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STATUTORY INSTRUMENTS

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**2014 No. 2379**

**The Education and Skills Act 2008 (Commencement  
No. 10 and Transitory Provisions) Order 2014**

**Transitory provisions in connection with the commencement of sections 106 and 128 of the 2008 Act**

3.—(1) Until the coming into force of section 95(1) of the 2008 Act (register of independent educational institutions for England) for all purposes, the provisions of the 2008 Act referred to in sub-paragraphs (a) and (b) have effect subject to the modifications specified in those sub-paragraphs—

- (a) sections 106 and 128 have effect as if references in each of them to an independent educational institution were references to an independent school entered in the register referred to in section 158(1)(a) of the 2002 Act; and
- (b) section 138(1) of the 2008 Act has effect as if the reference in the definition of “the register” to the register of independent educational institutions in England kept by the Secretary of State under section 95 of the 2008 Act were a reference to the register of independent schools in England referred to in section 158(1)(a) of the 2002 Act.

(2) Until the coming into force of section 109(3) of the 2008 Act (duty to inspect registered institution on direction of Secretary of State) for all purposes, a body approved by the Secretary of State for the purposes of section 106 of the 2008 Act is to be treated as a body approved by the registration authority under section 162A(1)(b) of the 2002 Act.