



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

Requirement of registration

95 The register

- (1) The Secretary of State must keep a register of independent educational institutions.
- (2) The register is to be known as “the register of independent educational institutions in England”.
- (3) The Secretary of State must publish the register in such manner, and at such times, as the Secretary of State considers appropriate.

Commencement Information

II S. 95 in force at 5.1.2015 for specified purposes by [S.I. 2014/3364](#), [arts. 2\(b\), 3\(1\)](#)

96 Unregistered independent educational institutions: offence

- (1) A person must not conduct an independent educational institution unless it is registered.
- (2) A person who conducts an independent educational institution in contravention of subsection (1) is guilty of an offence.

Changes to legislation: *Education and Skills Act 2008, Cross Heading: Requirement of registration is up to date with all changes known to be in force on or before 10 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*

- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale (or to both).
- (4) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), for “51 weeks” in subsection (3) substitute “six months”.

Commencement Information

I2 S. 96 in force at 5.1.2015 by S.I. 2014/3364, art. 2(c)

97 Unregistered independent educational institutions: inspection

- (1) Where the Chief Inspector has reasonable cause to believe that an offence under section 96 is being committed on any premises, the Chief Inspector may at any reasonable time—
- (a) enter and inspect the premises, and
 - (b) inspect and take copies of any records or other documents which the Chief Inspector has reasonable cause to believe may be required for the purposes of proceedings in relation to such an offence.
- (2) Section 58 of the Education Act 2005 (c. 18) (computer records) applies in relation to the inspection of records or other documents under this section.
- (3) This section does not confer power to inspect or take copies of anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (c. 60) (legally privileged material etc).
- (4) It is an offence intentionally to obstruct a person in the exercise of the person's functions in relation to the inspection.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I3 S. 97 in force at 5.1.2015 by S.I. 2014/3364, art. 2(d)

Changes to legislation:

Education and Skills Act 2008, Cross Heading: Requirement of registration is up to date with all changes known to be in force on or before 10 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.

[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\(3\)](#)