



Higher Education Act 2004

2004 CHAPTER 8

PART 4

STUDENT SUPPORT

45 Supply of information held by student support authority

- (1) Regulations may provide that a student support authority may supply student support information of a prescribed description to a prescribed person for a prescribed purpose.
- (2) A person may not be prescribed under subsection (1) unless the person—
 - (a) is the governing body of an institution with which eligible students (as defined for the purposes of the student support scheme) are undertaking courses, or
 - (b) is a person who appears to the Secretary of State or, as the case may be, the Assembly to be exercising functions of a public nature.
- (3) Regulations under subsection (1) may not allow information to be supplied except with the consent of every individual to whom the information relates, given in such manner as may be prescribed.
- (4) Subsection (3) does not apply to the supply of information for the purposes of any civil or criminal proceedings arising out of the student support scheme.
- (5) Regulations under subsection (1) may provide that information may be supplied under such regulations only if prescribed conditions are met.
- (6) This section does not limit the circumstances in which information may be supplied apart from this section.
- (7) In this section “student support authority” means—
 - (a) the Secretary of State,
 - (b) any authority or governing body by whom any function of the Secretary of State is for the time being exercisable to any extent by virtue of section 23(1) of the 1998 Act,

Changes to legislation: Higher Education Act 2004, Section 45 is up to date with all changes known to be in force on or before 21 March 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

- (c) any person acting on behalf of the Secretary of State to any extent by virtue of section 23(4) of the 1998 Act,
 - (d) the Assembly,
 - (e) any authority or governing body by whom any function of the Assembly is for the time being exercisable to any extent by virtue of section 23(1) of the 1998 Act, and
 - (f) any person acting on behalf of the Assembly to any extent by virtue of section 23(4) of the 1998 Act.
- (8) In this section—
- “prescribed” means prescribed by regulations;
 - “regulations” means—
 - (a) in relation to a student support authority falling within any of paragraphs (a) to (c) of subsection (7), regulations made by the Secretary of State, and
 - (b) in relation to a student support authority falling within any of paragraphs (d) to (f) of subsection (7), regulations made by the Assembly;
 - “student support scheme” means the provisions of regulations under section 22 of the 1998 Act;
 - “student support information”, in relation to a student support authority, means any information which the student support authority holds in connection with, or in consequence of, the exercise of any function relating to the operation of the student support scheme.

Commencement Information

II S. 45 in force at 14.1.2006 by S.I. 2006/51, art. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(1) s. 11 renumbered as s. 11(1) by [2022 asc 1 s. 128\(2\)\(a\)](#)
- s. 11(1)(a) words substituted by [2022 asc 1 Sch. 4 para. 16\(2\)](#)
- s. 11(2)-(5) inserted by [2022 asc 1 s. 128\(2\)\(b\)](#)
- s. 12(2A) inserted by [2022 asc 1 s. 128\(3\)\(a\)](#)
- Sch. 2 para. 3(2)(d) inserted by [2023 c. 16 Sch. para. 19](#)