
STATUTORY INSTRUMENTS

2014 No. 1977

**The Independent Educational Provision in England
(Prohibition on Participation in Management) Regulations 2014**

Grounds on which variation or revocation of a section 128 direction may be sought

5.—(1) The prescribed grounds on which a person subject to a section 128 direction may seek to have it varied or revoked are that—

- (a) a conviction, caution or finding on the grounds of which the direction was given has been quashed;
- (b) a conviction or caution on the grounds of which the direction was given has, since the giving of the direction, become spent within the meaning of the Rehabilitation of Offenders Act 1974;
- (c) a conviction or caution on the grounds of which the direction was given has, since the giving of the direction, become a protected conviction or protected caution within the meaning of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(1);
- (d) in the case of a direction given on the grounds of a relevant finding, at least five years have passed since the finding was made;
- (e) the person in respect of whom the direction was given is able to provide information relevant to the decision to give the earlier direction which the appropriate authority did not have at the time that the decision was made; or
- (f) the person in respect of whom the direction was given is able to provide evidence of a material change of circumstances occurring since the direction was given.

(2) For the purposes of paragraph (1)(e) and (f), a person may not seek to have a section 128 direction varied or revoked insofar as the person's case is inconsistent with the person having been convicted of, or cautioned in respect of, an offence.

(3) For the purposes of this regulation a section 128 direction is given on the grounds of a conviction, caution, finding or conduct if the ground in regulation 2(1) is met by virtue of the conviction, caution, finding or conduct (as the case may be).

(1) [S.I. 1975/1023](#). “Protected cautions” and “protected convictions” are defined in regulation 2A, which was inserted by Articles 2 and 4 of the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(Amendment\) \(England and Wales\) Order 2013 \(2013/1198\)](#).