



# 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

#### **27 Offence of providing or arranging a relevant service**

- (1) It is an offence for a person to provide, or arrange for another person to provide, in commercial circumstances, a relevant service for a student in relation to a relevant assignment.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (3) In proceedings for an offence under subsection (1) it is a defence for the defendant to prove, in relation to any of the matters mentioned in subsection (4), that the defendant did not know, and could not with reasonable diligence have known, the matter.
- (4) Those matters are—
  - (a) if material is provided to the student as a result of the relevant service, that the student would or might use the material in completing all or part of the assignment;
  - (b) that the student was required to complete the assignment personally;
  - (c) that the relevant service was not permitted assistance.
- (5) A statement in the form of a written standard term of the contract or arrangement under which the relevant service was provided or arranged—
  - (a) that the student would not use any material provided as a result of the relevant service in completing all or part of the assignment,
  - (b) that the student was not required to complete the assignment personally, or

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*Status: This is the original version (as it was originally enacted).*

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- (c) that the relevant service was permitted assistance,  
is not, of itself, to be taken as sufficient evidence of a matter to be proved under subsection (3).
- (6) A student does not commit either of the following merely by making use of a relevant service to complete all or part of an assignment—
  - (a) an offence under Part 2 of the Serious Crime Act 2007 where the offence that the student intended or believed would be committed is an offence under this section;
  - (b) an offence under this section committed by aiding, abetting, counselling or procuring the commission of an offence under this section.