



# 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

#### *Appeals*

#### **124 Appeal by proprietor against decision of Secretary of State to deregister**

- (1) The proprietor of a registered independent educational institution may appeal to the Tribunal against a decision of the Secretary of State to remove the institution from the register—
  - (a) under section 100 (no longer required to register),
  - (b) under section 105 (unapproved material change),
  - (c) under section 112 (failure to pay fees),
  - (d) under section 116 (failure to meet standards),
  - (e) under section 119 (unsuitable persons), or
  - (f) by virtue of section 123 (failure to provide information).
- (2) Any appeal under this section must be brought within the period of 28 days beginning with the day on which notice of the decision is served on the proprietor.
- (3) On an appeal under this section the Tribunal may—
  - (a) confirm the decision,
  - (b) direct that the decision is of no effect, or
  - (c) in the case of an appeal under subsection (1)(b), (d) or (e), direct that the decision is of no effect and make an order imposing a relevant restriction on the proprietor of the institution.

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*Status: Point in time view as at 25/03/2020. This version of this provision has been superseded.*

*Changes to legislation: Education and Skills Act 2008, Section 124 is up to date with all changes known to be in force on or before 28 May 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)*

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- (4) Where the Tribunal confirms the decision, the Secretary of State must remove the institution from the register on such date as the Tribunal may specify or, if it does not specify a date, from such date as the Secretary of State may determine.
- (5) In this Chapter “the Tribunal” means the First-tier Tribunal.

**Modifications etc. (not altering text)**

- C1** S. 124(2): power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 5](#) (with [ss. 88-90](#)) (which affecting provision expires (9.12.2020) by virtue of The Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021 ([S.I. 2021/1399](#)), [regs. 1\(2\), 5](#))

**Commencement Information**

- I1** S. 124 in force at 12.10.2009 for specified purposes by [S.I. 2009/1606, art. 4](#) (with [art. 5](#)) (which transitional provisions in art. 5 are revoked (22.12.2014) by [S.I. 2014/3364](#), art. 3(3), Sch.)
- I2** S. 124 in force at 1.1.2011 for specified purposes by [S.I. 2010/2906, art. 2\(d\)](#) (with [art. 3\(2\)](#)) (which transitional provisions in art. 3 are revoked (22.12.2014) by [S.I. 2014/3364](#), art. 3(3), Sch.)
- I3** S. 124(1)(a) (c)-(f) (2)-(5) in force at 5.1.2015 in so far as not already in force by [S.I. 2014/3364, art. 2\(r\)](#)

**Status:**

Point in time view as at 25/03/2020. This version of this provision has been superseded.

**Changes to legislation:**

Education and Skills Act 2008, Section 124 is up to date with all changes known to be in force on or before 28 May 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.