



Education Act 2002

2002 CHAPTER 32

PART 10

INDEPENDENT SCHOOLS

CHAPTER 1

REGULATION OF INDEPENDENT SCHOOLS

Enforcement of standards after registration

[^{F1}164 Inspections under section 163: supplementary

- (1) This section applies to the inspection of a school which is conducted by the Chief Inspector^{F2} ... or a registered inspector under section 163(1)(a).
- (2) If the inspection is conducted by a registered inspector—
 - (a) he may, by agreement with the Chief Inspector^{F3} ..., be assisted by the Chief Inspector^{F3} ..., and
 - (b) he may be assisted by such one or more persons enrolled in the list kept under paragraph 4 of Schedule 4 to the Education Act 2005 as he may determine, subject to paragraph 3(5) of that Schedule and subsection (3) below.
- (3) If the Chief Inspector^{F4} ... so requires, a registered inspector shall be assisted by at least one person enrolled in the list referred to in subsection (2)(b)—
 - (a) who is without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity, and disregarding any experience which it is reasonable to regard as insignificant), and
 - (b) whose primary function in the inspection is not that of providing financial or business expertise.

Changes to legislation: Education Act 2002, Section 164 is up to date with all changes known to be in force on or before 07 April 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

- (4) If the inspection is conducted by a registered inspector, it may be monitored by the Chief Inspector^{F5}....
- (5) The person conducting the inspection, any person assisting him pursuant to subsection (2) or (3) and any person monitoring the inspection shall have at all reasonable times—
 - (a) a right of entry to the premises of the school, and
 - (b) a right to inspect and take copies of any records kept by the school and any other documents containing information relating to the school which are required for the purposes of the inspection.
- (6) Section 58 of the Education Act 2005 (computer records) applies in relation to the inspection of records or other documents under subsection (5)(b).
- (7) It is an offence intentionally to obstruct a person in the exercise of his functions in relation to the inspection.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) The proprietor of the school shall pay the Chief Inspector^{F6}..., in respect of the inspection, a fee of such amount, and by such time, as may be specified in or determined under regulations.
- (10) Where the proprietor fails to comply with subsection (9), the registration authority may remove the school from the register.
- (11) The Chief Inspector^{F7}... shall pay the amount of any fee received under subsection (9) into the Consolidated Fund.
- (12) Subsection (11) has effect subject to paragraph 4 of Schedule 6 to the Government of Wales Act 1998 (Treasury power to direct that requirement for payment into Consolidated Fund not to apply in relation to specified sums received by the Chief Inspector^{F8} ...).]

Textual Amendments

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| F1 | Ss. 163, 164 substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18) , s. 125(4), Sch. 8 para. 3 ; S.I. 2005/2034 , art. 4; S.I. 2006/1338 , art. 3, Sch. 1 |
| F2 | Words in s. 164(1) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25) , s. 173(4), Sch. 1 para. 20, Sch. 2 (with s. 139); S.I. 2014/3364 , art. 2(z)(aa) (with art. 4) |
| F3 | Words in s. 164(2)(a) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25) , s. 173(4), Sch. 1 para. 20, Sch. 2 (with s. 139); S.I. 2014/3364 , art. 2(z)(aa) (with art. 4) |
| F4 | Words in s. 164(3) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25) , s. 173(4), Sch. 1 para. 20, Sch. 2 (with s. 139); S.I. 2014/3364 , art. 2(z)(aa) (with art. 4) |
| F5 | Words in s. 164(4) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25) , s. 173(4), Sch. 1 para. 20, Sch. 2 (with s. 139); S.I. 2014/3364 , art. 2(z)(aa) (with art. 4) |
| F6 | Words in s. 164(9) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25) , s. 173(4), Sch. 1 para. 20, Sch. 2 (with s. 139); S.I. 2014/3364 , art. 2(z)(aa) (with art. 4) |
| F7 | Words in s. 164(11) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25) , s. 173(4), Sch. 1 para. 20, Sch. 2 (with s. 139); S.I. 2014/3364 , art. 2(z)(aa) (with art. 4) |
| F8 | Words in s. 164(12) repealed (5.1.2015) by Education and Skills Act 2008 (c. 25) , s. 173(4), Sch. 1 para. 20, Sch. 2 (with s. 139); S.I. 2014/3364 , art. 2(z)(aa) (with art. 4) |

Changes to legislation:

Education Act 2002, Section 164 is up to date with all changes known to be in force on or before 07 April 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)