



# Education (No. 2) Act 1986

## 1986 CHAPTER 61

### PART IV

#### MISCELLANEOUS

#### **43 Freedom of speech in universities, polytechnics and colleges.**

- (1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.
- (2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with—
  - (a) the beliefs or views of that individual or of any member of that body; or
  - (b) the policy or objectives of that body.
- (3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out—
  - (a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation—
    - (i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and
    - (ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and
  - (b) the conduct required of such persons in connection with any such meeting or activity;and dealing with such other matters as the governing body consider appropriate.
- (4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Education (No. 2) Act 1986, Section 43 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the code of practice for that establishment, issued under subsection (3) above, are complied with.

- (5) The establishments to which this section applies are—
- (a) any university;
  - [<sup>F1</sup>(aa) any institution within the PCFC funding sector;]
  - [<sup>F2</sup>(b) any establishment of higher or further education which is maintained by a local education authority;]
  - (c) any establishment of [<sup>F3</sup>further or higher education] designated by or under regulations made under section 27 of the 1980 Act as an [<sup>F4</sup>institution] substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the 1944 Act.
- (6) In this section—
- “governing body”, in relation to any university, means the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs (that is to say the body commonly called the council of the university);
- “university” includes a university college and any college, or institution in the nature of a college, in a university.
- (7) Where any establishment—
- (a) falls within subsection (5)(b) above; or
  - (b) falls within subsection (5)(c) above by virtue of being substantially dependent for its maintenance on assistance from local education authorities;
- the local education authority or authorities maintaining or (as the case may be) assisting the establishment shall, for the purposes of this section, be taken to be concerned in its government.
- (8) Where a students’ union occupies premises which are not premises of the establishment in connection with which the union is constituted, any reference in this section to the premises of the establishment shall be taken to include a reference to the premises occupied by the students’ union.

#### Textual Amendments

- F1** S. 43(5)(aa) inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 100(2)**
- F2** S. 43(5)(b) substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 100(3)**
- F3** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 100(4)(a)**
- F4** Word substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 100(4)(b)**

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