

**New section 43A of
Principal Act -
offence to provide
or advertise
cheating services**

15. The Principal Act is amended by the insertion of the following section after section 43:

“Offence to provide or advertise cheating services

43A. (1) A person who does any of the acts specified in subsection (2) commits an offence.

(2) Each of the following is an act referred to in subsection (1):

(a) undertaking in whole or in part, in the enrolled learner’s stead, an assignment or any other work that an enrolled learner is required to undertake as part of a programme, without authorisation from the person making the requirement;

(b) sitting an examination that an enrolled learner is required to sit as part of a programme, in the enrolled learner’s stead, or providing another person to sit the examination in place of the enrolled learner, without authorisation from the person setting the examination;

(c) during the course of an examination that an enrolled learner is required to undertake as part of a programme, either—

(i) providing to the enrolled learner, or

(ii) arranging the provision, to him or her, of,

answers for the examination, without authorisation from the person setting the examination.

(3) A person who does either of the acts specified in subsection (4) with the intention of giving an enrolled learner an unfair advantage over other similarly enrolled learners commits an offence.

(4) Each of the following is an act referred to in subsection (3):

(a) providing or arranging the provision of an assignment that an enrolled learner is required to undertake as part of a programme, without

authorisation from the person making the requirement;

(b) at any time before the beginning of an examination that an enrolled learner is required to undertake as part of a programme, either—

(i) providing to the enrolled learner, or

(ii) arranging the provision, to him or her, of,

answers for the examination, without authorisation from the person setting the examination.

(5) A person commits an offence if the person advertises that the person will perform—

(a) any service consisting of the doing of any act specified in subsection (2), or

(b) any service consisting of the doing of either act specified in subsection (4) knowing that the service has or would have the effect of giving an enrolled learner an unfair advantage over other similarly enrolled learners.

(6) A person commits an offence who publishes—

(a) an advertisement for any service consisting of the doing of any act specified in subsection (2), or

(b) an advertisement for any service consisting of the doing of either act specified in subsection (4) knowing that the service has or would have the effect of giving an enrolled learner an unfair advantage over other similarly enrolled learners.

(7) In this section 'programme' does not include post-primary schooling leading to the sitting of the Junior Certificate or Leaving Certificate examination or any examination prescribed under [section 50 \(2\) of the Education Act 1998.](#)"