



Education (Scotland) Act 1996

1996 CHAPTER 43

PART II

EDUCATION FOR CHILDREN UNDER SCHOOL AGE

23 Grants for education of children under school age

- (1) The Secretary of State may make grants to persons providing education to children of such descriptions as he may by order prescribe being children who—
 - (a) have not attained school age; and
 - (b) have not commenced attendance at a public primary school by virtue of section 32(4) to (7) of the 1980 Act.
- (2) Grants under this section shall be subject to such requirements as may be imposed under section 24 of this Act and shall be of such an amount and shall be paid at such times and in such manner as the Secretary of State may from time to time determine.

24 Grants: requirements

- (1) A person to whom any payment is made in respect of a grant in pursuance of section 23 of this Act shall comply with such requirements as the Secretary of State may impose.
- (2) Requirements under subsection (1) above—
 - (a) may be imposed on, or at any time after, the payment of any grant by reference to which they are imposed, and
 - (b) may at any time be varied, waived or removed.
- (3) A requirement imposed in pursuance of subsection (1) above may, in particular, if any conditions specified in the requirement are satisfied, require repayment of the whole or any part of the grant to which it relates.
- (4) A requirement imposed in pursuance of subsection (1) above shall not have effect as regards anything done, or omitted to have been done before the date the requirement was imposed.

25 Delegation of functions

- (1) The Secretary of State may make arrangements for any of his functions relating to the making of grants under section 23 of this Act (other than his power to prescribe descriptions of children by order under subsection (1) of that section) to be exercised by another person (or any employee of his) on such terms as may be agreed between him and that person.
- (2) Any arrangement made under subsection (1) above may make provision for the functions concerned to be so exercised—
 - (a) either wholly or to such an extent as may be specified in the arrangement, and
 - (b) either generally or in such cases or circumstances as may be so specified,but shall not prevent the functions concerned from being exercised by the Secretary of State.

26 Disclosure of information

- (1) This section applies to—
 - (a) civil servants in the Scottish Office and any other persons who carry out the administrative work of that Office, and
 - (b) any person exercising any function by virtue of section 25 of this Act and any persons who are employed by (or are directors or other officers of) any such person or who carry out the administrative work of any such person.
- (2) The Secretary of State may supply to any person to whom this section applies any such social security information as the person may require for or in connection with the exercise of any function in pursuance of section 23 of this Act.
- (3) Any person who is or has been a person to whom this section applies is guilty of an offence if, without lawful authority, he discloses any social security information relating to a particular person which he acquired while acting as a person to whom this section applies.
- (4) It is not an offence under subsection (3) above—
 - (a) to disclose social security information in the form of a summary or collection of information so framed as not to enable social security information relating to any particular person to be ascertained from it; or
 - (b) to disclose any social security information which has previously been disclosed to the public with lawful authority.
- (5) It is a defence for a person charged with an offence under subsection (3) above to prove that at the time of the alleged offence—
 - (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
 - (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
- (6) For the purposes of this section, a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
 - (a) by a person in accordance with his official duty as a civil servant;
 - (b) by any other person either—

Status: This is the original version (as it was originally enacted).

- (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible; or
 - (ii) to, or in accordance with an authorisation duly given by, the person responsible;
 - (c) in accordance with any enactment or order of a court;
 - (d) for the purposes of instituting, or otherwise for the purposes of, any proceedings before a court; or
 - (e) with the consent of the person to whom the information relates or of any person authorised to act on his behalf.
- (7) A person guilty of an offence under subsection (3) above is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (8) In this section—
- “person responsible” means the Secretary of State or any person authorised by the Secretary of State; and
 - “social security information” means information which—
 - (a) is of a description prescribed by regulations made by the Secretary of State, and
 - (b) was obtained by reason of the exercise by the Secretary of State of any of his functions under the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992.

27 Interpretation of Part II

- (1) Unless the context otherwise requires, expressions used in this Part of this Act and in the 1980 Act have the same meaning in this Part of this Act as in that Act.
- (2) In this Part of this Act, the “1980 Act” means the Education (Scotland) Act 1980.