

Higher Education (Freedom of Speech) Bill

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

[The page and line references are to HL Bill 30, the bill as first printed for the Lords]

Clause 4

LORDS AMENDMENT 10

10 Leave out Clause 4

COMMONS REASON

The Commons disagree to Lords Amendment 10 for the following Reason –

10A *Because they consider civil proceedings to be an important means of obtaining a remedy for breach of duties imposed by the Bill.*

LORDS NON-INSISTENCE AND AMENDMENTS TO WORDS RESTORED

The Lords do not insist on their Amendment 10, to which the Commons have disagreed for their Reason 10A, and do propose Amendments 10B, 10C, 10D and 10E to the words so restored to the Bill –

10B Page 6, line 22, after “A1” insert “that causes the person to sustain loss”

10C Page 6, line 25, after “A1” insert “that causes the person to sustain loss”

10D Page 6, line 27, after “A5” insert “that causes the person to sustain loss”

10E Page 6, line 27, at end insert –

- “(2) A person may bring proceedings under subsection (1) only if –
- (a) the person has brought a complaint relating to the same subject matter as the proceedings under a relevant complaints scheme, and
 - (b) a decision has been made under that scheme as to the extent to which the complaint was justified.
- (3) Each of the following is a “relevant complaints scheme” –
- (a) the scheme provided by virtue of Schedule 6A (the free speech complaints scheme), and

- (b) the scheme for the review of qualifying complaints (within the meaning of section 12 of the Higher Education Act 2004) that is provided by the designated operator (within the meaning of section 13(5)(b) of that Act).”

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The Commons agree with the Lords in their Amendments 10B, 10C and 10D; disagree to their Amendment 10E, and do propose in lieu of their Amendment 10E the following Amendment to the words restored to the Bill by Commons disagreement to Lords Amendment 10 –

10F

Page 6, line 27, at end insert –

- “(2) In subsection (1), “loss” means loss of any kind (pecuniary or non-pecuniary).
- (3) A person may bring proceedings under subsection (1) only if –
 - (a) the person has brought a complaint relating to the same subject matter as the proceedings under a relevant complaints scheme, and
 - (b) a decision has been made under that scheme as to the extent to which the complaint was justified.
- (4) Each of the following is a “relevant complaints scheme” –
 - (a) the scheme provided by virtue of Schedule 6A (the free speech complaints scheme), and
 - (b) the scheme for the review of qualifying complaints (within the meaning of section 12 of the Higher Education Act 2004) that is provided by the designated operator (within the meaning of section 13(5)(b) of that Act).
- (5) Subsection (3) does not apply where the civil proceedings under subsection (1) are for an injunction only.”

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