



Skills and Post-16 Education Act 2022

2022 CHAPTER 21

PART 4

MISCELLANEOUS AND GENERAL

CHAPTER 1

CHEATING SERVICES PROVIDED FOR POST-16 STUDENTS AT ENGLISH INSTITUTIONS

26 Meaning of “relevant service” and other key expressions

- (1) [This section](#) applies for the purposes of [this Chapter](#).
- (2) “Relevant service” means a service of completing all or part of an assignment on behalf of a student where the assignment completed in that way could not reasonably be considered to have been completed personally by the student.
- (3) References to completing all or part of an assignment on behalf of a student include references to providing material to the student in connection with the assignment where—
 - (a) the student could use the material in completing the assignment or part, and
 - (b) the material—
 - (i) is prepared in connection with the assignment, or
 - (ii) has not been published generally.
- (4) For this purpose—
 - (a) where, in connection with an assignment, a student seeks the provision of a relevant service, any material provided as a result is to be regarded as provided in connection with the assignment;
 - (b) material is published generally if it—
 - (i) is available generally without payment, or

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- (ii) is included in a publication that contains other educational or training material and is available generally (such as a text book or study guide).
- (5) A person who provides, or arranges the provision of, a relevant service does so “in commercial circumstances” if—
- (a) the person is acting in the course of business, or
 - (b) in the case of a person who provides a relevant service, its provision was arranged by another person acting in the course of business,
- whether the person’s own business or that of the person’s employer.
- (6) “Student” means—
- (a) a person who is undertaking a relevant course at a post-16 institution or sixth form in England, or
 - (b) any other person over compulsory school age who has been entered to take an examination relating to a regulated qualification at a place in England.
- (7) A “relevant assignment”, in relation to a student, is an assignment (which may have been chosen by the student) which the student is required to complete personally—
- (a) as part of the relevant course which the student is undertaking, or
 - (b) in order to obtain the qualification to which the course leads or for which the student has been entered.
- (8) In relation to an assignment that is a relevant assignment—
- (a) “personally” includes with any assistance permitted as part of the requirement (whether or not the assignment, if completed with that assistance, would otherwise be considered to be completed personally), and
 - (b) that assistance is “permitted assistance”.
- (9) Section 30 sets out the meanings of other terms used in [this Chapter](#) (including in [this section](#)).