

*These notes refer to the Education and Skills Act 2008
(c.25) which received Royal Assent on 26 November 2008*

EDUCATION AND SKILLS ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Local education authority

Legal background

Part 4: Regulation and inspection of independent educational provision in England

Chapter 1: Independent educational institutions in England

Sections 120 to 122: Emergencies

143. *Section 120* enables the Secretary of State to apply to a justice of the peace for an emergency order imposing an immediate restriction on, or deregistering, an independent educational institution, where a student at the institution is suffering or is at risk of suffering significant harm. An order may be made without notice to the proprietor but must be made in writing. A copy of the order must be served on the proprietor, together with a copy of any written statement provided in support of the application for the order and a notice explaining the proprietor's right of appeal, as soon as reasonably practicable after the order is made (sections 120 and *122*). It is an offence to fail to comply with a restriction imposed by a justice of the peace and *section 121* sets out the penalty for doing so.
144. Where the institution concerned is specially organised to make special educational provision for students with special educational needs, section 122 requires the Secretary of State to inform all relevant local education authorities of the order (so that they may take any action they deem necessary).