

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, SCHEDULE 8. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Section 54

INSPECTION OF INDEPENDENT SCHOOLS

1 In this Schedule “the 2002 Act” means the Education Act 2002 (c. 32).

Commencement Information

- I1** Sch. 8 wholly in force at 1.9.2006; Sch. 8 not in force at Royal Assent see s. 125; Sch. 8 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 8 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

F12

Textual Amendments

- F1** [Sch. 8 para. 2](#) repealed (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4)(4), [Sch. 2](#); [S.I. 2014/3364](#), [art. 2\(aa\)](#)

Commencement Information

- I2** Sch. 8 wholly in force at 1.9.2006; Sch. 8 not in force at Royal Assent see s. 125; Sch. 8 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 8 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

3 For sections 163 and 164 of the 2002 Act substitute—

“163 Power to inspect registered schools in Wales

- (1) The registration authority may at any time—
- (a) require the Chief Inspector for Wales to inspect any registered school in Wales, or to secure its inspection by one or more registered inspectors, or
 - (b) arrange for the inspection of any registered school by a body approved by the registration authority for the purposes of this subsection.
- (2) The inspection of a school under this section shall relate to—
- (a) such of the independent school standards as are, at the time of the inspection, specified by the registration authority for the purposes of this section in relation to any category of school into which that school falls, or
 - (b) if the registration authority so determines, such of the independent school standards as the registration authority may specify in relation to that school.
- (3) A person who conducts an inspection under this section shall—

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, SCHEDULE 8. (See end of Document for details)

- (a) make a report to the registration authority on the extent to which the school meets the standard or standards to which the inspection relates, and
 - (b) if the registration authority so requires, arrange for the publication of the report in the prescribed manner.
- (4) A report published under subsection (3) is privileged for the purposes of the law of defamation unless the publication is shown to be made with malice (but without prejudice to any privilege subsisting apart from this subsection).
- (5) In this section and section 164—
- “the Chief Inspector for Wales” means Her Majesty’s Chief Inspector of Education and Training in Wales;
 - “registered inspector” means a person registered under section 25 of the Education Act 2005.

164 Inspections under section 163: supplementary

- (1) This section applies to the inspection of a school which is conducted by the Chief Inspector for Wales 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 for Wales, be assisted by the Chief Inspector for Wales, 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 for Wales 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.
- (4) If the inspection is conducted by a registered inspector, it may be monitored by the Chief Inspector for Wales.
- (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).

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, SCHEDULE 8. (See end of Document for details)

- (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 for Wales, 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 for Wales 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 for Wales)."

Commencement Information

- I3** Sch. 8 wholly in force at 1.9.2006; Sch. 8 not in force at Royal Assent see s. 125; Sch. 8 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 8 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

F24

Textual Amendments

- F2** Sch. 8 para. 4 repealed (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4)(4), [Sch. 2](#); [S.I. 2014/3364](#), [art. 2\(aa\)](#)

Commencement Information

- I4** Sch. 8 wholly in force at 1.9.2006; Sch. 8 not in force at Royal Assent see s. 125; Sch. 8 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 8 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

- 5 In section 171 of the 2002 Act (interpretation of Chapter 1 of Part 10), omit the definition of “registered inspector”.

Commencement Information

- I5** Sch. 8 wholly in force at 1.9.2006; Sch. 8 not in force at Royal Assent see s. 125; Sch. 8 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 8 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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