

*These notes refer to the Education and Skills Act 2008
(c.25) which received Royal Assent on 26 November 2008*

EDUCATION AND SKILLS ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Local education authority

Legal background

Part 4: Regulation and inspection of independent educational provision in England

Chapter 1: Independent educational institutions in England

Sections 95 to 97: Requirement of registration

119. The Secretary of State must maintain and publish a register of independent educational institutions under *section 95*. *Section 140(1)* (transitional provisions) provides for the existing register of independent schools in England to become the new register of independent educational institutions. *Section 96* creates an offence of conducting an unregistered independent educational institution and sets out the penalty for doing so.
120. *Section 97* allows the Chief Inspector to enter any premises and carry out an inspection where he or she has reasonable cause to believe that an unregistered independent educational institution is being operated. He or she is able to inspect and copy any relevant records and documents, including computer records, except those which are subject to legal professional privilege or which fall within the categories of “excluded material” and “special procedure material”. This section creates an offence for obstructing the Chief Inspector and sets out the penalty for doing so.