



# 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

#### *Supplementary*

### 138 Interpretation of Chapter

(1) In this Chapter—

“an action plan” has the meaning given by section 114(4);

“the Chief Inspector” means Her Majesty's Chief Inspector of Education, Children's Services and Skills;

“early years provision” has the meaning given by section 96(2) of the Childcare Act 2006 (c. 21);

“independent educational institution standards” has the meaning given by section 94;

“an independent inspectorate” has the meaning given by section 106;

“a material change”, in relation to an independent educational institution, has the meaning given by section 101;

“proprietor”, in relation to an institution, means the person or body of persons responsible for the management of the institution;

“the register” means the register of independent educational institutions in England (see section 95);

“registered” means entered in the register;

“relevant restriction” has the meaning given by section 117;

“student” means—

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**Changes to legislation:** *Education and Skills Act 2008, Section 138 is up to date with all changes known to be in force on or before 24 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*

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- (a) in relation to an independent school, a pupil (for the meaning of “pupil” see section 3 of the Education Act 1996 (c. 56));
  - (b) in relation to an institution within section 92(1)(b), a person for whom the institution provides part-time education within the meaning of that provision or full-time education;
- “the Tribunal” has the meaning given by section 124(5).
- (2) In section 98 the reference to the proprietor of an independent educational institution includes the proprietor of an institution that it is proposed should become an independent educational institution (and accordingly the information required by subsection (3) of that section, in the case of such a proprietor, is information about the institution as it is proposed to be).

#### **Commencement Information**

- I1** S. 138(1) in force at 1.9.2009 for specified purposes by [S.I. 2009/1606](#), [art. 3](#)
- I2** S. 138(1) in force at 12.10.2009 for specified purposes by [S.I. 2009/1606](#), [art. 4](#)
- I3** S. 138(1) in force at 1.1.2011 for specified purposes by [S.I. 2010/2906](#), [art. 2\(e\)](#) (with [art. 3\(3\)](#)) (which transitional provisions in art. 3 are revoked (22.12.2014) by [S.I. 2014/3364](#), art. 3(3), Sch.)
- I4** [S. 138\(1\)](#) in force at 8.9.2014 for specified purposes by [S.I. 2014/2379](#), [art. 2\(g\)](#) (with [art. 3\(1\)](#)) (which transitional provisions in art. 3 are revoked (22.12.2014) by [S.I. 2014/3364](#), art. 3(3), Sch.)
- I5** [S. 138\(1\)](#) in force at 5.1.2015 in so far as not already in force by [S.I. 2014/3364](#), [art. 2\(v\)](#)
- I6** [S. 138\(2\)](#) in force at 5.1.2015 by [S.I. 2014/3364](#), [art. 2\(v\)](#)

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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\(3\)](#)