

Higher Education (Freedom of Speech) Bill

AMENDMENT
TO BE MOVED
ON REPORT

Clause 4

LORD MOYLAN

Page 6, line 27, at end insert—

“A8 Staying court proceedings

- (1) This section applies when a person brings civil proceedings before a civil court under section A7.
- (2) Where this section applies 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 that court to stay the proceedings.
- (3) On an application under subsection (2) 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; and
 - (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.”

Member’s explanatory statement

This new Clause gives the civil court the power to stay proceedings where it appears that the OfS scheme should be tried and costs and resources avoided.

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