



# 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

##### *Registration procedure*

### 98 Applications for registration

- (1) The proprietor of an independent educational institution may apply to the Secretary of State for the institution to be entered on the register.
- (2) An application to enter an institution in the register must—
  - (a) contain the prescribed information, and
  - (b) be made in the prescribed manner.
- (3) The information prescribed under subsection (2)(a) must include information as to the following matters relating to the institution—
  - (a) whether the institution is—
    - (i) an independent school, or
    - (ii) an institution within section 92(1)(b);
  - (b) the age range of students;
  - (c) the maximum number of students;
  - (d) whether the institution is for male or female students or both;
  - (e) whether the institution provides accommodation for students;
  - (f) whether the institution is specially organised to make special educational provision for students with special educational needs;

**Changes to legislation:** *Education and Skills Act 2008, Cross Heading: Registration procedure 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*

- (g) in the case of an institution within paragraph (f), the type or types of special educational needs for which the institution is specially organised to make special educational provision.
- (4) The Secretary of State must notify the Chief Inspector of an application under this section.

#### **Commencement Information**

- I1** S. 98 in force at 19.6.2009 for specified purposes by [S.I. 2009/1513, art. 2\(2\)](#)
- I2** S. 98 in force at 1.1.2011 in so far as not already in force by [S.I. 2010/2906, art. 2\(a\)](#) (with [art. 3\(2\)](#)) (which transitional provisions in art. 3 are revoked (22.12.2014) by [S.I. 2014/3364, art. 3\(3\), Sch.](#))

## **99 Determination of applications for registration**

- (1) Where the Chief Inspector is notified under section 98(4) that an institution has applied to be entered on the register, the Chief Inspector must—
- (a) inspect the institution, and
  - (b) make a report to the Secretary of State on the extent to which the independent educational institution standards are likely to be met in relation to the institution once it becomes a registered independent educational institution.
- (2) The Secretary of State must then decide, taking into account—
- (a) the report of the Chief Inspector, and
  - (b) any other evidence relating to the independent educational institution standards,
- whether those standards are likely to be met in relation to the institution once it becomes a registered independent educational institution.
- (3) The Secretary of State must notify the proprietor of the institution of the decision made under subsection (2).
- (4) If the Secretary of State decides under subsection (2) that the independent educational institution standards are likely to be met in relation to the institution once it becomes a registered independent educational institution, the Secretary of State must enter the institution in the register.
- (5) An entry in the register for an independent educational institution must include—
- (a) the name and address of the institution,
  - (b) the name of the proprietor of the institution, and
  - (c) the information supplied pursuant to section 98(3)(a) to (g).

#### **Commencement Information**

- I3** S. 99 in force at 1.1.2011 by [S.I. 2010/2906, art. 2\(b\)](#) (with [art. 3\(2\)](#)) (which transitional provisions in art. 3 are revoked (22.12.2014) by [S.I. 2014/3364, art. 3\(3\), Sch.](#))

## **100 Institutions no longer required to register: power to deregister**

- (1) If the Secretary of State—

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- (a) has reasonable cause to believe that a registered institution has ceased to be an independent educational institution, and
  - (b) does not have reasonable cause to believe that the institution will become an independent educational institution again within the following twelve months,
- the Secretary of State may remove the institution from the register.
- (2) The Secretary of State must notify the proprietor of an institution of any decision to remove it from the register under this section.
- (3) The Secretary of State's decision does not have effect during the period in which—
- (a) an appeal may be brought under section 124 against the decision, or
  - (b) where such an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

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**Commencement Information**

**I4** S. 100 in force at 5.1.2015 by S.I. 2014/3364, art. 2(e)

**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\(3\)](#)