



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

Emergencies

120 Application to justice of the peace for order

- (1) The Secretary of State may apply to a justice of the peace for—
 - (a) an order imposing a relevant restriction on the proprietor of a registered independent educational institution, or
 - (b) an order that such an institution be removed from the register.
- (2) If it appears to the justice that a student at the institution in question is suffering or is likely to suffer significant harm, the justice may make the order.
- (3) An application under this section may be made without notice.
- (4) An order under this section must be in writing.
- (5) A copy of an order under this section must be served on the proprietor of the institution by the Secretary of State as soon as reasonably practicable after the order is made.
- (6) An order under this section has effect from the time the copy is served on the proprietor (and, accordingly, in the case of an order under subsection (1)(b), the Secretary of State must not remove the institution from the register in pursuance of the order before that time).

Changes to legislation: *Education and Skills Act 2008, Section 120 is up to date with all changes known to be in force on or before 19 July 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*

- (7) For the purposes of this section, “harm” has the same meaning as in the Children Act 1989 (c. 41) and the question of whether harm is significant is to be determined in accordance with section 31(10) of that Act.

Commencement Information

II S. 120 in force at 5.1.2015 by S.I. 2014/3364, art. 2(o)

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[View outstanding changes](#)

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\(3\)](#)