

Human Rights Lawyers' Association

Human Rights Judicial Review Competition 2015

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BRIEF TO COUNSEL

Parliament has passed the Education (No2) Act 1986 (Amendment) (Non-Violent Extremism) Regulations 2015¹, which inserts a new section 43A into the Education (No. 2) Act 1986². This new section provides that:

“43A(1) The duty in section 43(1) is subject to the qualification that, where a university has reasonable grounds to believe that allowing a speaker or student to put across a particular point of view will lead to other students being drawn into terrorist activity, the university may exclude that speaker or student.

43A(2) Any member of staff at a university who has reasonable grounds to believe that a student holds beliefs that, if expressed, will lead other students to be drawn into terrorist activity, has a duty to report this to the Vice-Chancellor of the university.”

Counsel is instructed by the University and College Union to apply for permission to apply for judicial review of this amendment, on the basis that the amendment is contrary to rights protected by the European Convention on Human Rights, and in particular those protected by Articles 8, 9, 10 and 14.

The defendant is the Secretary of State for the Home Department. The Secretary of State's Solicitors are Treasury Solicitors, 35 The Mall, London SW1H 9JS. Their phone number is 020 7868 9895 and email address is D.Jefferies@TSol.gov.uk. There are no other interested parties in this case.

Thank you for your help on this important case.

Kind regards,

William Blake

1 Fictitious Legislation

2 Actual Legislation