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;
(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—
(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.

Commencement Information
14 S. 100 in force at 5.1.2015 by S.I. 2014/3364, art. 2(e)
Changes to legislation:
There are currently no known outstanding effects for the Education and Skills Act 2008, Cross Heading: Registration procedure.