



# 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

#### *Introductory*

#### **92 Independent educational institutions**

- (1) For the purposes of this Chapter, “an independent educational institution” means—
  - (a) an independent school, or
  - (b) an institution other than an independent school which—
    - (i) provides part-time education for one or more persons of compulsory school age (“part-time students”) whether or not it also provides full-time education for any person, and
    - (ii) would be an independent school but for the fact that the education provided for the part-time student or students is part-time rather than full-time.
- (2) For the purposes of this section, an institution provides “part-time” education for a person if it provides education for the person—
  - (a) for at least 12.5 hours a week, for at least 28 weeks, during an academic year at the end of which the person is under the age of 12, or
  - (b) for at least 15 hours a week, for at least 28 weeks, during an academic year at the end of which the person is aged 12 or over,which does not amount to full-time education.
- (3) Regulations may—

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*Status: This is the original version (as it was originally enacted).*

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- (a) provide that a specified institution or an institution of a specified description is not an independent educational institution by virtue of subsection (1)(b);
  - (b) provide that time spent on a specified activity or on an activity of a specified description is or is not to be treated as time during which education is being provided for the purposes of this section;
  - (c) amend subsection (2)(a) or (b) so as to substitute a different number of weeks for the number of weeks for the time being mentioned there.
- (4) In this section—
- “an academic year” means a period of 12 months ending with 31 August;
  - “specified” means specified in regulations under this section.

### **93 Application of Chapter to institutions in England only**

- (1) References in this Chapter to an independent educational institution are to an independent educational institution in England.
- (2) For provision regulating independent schools in Wales, see Chapter 1 of Part 10 of the Education Act 2002 (c. 32).