

# Higher Education (Freedom of Speech) Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 1**

LORD COLLINS OF Highbury

Page 1, line 11, at end insert—

“(1A) “Freedom of speech” includes the freedom to—

- (a) teach,
- (b) conduct research,
- (c) engage in intellectual inquiry,
- (d) contribute to public debate,
- (e) criticise any institution,
- (f) be affiliated to any institution, and
- (g) be a member of a trade union body.

(1B) “Freedom of speech” does not include the freedom to espouse Holocaust denial.”

Page 2, line 6, at end insert—

“(4A) The objective in subsection (2) includes securing that no person listed in paragraphs (a) to (d) of subsection (2) is deprived of an ability to speak freely as a result of a non-disclosure agreement or confidentiality agreement between that person and the governing body of the registered higher education provider.

(4B) The provision in subsection (4A) does not prevent the use of a non-disclosure agreement in any case where the governing body and academic staff member agree that a non-disclosure agreement or confidentiality agreement is necessary for the protection of intellectual property.”

***Member’s explanatory statement***

*This amendment would ensure that non-disclosure or confidentiality agreements with higher education providers cannot obstruct a victim’s freedom of speech, save where they are necessary to protect intellectual property.*

**Clause 8**

LORD COLLINS OF HIGHBURY

Page 11, line 12, at end insert –

- “(2A) When assessing whether a free speech complaint is justified, the scheme must require the OfS to be mindful of –
- (a) the right of students to feel safe on university campuses, and
  - (b) other legal duties of governing bodies and students’ unions, specified in guidance which the Government must publish within three months of the passing of the Higher Education (Freedom of Speech) Act 2022.”

***Member’s explanatory statement***

*This amendment would ensure that free speech complaints are considered alongside other competing freedoms, such as the Equality Act 2010 and the Counter-Terrorism Act and Security Act 2015, which the Government must specify in guidance.*

**Clause 10**

LORD COLLINS OF HIGHBURY

Page 15, line 11, at end insert –

- “(1A) A person may not be appointed as the Free Speech Director if the person has at any time within the previous three years made a donation to a political party registered under the Political Parties, Elections and Referendums Act 2000.
- (1B) The person appointed as the Free Speech Director may not while in office make any donation to a political party registered under the Political Parties, Elections and Referendums Act 2000.
- (1C) The appointment for the Free Speech Director must be made by an independent advisory panel to be established by regulations made by the Secretary of State.
- (1D) The appointment of the Free Speech Director is subject to a confirmatory resolution of the relevant Select Committee of the House of Commons.
- (1E) A statutory instrument containing regulations under subparagraph (1C) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

***Member’s explanatory statement***

*This would ensure that the Free Speech Director has not recently and cannot while in office donate to a political party, and that they are only appointed subject to confirmation of an independent advisory panel, a Select Committee of the House of Commons and a resolution of each House of Parliament.*

**After Clause 11**

LORD COLLINS OF HIGHBURY

Insert the following new Clause –

**“Expiry**

- (1) This Act expires at the end of the period of three years beginning with the day on which it is passed, subject to subsection (4).
- (2) A Minister of the Crown may by regulations made by statutory instrument repeal any of the provisions of this Act after one year from the day on which it is passed if the Minister is not satisfied that the provision is working as intended.
- (3) Before the end of the period of three years beginning with the day on which this Act is passed a Minister of the Crown must lay before Parliament a written report on the effectiveness of the provisions of the Act.
- (4) A Minister of the Crown may by regulations made by statutory instrument –
  - (a) provide that this Act does not expire in accordance with subsection (1), in full or in part, subject to approval by resolution of both Houses of Parliament, or
  - (b) make transitional, transitory or saving provision in connection with the expiry of any provision of this Act.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

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*25 October 2022*

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