



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—

Changes to legislation: *Education and Skills Act 2008, Cross Heading: Introductory is up to date with all changes known to be in force on or before 20 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*

- (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.

Commencement Information

- I1** S. 92 in force at 19.6.2009 for specified purposes by [S.I. 2009/1513, art. 2\(2\)](#)
- I2** S. 92(1) in force at 1.9.2009 in so far as not already in force by [S.I. 2009/1606, art. 3](#)

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).

Commencement Information

- I3** S. 93 in force at 1.9.2009 in so far as not already in force by [S.I. 2009/1606, art. 3](#)

[^{F1}93A Application of Chapter to alternative provision Academies that are not independent educational institutions

- (1) This Chapter applies to alternative provision Academies that are not independent educational institutions as it applies to independent educational institutions.
- (2) Accordingly, references in this Chapter (except in sections 95(2) and 140(1)) to independent educational institutions are to be read as including references to alternative provision Academies that are not independent educational institutions.]

Textual Amendments

- F1** S. 93A inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, [Sch. para. 22](#) (with art. 3)

Changes to legislation:

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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\(3\)](#)