



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

Failure to meet standards

118 Relevant restriction imposed by Secretary of State: supplementary

- (1) This section applies where the proprietor of an institution is subject to a relevant restriction imposed by the Secretary of State under section 116(1)(a).
- (2) If the proprietor fails to comply with the relevant restriction the proprietor is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale (or to both).
- (3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), for “51 weeks” in subsection (2) substitute “six months”.
- (4) The proprietor may apply to the Secretary of State for the restriction to be varied or revoked.
- (5) On an application under subsection (4) the Secretary of State must—
 - (a) vary or revoke the restriction as requested in the application, if the Secretary of State is satisfied that it is appropriate to do so because of any change of circumstance, and
 - (b) in any other case, refuse to do so.

Changes to legislation: Education and Skills Act 2008, Section 118 is up to date with all changes known to be in force on or before 24 April 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](#)

- (6) The Secretary of State must notify the proprietor of the decision made under subsection (5).
- (7) A decision to vary or revoke the restriction has effect as from the date on which the proprietor receives notice of it.

Commencement Information

II [S. 118](#) in force at 5.1.2015 by [S.I. 2014/3364](#), [art. 2\(n\)](#)

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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\(3\)](#)