
STATUTORY INSTRUMENTS

2014 No. 1977

**The Independent Educational Provision in England
(Prohibition on Participation in Management) Regulations 2014**

Prescribed grounds for a section 128 direction

2.—(1) The prescribed grounds on which a section 128 direction may be given in respect of a person are that—

- (a) the person—
 - (i) has been convicted of a relevant offence;
 - (ii) has been given a caution in respect of a relevant offence;
 - (iii) is subject to a relevant finding in respect of a relevant offence; or
 - (iv) has engaged in relevant conduct; and
- (b) because of that conviction, caution, finding or conduct, the appropriate authority considers that the person is unsuitable to take part in the management of an independent school.

(2) For the purposes of paragraph (1), an offence is relevant if it is relevant to a person's suitability to take part in the management of an independent school.

(3) References in paragraph (1) to a conviction include references to—

- (a) a conviction of an offence in any service disciplinary proceedings within the meaning given in section 229(2B) of the Criminal Justice Act 2003⁽¹⁾; and
- (b) a conviction of a service offence within the meaning of the Armed Forces Act 2006⁽²⁾ including anything that under section 376(1) and (2) of that Act is to be treated as a conviction.

(4) For the purposes of paragraph (1) a person is subject to a “relevant finding” in respect of a relevant offence if—

- (a) the person has been found not guilty of the offence by reason of insanity;
- (b) the person has been found to be under a disability and to have done the act charged against him or her in respect of the offence; or
- (c) under the law in force in a country outside the United Kingdom a court has made a finding equivalent to that described in sub-paragraph (a) or (b).

(5) For the purposes of paragraph (1), conduct will be relevant if it is conduct which —

- (a) is aimed at undermining the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
- (b) has been found to be in breach of professional standards by a professional body; or
- (c) is so inappropriate that, in the opinion of the appropriate authority, it makes a person unsuitable to take part in the management of an independent school.

⁽¹⁾ 2003 c. 44. Subsection (2B) was inserted by section 177(1) of, and paragraphs 95(1) and (3) of Part 10 of Schedule 21 to, the Coroners and Justice Act 2006 (c. 25).

⁽²⁾ 2006 c. 52

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Subject to section 4 of and Schedule 2 to the Rehabilitation of Offenders Act 1974⁽³⁾ and to any orders made under those provisions, references in paragraph (1) to a conviction or caution include references to a conviction or caution that is spent (within the meaning of the Rehabilitation of Offenders Act 1974).

(7) For the purposes of paragraph (1) a person (P) has been convicted of an offence, or been given a caution in respect of an offence, if P has been convicted or been given a caution in respect of an offence—

- (a) in any part of the United Kingdom; or
- (b) under the law in force in a country outside the United Kingdom.

(8) For the purposes of paragraph (7) P commits an offence under the law in force in a country outside the United Kingdom if P commits an act that is punishable under the law in force in that country however that act is described in that law.

⁽³⁾ Schedule 2 was inserted by section 49 of, and paragraphs 1 and 6 of Schedule 10 to, the Criminal Justice and Immigration Act 2008 (c. 4).