

*Status: This version of this provision is prospective.*

*Changes to legislation: Education and Skills Act 2008, Section 104 is up to date with all changes known to be in force on or before 05 June 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*



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 4

#### REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

### CHAPTER 1

#### INDEPENDENT EDUCATIONAL INSTITUTIONS IN ENGLAND

#### *Approval of material changes to registered details*

PROSPECTIVE

#### **104 Determination of applications for approval**

- (1) Where an application for approval of a material change is made under section 102, the Secretary of State must—
  - (a) approve the change, if satisfied that the independent educational institution standards are likely to continue to be met in relation to the institution if the change is made;
  - (b) in any other case refuse to approve it.
- (2) In coming to a decision under subsection (1) the Secretary of State must take into account—
  - (a) any report of the Chief Inspector under section 103, and
  - (b) any other evidence relating to the independent educational institution standards.
- (3) The Secretary of State must notify the proprietor of the institution of any decision under subsection (1).

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- (4) A decision under subsection (1) to refuse to approve a material change does not have effect during the period in which—
- (a) an appeal may be brought under section 125 against the decision, or
  - (b) where such an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

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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. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)