



Education Act 2005

2005 CHAPTER 18

PART 4

MISCELLANEOUS

Information

111 Unauthorised disclosure of information received under section 110

- (1) A person (“X”) who discloses information which he has received by virtue of any of subsections (3) to (5) of section 110 and which relates to a particular person commits an offence unless the information is disclosed—
 - (a) in the case of information received by virtue of subsection (3) of that section, in accordance with subsection (5) of that section,
 - (b) in the course of any duty X has in connection with the exercise of functions relating to eligibility for free school lunches and milk,
 - (c) in accordance with an enactment or an order of a court, or
 - (d) with consent given by or on behalf of the person to whom the information relates.
- (2) In subsection (1)(b), “eligibility for free school lunches and milk” is to be read in accordance with section 110(7).
- (3) It is a defence for a person charged with an offence under subsection (1) to prove that he reasonably believed that his disclosure was lawful.
- (4) A person guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court], to a fine not exceeding the statutory maximum or to both.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Section 111. (See end of Document for details)

- (5) In relation to an offence committed before [^{F2}2 May 2022], the reference in subsection (4)(b) to [^{F3}the general limit in a magistrates' court] is to be read as a reference to 6 months.

Textual Amendments

- F1** Words in s. 111(4)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table
- F2** Words in s. 111(5) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 111(5) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2005, Section 111.