

Freedom of Speech - Supporting Information

The Legislative Context

Background

The university operates in a complex legal environment and has a duty to ensure it complies with all legal obligations. This document aims to pull together the relevant legislation that the university must consider in order to comply with all of its legal requirements. *This document was produced in July 2025 and is correct at the time of production.

Conditions of Registration

The University is regulated by the Office for Students (OfS) which sets out [conditions of registration](#) to ensure quality and standards within higher education institutions.

In response to the [Higher Education \(Freedom of Speech\) Act 2023](#) two new conditions of registration related to free speech have been introduced which requires the University to take reasonably practicable steps to promote and protect freedom of speech within the law for students, staff and visiting speakers.

The OfS conditions of registration relating to free speech are known as the 'E conditions' or the [public interest principles](#). Condition E1 requires the University to uphold principles that explicitly reference freedom of speech and academic freedom. Condition E2, requires the University to practically deliver these principles.

The OfS take a risk-based approach to monitoring University performance and if the OfS identify the University is at risk of or is not complying with the conditions of registration its powers provide the facilities for it to investigate the activities of the University and potentially impose sanctions. More information can be found [here](#).

The University's Code of Practice for Freedom of Speech sets out how it will discharge its responsibilities in response to the [Education \(No 2\) Act 1986](#), the [Higher Education and Research Act 2017 \(HERA\)](#) and the Higher Education (Freedom of Speech) Act 2023

Other relevant legislation

There are other requirements that the University must also consider in order to comply with legislation and regulation, as well as the requirements relating to free speech and academic freedom. The below list is not exhaustive and in cases of uncertainty the university's requirement to secure free speech will be given particular regard alongside other relevant legislation.

The [Human Rights Act 1998](#) received royal assent on 9 November 1998 and came into force on 2 October 2000. Its aim was to incorporate into UK law the rights contained in the European Convention on Human Rights which safeguards freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10). These are qualified rights and subject to certain qualifications which are necessary in a democratic society.

The [Equality Act 2010](#) introduced a **general public sector equality duty (PSED)**, which public bodies, including universities, have to meet. The general duty has three aims and requires public bodies to have due regard for the need to:

1. Eliminate discrimination, harassment and victimisation,
2. Advance equality of opportunity between people who share a protected characteristic and those who do not,
3. Foster good relations between those who share a protected characteristic and those who do not.

The [Public Order Act 1986](#) contains various criminal offences relating to violent conduct and speech or actions that threaten violence creating fear for safety, harassment, alarm or distress. It is an offence under this act to use threatening, abusive or insulting words or behaviour with the intention or the likelihood of stirring up hatred on the grounds of race, religion or sexual orientation.

The [Terrorism Act 2000](#) and the [Terrorism Act 2006](#) define terrorism as the use of threat or serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological cause and contain criminal offences including inciting acts of terrorism, disseminating terrorist publications and belonging to or supporting [proscribed organisations](#).

The [Counter-Terrorism and Security Act 2015](#) (the Prevent Duty) places an obligation on the University to have due regard to the need to prevent people from being drawn into terrorism.

The [Protection from Harassment Act 1997](#) creates a civil and criminal offence for harassment and makes provision for protecting people from harassment.

The [Defamation Act 2013](#) reformed the law surrounding defamation to ensure a fair balance between the protection of reputations and freedom of expression.

The [Online Safety Bill 2021](#) aims to balance user safety with free speech principles.