



# Education Act 2002

## 2002 CHAPTER 32

### PART 10

#### INDEPENDENT SCHOOLS

#### CHAPTER 1

##### REGULATION OF INDEPENDENT SCHOOLS

##### *Enforcement of standards after registration*

#### **167 Determination of appeals**

- (1) This section applies where an appeal is made under section 166 to the [<sup>F1</sup>First-tier Tribunal].
- (2) In the case of an appeal against a refusal under section 162 to approve a material change, the tribunal may—
  - (a) uphold the refusal to approve, or
  - (b) itself approve the change.
- (3) In the case of an appeal against a determination under section 165 to remove the school from the register, the tribunal may—
  - (a) uphold the determination, or
  - (b) revoke the determination.
- (4) Where under subsection (3)(a) the tribunal upholds a determination, the registration authority shall remove the school from the register on such date as the tribunal may specify or, if it does not specify a date, on such date as the registration authority may determine.

*Status: Point in time view as at 03/11/2008.*

*Changes to legislation: Education Act 2002, Section 167 is up to date with all changes known to be in force on or before 19 August 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)*

- (5) Where under subsection (3)(b) the tribunal revokes a determination, it may order the proprietor of the school to do one or more of the following by such time as may be specified in the order—
- (a) to cease using any part of the school premises for all purposes or purposes specified in the order;
  - (b) to close any part of the school’s operation;
  - (c) to cease to admit any new pupils, or new pupils of a description specified in the order.
- (6) In the case of an appeal against an order under section 165(8) requiring the taking of specified action, the tribunal may—
- (a) uphold the order,
  - (b) vary the order, or
  - (c) strike down the order.
- (7) In the case of an appeal against a refusal under section 165(10) to vary or revoke an order under section 165(8), the tribunal may—
- (a) uphold the refusal, or
  - (b) if in any case it is satisfied that it is appropriate to do so because of any change of circumstance after the making of the order—
    - (i) vary the order in such manner as it thinks fit, or
    - (ii) revoke the order.
- (8) The tribunal may, on the application of the proprietor of a registered school, vary or revoke any order made by it under subsection (5) in relation to the school where it is satisfied that it is appropriate to do so because of any change of circumstance.
- (9) If the proprietor of a school fails to comply with an order of the tribunal under subsection (5)—
- (a) he is guilty of an offence and liable on summary conviction to a term of imprisonment not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both, and
  - (b) the tribunal may, on the application of the registration authority, authorise the registration authority to remove the school from the register on such date as the tribunal may determine.

#### Textual Amendments

- F1** Words in s. 167(1) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 195](#)

#### Commencement Information

- I1** S. 167 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), art. 4
- I2** S. 167 in force at 1.1.2004 for W. by [S.I. 2003/2961](#), art. 6, [Sch. Pt. III](#)

**Status:**

Point in time view as at 03/11/2008.

**Changes to legislation:**

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