STATUTORY INSTRUMENTS

2025 No. 528 (C. 23)

EDUCATION, ENGLAND

The Higher Education (Freedom of Speech) Act 2023 (Commencement No. 3) Regulations 2025

Made - - - - 28th April 2025

The Secretary of State makes these Regulations in exercise of the powers conferred by section 13(3) and (4) of the Higher Education (Freedom of Speech) Act 2023(**a**).

Citation and extent

1.—(1) These Regulations may be cited as the Higher Education (Freedom of Speech) Act 2023 (Commencement No. 3) Regulations 2025.

(2) These Regulations extend to England and Wales only, subject to paragraph (3).

(3) Regulation 2(g) extends to England and Wales and Scotland.

Provisions coming into force on 1st August 2025

2. The following provisions of the Higher Education (Freedom of Speech) Act 2023 come into force on 1st August 2025—

(a) section 1 (duties of registered higher education providers);

(b) section 2 (duties of constituent institutions);

(c) section 3 (duties of students' unions) insofar as it inserts the definition of "students' union" in a new section A5(6) of the Higher Education and Research Act 2017(**b**);

(d) section 5 (general functions);

(e) section 11 (minor and consequential amendments) insofar as it relates to the provisions in paragraphs (f) to (h);

(f) in Part 1 (Higher Education and Research Act 2017) of the Schedule (minor and consequential amendments)—

(i) paragraph 1 insofar as it relates to the provisions brought into force by sub-paragraphs (ii) to (viii);

(ii) paragraph 2(1) insofar as it relates to the provisions brought into force by sub-paragraphs (iii) and (iv);

(iii) paragraph 2(2);

(iv) paragraph 2(4);

(**a**) 2023 c. 16.
(**b**) 2017 c. 29.

(v) paragraph 3;

(vi) paragraph 4;

(vii) paragraph 8;

(viii) paragraph 10;

(g) Part 2 (the Counter-Terrorism and Security Act 2015) of the Schedule; and

(h) in Part 3 (other Acts) of the Schedule, paragraph 18.

Bridget Phillipson
Secretary of State for Education
Department for Education

28th April 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the third commencement regulations made under the Higher Education (Freedom of Speech) Act 2023 (c. 16) ("the Act"). They bring into force the provisions of the Act listed in regulation 2 on 1st August 2025.

Regulation 2(a) brings into force section 1 of the Act, which inserts new sections A1 to A3 into the Higher Education and Research Act 2017 (c. 29) ("the 2017 Act"). New sections A1 to A3 contain duties on registered higher education providers in relation to the protection of freedom of speech. Regulation 2(b) brings into force section 2 of the Act, which inserts new section A4 into the 2017 Act which places equivalent duties on constituent institutions of higher education providers. Regulation 2(c) brings into force section 3 of the Act insofar as it relates to the definition of "students' union" in new section A5(6) of the 2017 Act.

Regulation 2(d) brings into force section 5 of the Act, which amends the general duties of the Office for Students contained in section 2 of the 2017 Act and inserts new section 69A into the same Act. New section 69A gives the Office for Students new functions relating to freedom of speech and academic freedom.

Regulation 2(e) to (h) brings into force related minor and consequential amendments to the 2017 Act, the Counter-Terrorism and Security Act 2015 (c. 6) and other Acts.

A full impact assessment of the effect that the Act will have on the costs of business, the voluntary sector and the public sector is available at https://www.legislation.gov.uk/ukpga/2023/16/pdfs/ukpgaod_20230016_en_001.pdf or from the Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. A further impact assessment has not been produced for this instrument as no additional impact on the private, voluntary or public sector is foreseen.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Higher Education (Freedom of Speech) Act 2023 (c. 16) have been brought into force by commencement Regulations made before the date of these Regulations(**a**).

Provision	*Date of Commencement*	*S.I. No.*
Section 10	14.08.2023	2023/809
Section 11 (partially)	14.08.2023	2023/809
Paragraph 1 of the Schedule (partially)	14.08.2023	2023/809
Paragraph 12 of the Schedule	14.08.2023	2023/809

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

(**a**) The Higher Education (Freedom of Speech) Act 2023 (Commencement No. 2) Regulations 2024 (S.I. 2024/566 (C. 34)) ("the Regulations") were revoked by the Higher Education (Freedom of Speech) Act 2023 (Commencement No. 2) (Revocation) Regulations 2024 (S.I. 2024/824 (C. 52)) before the dates on which the remaining provisions of the Higher Education (Freedom of Speech) Act 2023 (c. 16) would have been commenced by the Regulations.

ISBN 978-0-34-827154-6

£5.78

http://www.legislation.gov.uk/id/uksi/2025/528