

*This Statutory Instrument has been made in consequence of a defect in [S.I. 2009/1607](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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### 2010 No. 1002

## EDUCATION, ENGLAND

### The Education (Independent Educational Provision in England) (Inspection Fees) (Amendment) Regulations 2010

<i>Made</i>	- - - -	<i>24th March 2010</i>
<i>Laid before Parliament</i>		<i>30th March 2010</i>
<i>Coming into force</i>	- -	<i>22nd April 2010</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 111 and 166(6) of the Education and Skills Act 2008<sup>(1)</sup>:

#### **Citation and commencement**

1. These Regulations may be cited as the Education (Independent Educational Provision in England) (Inspection Fees) (Amendment) Regulations 2010 and come into force on 22nd April 2010.

#### **Amendment of the Education (Independent Educational Provision in England) (Inspection Fees) Regulations 2009**

2.—(1) Regulation 1 of the Education (Independent Educational Provision in England) (Inspection Fees) Regulations 2009<sup>(2)</sup> (citation, commencement, application and interpretation) is amended as follows.

(2) In paragraph (3), for the definitions of “large school” and “small school”, substitute—

““large school” means a school which, on the annual return date for the school for the calendar year in question, has more than 150 pupils who have attained the age of three or who are older;

“small school” means a school which, on the annual return date for the school for the calendar year in question, has 150 or fewer pupils who have attained the age of three or who are older.”.

(3) For paragraph (5), substitute—

“(5) In paragraph (3), a reference to the number of pupils of a school who have attained the age of three on the annual return date for the school for the calendar year in question is

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(1) [2008 c.25](#); see section 168(1) for the definitions of “prescribed” and “regulations”. There are transitory provisions in respect of section 111 in the Education and Skills Act 2008 (Commencement No. 3) Order 2009, [S.I. 2009/1513 \(C.78\)](#); amended by [S.I. 2009/1606 \(C.84\)](#).

(2) [S.I. 2009/1607](#).

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a reference to the number of pupils who attained that age during the period of 12 months ending with the 31st August immediately preceding the calendar year in question.”.

(4) In paragraph (6), for “paragraph (5)”, substitute “this regulation”.

24th March 2010

*Diana Johnson*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are being made to correct a defect in the Education (Independent Educational Provision in England) (Inspection Fees) Regulations 2009 (S.I. 2009/1607) (“the 2009 Regulations”). The 2009 Regulations make provision about fees to be paid by independent educational institutions under Chapter 1 of Part 4 of the Education and Skills Act 2008. The Regulations are concerned with independent educational institutions that are independent schools within the meaning in section 463 of the Education Act 1996 but are not Academies, city technology colleges or city colleges for the technology of the arts. The fees are fees for inspections by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”).

The level of fee paid by an independent school for an inspection by the Chief Inspector depends (in part) on whether the school is a “large school” or a “small school”. Those terms are defined in regulation 1(3) of the 2009 Regulations. These Regulations substitute those definitions so that—

- (a) the number of pupils is determined by reference to the age of the pupils on the date in the year on which the school makes its annual return to the Secretary of State, and
- (b) pupils who are within the description in regulation 1(5) (as substituted) on the date in question, or who are older than that, are included when determining whether a school is “large” or “small”.

An impact assessment of the effect the 2009 Regulations will have on the costs of business and the voluntary sector is available from Margaret Pattinson, Department for Children, Schools and Families, Mowden Hall, Staindrop Road, Darlington DL3 9BG and is annexed to the Explanatory Memorandum which is available alongside the 2009 Regulations on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).