
STATUTORY INSTRUMENTS

2022 No. 905

The Independent School Standards and Non-Maintained Special Schools (England) (Amendment) Regulations 2022

Transitional provisions

4.—(1) Where after the coming into force of these Regulations, the Secretary of State makes a decision specified in the left-hand column of the following table in the circumstances specified in the right-hand column, that decision is to be taken as if the amendments made by these Regulations had not been made.

<i>Specified decision</i>	<i>Specified Circumstances</i>
Determination under section 162 of the Education Act 2002 (1) of an application for approval of a material change.	Where the application was made before the coming into force of these Regulations.
Determination under section 99(2) of the Education and Skills Act 2008 of an application for registration.	Where the application was made before the coming into force of these Regulations.
A decision to require the submission of an action plan under section 114(3) of the Education and Skills Act 2008 or to take enforcement action under section 116 of that Act.	Where the most recent report made to the Secretary of State under section 109 of that Act in relation to the institution in question— (i) was received by the Secretary of State before the coming into force of these Regulations; or (ii) is a report of an inspection to which paragraph (2) applies.
A decision whether to approve or reject an action plan under section 114(6) of the Education and Skills Act 2008.	Where the Secretary of State served notice requiring submission of the action plan under section 114(5) of that Act before the coming into force of these Regulations.

(2) Where an inspection of a description specified in the left-hand column of the following table is carried out in the circumstances specified in the right-hand column, that inspection is to be carried out, and the report of that inspection made, as though the amendments made by these Regulations had not been made.

(1) [2002 c. 32](#). The 2002 Act was amended by the 2008 Act to, amongst other things, narrow its application to independent schools in Wales only. Despite this, Part 10 of the 2002 Act remains in force for the purpose of enabling section 162 of that Act to have effect in England, see article 4 of [S.I. 2014/3364](#). By virtue of article 4(b) of that S.I., references to the “independent school standards” are to be construed for the purposes of section 162 as references to the standards prescribed by the Secretary of State under section 94(1) of the 2008 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Specified inspection</i>	<i>Specified circumstances</i>
An inspection carried out under section 162(4) of the Education Act 2002 or section 99(1) of the Education and Skills Act 2008.	Where the application in respect of which the inspection is carried out was made before the coming into force of these Regulations.
An inspection carried out under section 109 of the Education and Skills Act 2008.	Where inspection of the institution in question began before the coming into force of these Regulations.