\)](#)
- s. 9 coming into force by [S.I. 2024/566 reg. 3\(b\)](#)
- s. 11 coming into force by [S.I. 2024/566 reg. 2\(h\)](#)
- s. 11 coming into force by [S.I. 2024/566 reg. 3\(c\)](#)
- Sch. para. 1 coming into force by [S.I. 2024/566 reg. 2\(i\)](#)
- Sch. para. 2 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 4 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 5 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 6 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 7 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 8 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 10 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 13 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 14 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 15 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 16 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 17 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 18 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 19 coming into force by [S.I. 2024/566 reg. 2\(j\)](#)
- Sch. para. 1 coming into force by [S.I. 2024/566 reg. 3\(d\)](#)
- Sch. para. 3 coming into force by [S.I. 2024/566 reg. 3\(d\)](#)