



# 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

##### *Provision of information by proprietors*

#### **123 Provision of information by proprietors**

- (1) Regulations may make provision for requiring the proprietor of a registered independent educational institution to provide the Secretary of State, on request, with such particulars relating to the institution as may be prescribed.
- (2) Regulations under this section may in particular—
  - (a) require the provision of such information as is needed by the local authority in whose area the institution is situated for the purpose of determining whether the institution is a children's home within the meaning of the Care Standards Act 2000 (c. 14) (see section 1 of that Act);
  - (b) provide for the Secretary of State to remove from the register any institution in respect of which any requirement imposed by or under the regulations is not complied with;
  - (c) provide that a person who fails to comply with any specified provision of the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) In subsection (2) “specified” means specified in regulations under this section.
- (4) Regulations that include provision by virtue of subsection (2)(b) must include the provision required by subsections (5) and (6).

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**Changes to legislation:** *Education and Skills Act 2008, Section 123 is up to date with all changes known to be in force on or before 14 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*

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- (5) The regulations must require the Secretary of State to notify the proprietor of an institution of any decision to remove the institution from the register by virtue of subsection (2)(b).
- (6) The regulations must provide that a decision by the Secretary of State to remove an institution from the register by virtue of subsection (2)(b) does not have effect during the period in which—
- (a) an appeal may be brought under section 124 against the decision, or
  - (b) where such an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

**Commencement Information**

- I1** S. 123 in force at 19.6.2009 for specified purposes by [S.I. 2009/1513](#), [art. 2\(2\)](#)
- I2** S. 123 in force at 1.1.2011 in so far as not already in force by [S.I. 2010/2906](#), [art. 2\(c\)](#) (with [art. 3\(2\)](#)) (which transitional provisions in art. 3 are revoked (22.12.2014) by [S.I. 2014/3364](#), art. 3(3), Sch.)

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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\(3\)](#)