



Education Act 2005

2005 CHAPTER 18

PART 4

MISCELLANEOUS

Information

108 Supply of information: education maintenance allowances

- (1) This subsection applies to information which—
- (a) is held for the purposes of functions relating to tax or tax credits—
 - (i) by the Commissioners of Inland Revenue, or
 - (ii) by a person providing services to the Commissioners of Inland Revenue, in connection with the provision of those services, or
 - (b) is held for the purposes of functions relating to social security—
 - (i) by the Secretary of State or a Northern Ireland department, or
 - (ii) by a person providing services to the Secretary of State or such a department, in connection with the provision of those services.
- (2) Information to which subsection (1) applies may be supplied to a person falling within subsection (3) for use for purposes relating to eligibility for education maintenance allowances.
- (3) The following persons fall within this subsection—
- (a) the Secretary of State,
 - ^{F1}(b)
 - ^{F2}(ba)
 - (c) the Assembly,
 - (d) a Northern Ireland department,
 - (e) the Scottish Ministers, and
 - (f) any person providing services to [^{F3}a person within paragraphs (a) to (e)].

Changes to legislation: Education Act 2005, Section 108 is up to date with all changes known to be in force on or before 23 May 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) View outstanding changes

- (4) Information received by virtue of subsection or this subsection (2) by a person other than the Scottish Ministers may be supplied to a person falling within subsection (5) for use for purposes relating to eligibility for education maintenance allowances.
- (5) The following persons fall within this subsection—
- (a) the Assembly,
 - (b) a Northern Ireland department,
 - (c) the Scottish Ministers,
 - (d) any person by whom functions in relation to education maintenance allowances falling within subsection (8)(a) are exercisable by virtue of section 14 or 17 of the 2002 Act,
 - (e) any person by whom functions under regulations under section 181 of the 2002 Act are exercisable by virtue of section 183 or 184 of that Act, and
 - (f) any person providing services to the Assembly or a Northern Ireland department.
- (6) A person other than the Scottish Ministers may, in making any request for the supply to him of information by virtue of subsection (2) or (4), supply to any person who holds, or is to be supplied with, the information—
- (a) the name, address and date of birth of any person to whom the request relates (“the student”),
 - (b) the name, address and date of birth of—
 - (i) any parent of the student, or
 - (ii) any other person whose financial circumstances are relevant to the student's eligibility for an education maintenance allowance, and
 - (c) any other information (whether relating to the student, any parent of his or any person falling within paragraph (b)(ii)) which is required for the purpose of determining the student's eligibility for an education maintenance allowance.
- (7) This section does not limit the circumstances in which information may be supplied apart from this section.
- (8) In this section and section 109 “education maintenance allowance” means—
- (a) financial assistance under section 14 of the 2002 Act paid to or in respect of a person who is over compulsory school age in connection with his undertaking any course of education or training,
 - (b) an allowance under section 181 of the 2002 Act,
 - (c) an award under Article 51(1)(b) of the Education and Libraries (Northern Ireland) Order 1986 (No. 594/NI 3) paid to or in respect of a person who is over compulsory school age (within the meaning of that Order) in connection with his undertaking any course of education or training,
 - (d) an allowance under section 73(f) of the Education (Scotland) Act 1980 (c. 44) paid to or in respect of a relevant person attending a course of education, other than higher education, or
 - (e) financial assistance provided under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992 (c. 37).
- (9) In subsection (8)(d)—
- “higher education” has the same meaning as in Part 2 of the Further and Higher Education (Scotland) Act 1992;
- “relevant person” means a person who—

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- (a) is deemed to have attained the age of 16 years under section 33 of the Education (Scotland) Act 1980, and
- (b) has not, on the first day of the term of the course of education, attained the age of 20 years.

Textual Amendments

- F1** S. 108(3)(b) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 49**
- F2** S. 108(3)(ba) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 28**; [S.I. 2012/924](#), art. 2
- F3** Words in s. 108(3)(f) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 57(c)**; [S.I. 2010/303](#), art. 3, Sch. 2

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Changes and effects yet to be applied to :

- s. 108(1)(a) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)