

# **Regulated Professions (Freedom of Speech) Bill [HL]**

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[AS INTRODUCED]

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## [AS INTRODUCED]

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**B I L L**

TO

Protect the freedom of expression of professionally regulated individuals; to impose duties of neutrality on professional regulatory bodies; and to restrict the imposition by such bodies of mandatory training or education of a political, ideological, or social nature.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Overview**

(1) In this Act—

- (a) section 2 places a duty on regulators not to take adverse action against a regulated professional for off-duty expressive conduct, except in the circumstances set out in section 2(3);
- (b) section 3 restricts the imposition by regulators of mandatory ideological education and training;
- (c) section 4 imposes on regulators a duty of neutrality between persons;
- (d) section 5 provides for remedies in respect of any contravention.

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**2 Duty not to penalise off-duty expressive conduct**

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(1) A regulator must not take adverse action for off-duty expressive conduct against a regulated professional for whom they are the professional regulator, unless the conduct falls within one or more of the exceptions listed in subsection (3).

(2) In this section, “adverse action” includes (without limitation)—

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- (a) the refusal, suspension, revocation, restriction or variation of registration, licensing, accreditation, fitness-to-practise status or any equivalent status,
- (b) the imposition or continuation of a fine, condition, undertaking, reprimand, censure, formal warning or written record,
- (c) the institution or continuation of any investigation, hearing or proceeding the purpose or effect of which is to ground action falling within paragraph (a) or (b),

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- (d) the publication of any complaint, finding, determination or admonishment in respect of a professional's conduct, and
  - (e) the placing or maintenance of conditions on continued registration that have the effect of restricting the regulated professional's expressive conduct. 5
- (3) The exceptions referred to in subsection (1) are that the conduct—
  - (a) is a threat or actuality of physical violence directed at an identifiable person,
  - (b) constitutes misconduct related to fiduciary duties owed to a person with whom the regulated professional is or was in a professional or fiduciary relationship, 10
  - (c) consists of the misuse of the regulated professional's position where the professional intends to cause harm to an identifiable person,
  - (d) would constitute a sexual offence under Part 1 of the Sexual Offences Act 2003 had it occurred in England and Wales, or involves the sexual exploitation of a person with whom the regulated professional is or was in a professional or fiduciary relationship, or 15
  - (e) is conduct in respect of which the regulated professional has been convicted of an offence—
    - (i) for which a sentence of imprisonment may be imposed, or 20
    - (ii) which, by reason of its nature, is materially relevant to the professional's fitness to practise.
- (4) An exception listed in subsection (3) applies only where the regulator can establish, beyond reasonable doubt, that the conduct in question falls within the exception. 25
- (5) For the avoidance of doubt, the following do not, in themselves, constitute an exception referred to in subsection (3)—
  - (a) the assertion by any third party that the expressive conduct has caused offence, distress or reputational harm;
  - (b) the inconsistency of the expressive conduct with any equality, diversity, inclusion or similar policy (such as anti-racism or trans-inclusion) of the regulator, of the profession, or of any employer; 30
  - (c) the apprehension that the expressive conduct may bring the regulator, the profession or the sector into disrepute.
- (6) For the purposes of this Act, it is immaterial whether the expressive conduct took place before, during or after the period in respect of which the regulated professional is or has been registered. 35
- (7) Expressive conduct is not removed from being protected under this Act by reason only that it is offensive, controversial, mistaken or unpopular, concerns a contested matter, is critical of a regulator, profession or person, is inconsistent with any equality, diversity, inclusion or similar policy, breaches a regulator's social media policy, or is alleged to have brought the profession into disrepute. 40

### 3 Mandatory education and training

- (1) A regulator must not require a regulated professional to undertake any education or training as a condition of—
- (a) registration, licensing, accreditation or continued registration,
  - (b) the renewal or restoration of anything listed in paragraph (a), or 5
  - (c) the resolution, in the professional's favour, of any investigation, hearing or proceeding,
- unless the education or training meets the conditions in subsection (3).
- (2) In particular, a regulator must not require a regulated professional to undertake education or training the principal or substantial purpose of which is— 10
- (a) the instillation or promotion of any particular view of cultural competency,
  - (b) instruction in unconscious bias or implicit bias of any kind, or
  - (c) instruction in diversity, equity, inclusion or a similar policy (such as anti-racism or trans-inclusion) as a body of doctrine. 15
- (3) Education or training meets the conditions of this subsection only if it—
- (a) directly relates to a matter of professional competence, or ethics of the profession, and
  - (b) is proportionate to that matter. 20
- (4) Where education or training otherwise meeting the conditions in subsection (3) addresses political, historical, social or cultural matters, the regulator must—
- (a) ensure that the content is presented in a balanced manner,
  - (b) ensure that no opinion on a contested matter is presented as the settled view of the profession, 25
  - (c) permit the regulated professional to record dissent without adverse consequence, and
  - (d) not require a regulated professional to express or affirm a belief, whether explicitly or implicitly, that the regulated professional does not hold. 30

### 4 Duty of neutrality

- (1) A regulator must not, in the exercise of any of its functions—
- (a) assign value or attribute blame to any person, or
  - (b) afford to any person preferential or adverse treatment, 35
- by reference to any of the protected grounds in subsection (2).
- (2) The protected grounds are—
- (a) race, colour, ancestry, or national or ethnic origin,
  - (b) religious belief or absence of religious belief,
  - (c) political belief, 40
  - (d) conscientious belief,
  - (e) sex,

- (f) sexual orientation, and
  - (g) gender identity.
- (3) Nothing in subsection (1) prevents a regulator from making a reasonable adjustment for a person by reason of disability.
- (4) A regulator acts in breach of this section if it— 5
  - (a) adopts targets, quotas or preferences in admission to, or progression within, the profession by reference to a protected ground,
  - (b) differentiates in the application of disciplinary standards by reference to a protected ground, or
  - (c) treats the holding of a particular view on a protected ground as a matter of professional misconduct. 10

## 5 Remedies

- (1) Where a court or appeal body finds that a decision or action has been taken in contravention of this Act, the court or appeal body may take any of the following actions or any combination thereof— 15
  - (a) make a declaration that the regulator has contravened this Act;
  - (b) award damages, including—
    - (i) for loss of earnings, pension entitlement and other quantifiable financial loss,
    - (ii) for loss of professional standing or career progression, 20
    - (iii) for injury to feelings, or
    - (iv) exemplary damages, where the contravention has been deliberate, repeated or institutional;
  - (c) order the restoration of any registration, accreditation, fitness-to-practise status or other status; 25
  - (d) order the regulator to retract, correct or withdraw any communication or publication made in contravention of this Act;
  - (e) make any other order, including regarding injunctive relief.
- (2) Where a court or appeal body finds that a regulator has contravened this Act, it must, unless it considers that there are exceptional reasons not to do so, make a costs order in favour of the successful claimant on the indemnity basis. 30

## 6 Other enactments

This Act does not affect the operation of—

- (a) the Human Rights Act 1998; 35
- (b) the Equality Act 2010, except as may arise as a result of section 4(1) and (4) of this Act;
- (c) any provision of any enactment that affords greater protection to expressive conduct than is afforded by this Act;
- (d) sections 8, 9 and 10 of the Professional Qualifications Act 2022 (duty of regulator to provide information). 40

## 7 Interpretation

In this Act—

- “enactment” includes an Act of Parliament, an Act or Measure of Senedd Cymru, an Act of the Scottish Parliament, Northern Ireland legislation, and any subordinate legislation made under any of them; 5
- “expressive conduct” means any act or omission that conveys or attempts to convey meaning, including (without limitation) the expression of an opinion, belief or view, whether in person, in writing or by any electronic or other means, in a public, private or semi-public setting, but does not include physical violence, or damage to or destruction of property; 10
- “off-duty”, in relation to a regulated professional, means when the professional is not providing professional services, not acting in the course of employment by or engagement with an undertaking by reason of which professional services are provided, and not purporting to act in either capacity; a professional does not cease to be off-duty by reason only that the professional’s conduct is connected to the profession, is conducted under the professional’s own name or designation, or has come to a regulator’s attention; 15
- “regulated professional” means any person who is, by virtue of an enactment or other rule of regulatory jurisdiction, registered with or otherwise subject to the regulatory jurisdiction of a regulator; 20
- “regulator” has the meaning given in section 19 of the Professional Qualifications Act 2022 and includes any regulator that is for the time being listed on the Regulated Professions Register maintained by the Department for Business and Trade. 25

## 8 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act, except for this section, comes into force at the end of the period of 12 months beginning with the day on which this Act is passed. 30
- (3) This section come into force on the day on which this Act is passed.
- (4) This Act may be cited as the Regulated Professions (Freedom of Speech) Act 2026.

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*Lord Moynihan of Chelsea*

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