



Education and Skills Act 2008

2008 CHAPTER 25

PART 3

ADULT SKILLS

Provision of courses of study

^{F1}86 Learning aims for persons aged 19 and over

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Textual Amendments

- F1** S. 86 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b)(b), Sch. 1 para. 84, **2 Pt. 1** (with art. 2(3))

Assessments of effectiveness of education or training

87 Benefit and training information

- (1) Information within subsection (2) or (3) may be—
- (a) used in connection with the exercise of an assessment function of the Secretary of State or a devolved authority, or
 - (b) disclosed to a person for use in connection with the exercise of an assessment function of the Secretary of State or a devolved authority.
- (2) Information is within this subsection if—
- (a) it is about an individual who has attained the age of 19, and
 - (b) it is held by the Secretary of State for the purposes of any function of the Secretary of State relating to social security.

Status: Point in time view as at 05/01/2015.

Changes to legislation: Education and Skills Act 2008, Part 3 is up to date with all changes known to be in force on or before 21 July 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)

- (3) Information is within this subsection if—
- (a) it is about an individual who has attained the age of 19,
 - (b) it is held by the Secretary of State or a devolved authority, and
 - (c) it relates to any training or course of education undertaken by the individual (whether before or after the individual attained the age of 19).
- (4) For the purposes of this section and sections 88 to 90, “assessment function” means any of the following functions—
- (a) evaluating the effectiveness of training or education provided for persons who have attained the age of 19;
 - (b) assessing policy in relation to the provision of such training or education;
 - (c) assessing policy in relation to social security or employment as it affects the provision of or participation in such training or education.

Commencement Information

II S. 87 in force at 26.1.2009 by S.I. 2008/3077, art. 4(c)

88 Revenue and Customs information

- (1) The Commissioners for Her Majesty's Revenue and Customs may disclose information relating to income tax or tax credits to a person for use in connection with the exercise of an assessment function of the Secretary of State or a devolved authority.
- (2) The reference in subsection (1) to the Commissioners for Her Majesty's Revenue and Customs includes a reference to a person authorised by the Commissioners.

Commencement Information

I2 S. 88 in force at 26.1.2009 by S.I. 2008/3077, art. 4(c)

89 Use of information

- (1) Information disclosed to a person in reliance on section 87(1)(b) or 88 may be used by that person only in connection with the exercise of an assessment function of the Secretary of State or a devolved authority.
- (2) Subsection (3) applies where information about an individual is used in connection with the exercise of an assessment function of the Secretary of State or a devolved authority—
 - (a) in reliance on section 87(1)(a), or
 - (b) under subsection (1) above.
- (3) So far as is reasonably practicable, the information must not be used in such a way that the identity of the individual is disclosed to, or capable of being discovered by, a person carrying out an evaluation or assessment of a kind mentioned in section 87(4) (a) to (c).

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Commencement Information

I3 S. 89 in force at 26.1.2009 by S.I. 2008/3077, art. 4(c)

90 Wrongful onward disclosure of information

- (1) This section applies to information—
 - (a) used in reliance on section 87(1)(a), or
 - (b) disclosed in reliance on section 87(1)(b) or 88.
- (2) A person commits an offence if—
 - (a) the person discloses the information to another otherwise than in connection with the exercise of an assessment function of the Secretary of State or a devolved authority, and
 - (b) the information relates to a person whose identity is specified in or can be deduced from the disclosure.
- (3) It is a defence to prove that a person charged with the offence reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (4) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both.
- (5) A prosecution for an offence under this section may be instituted in England and Wales only with the consent of the Director of Public Prosecutions.
- (6) In subsection (4)(b), the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed in England and Wales before the commencement of section 282 of the Criminal Justice Act 2003 (c. 44) (short sentences).

Commencement Information

I4 S. 90 in force at 26.1.2009 by S.I. 2008/3077, art. 4(c)

91 Information: supplementary

- (1) This section applies for the purposes of sections 87 to 90.
- (2) Nothing in these sections affects the use or disclosure of information by virtue of—
 - (a) section 3 of the Social Security Act 1998 (c. 14);
 - (b) any other enactment or rule of law.
- (3) These are the devolved authorities—
 - (a) the Scottish Ministers;
 - (b) the Welsh Ministers.

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- (4) A reference to the Secretary of State includes a reference to a person providing services to the Secretary of State.
- (5) A reference to a devolved authority includes a reference to a person providing services to the authority.
- (6) A reference to training or education does not include a reference to higher education (within the meaning of the Education Reform Act 1988 (c. 40) or section 38 of the Further and Higher Education (Scotland) Act 1992 (c. 37)).

Commencement Information

I5 S. 91 in force at 26.1.2009 by S.I. 2008/3077, art. 4(c)

Status:

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