



# Education Act 2002

## 2002 CHAPTER 32

### PART 10

#### INDEPENDENT SCHOOLS

#### CHAPTER 1

##### REGULATION OF INDEPENDENT SCHOOLS

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

### 166 Appeals

- (1) The proprietor of a registered school may appeal to the tribunal established under section 9 of the Protection of Children Act 1999 (c. 14) against—
  - (a) a refusal under section 162 to approve a material change,
  - (b) a determination under section 165 to remove the school from the register,
  - (c) an order under section 165(8) requiring the taking of specified action, or
  - (d) a refusal under section 165(10) to vary or revoke such an order.
- (2) An appeal under subsection (1) must be made within the period of 28 days beginning with the day on which notice of the refusal, determination or order is served on the proprietor.
- (3) Where an appeal is made under subsection (1)(b) against a determination under section 165—
  - (a) if the appeal is withdrawn or otherwise disposed of before it is determined by the tribunal under section 167, the registration authority may remove the school from the register on such date after the appeal period as it may determine, and
  - (b) in any other case the registration authority may only remove the school pursuant to the determination in accordance with section 167.

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*Status: Point in time view as at 01/08/2004. This version of this provision has been superseded.*

*Changes to legislation: Education Act 2002, Section 166 is up to date with all changes known to be in force on or before 14 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)*

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- (4) Where an appeal is made under subsection (1)(c) against an order under section 165(8), the order shall not have effect in relation to any time before the appeal is determined by the tribunal under section 167 or withdrawn or otherwise disposed of.
- (5) In the case of an appeal against a determination under section 165(2), if at any time the tribunal considers that there is a risk of serious harm occurring to the welfare of pupils before the determination of the appeal, it may by order provide that the school is to be regarded as not registered for the purposes of section 159 until the tribunal determines the appeal under section 167 (or revokes the order before so determining the appeal).

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**Commencement Information**

- I1** S. 166 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I2** S. 166 in force at 1.1.2004 for W. by [S.I. 2003/2961](#), **art. 6**, **Sch. Pt. III**

**Status:**

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