



Education Act 1996

1996 CHAPTER 56

PART VII

INDEPENDENT SCHOOLS

CHAPTER II

REGISTRATION OF INDEPENDENT SCHOOLS

Registration

464 Separate registration for England and for Wales.

- (1) A register of all independent schools in England shall be kept by an officer of the Secretary of State who is appointed by the Secretary of State to be Registrar of Independent Schools for England.
- (2) A register of all independent schools in Wales shall be kept by an officer of the Secretary of State who is appointed by the Secretary of State to be Registrar of Independent Schools for Wales.
- (3) Each register shall be open to public inspection at all reasonable times.
- (4) In this Part “the Registrar of Independent Schools” (or “the Registrar”) means—
 - (a) in relation to a school in England, the Registrar of Independent Schools for England, and
 - (b) in relation to a school in Wales, the Registrar of Independent Schools for Wales,

and references, in relation to a school, to the register or to registration are to the register kept by the relevant Registrar or to registration in that register.

Status: Point in time view as at 01/04/2002.

Changes to legislation: Education Act 1996, Cross Heading: Registration is up to date with all changes known to be in force on or before 14 June 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)

465 Provisional and final registration of a school.

- (1) Subject to subsection (2), the Registrar of Independent Schools shall enter in the register the name of any independent school whose proprietor—
 - (a) makes an application for registration in such manner as may be prescribed, and
 - (b) provides such particulars as may be prescribed.
- (2) A school shall not be registered if—
 - (a) by virtue of an order made under section 470 or 471, the proprietor is disqualified from being the proprietor of an independent school or the school premises are disqualified from being used as a school, or
 - (b) the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of such an order.
- (3) The registration of a school shall initially be provisional only, and shall remain so until such time as the Secretary of State, after the school has been inspected on his behalf under Part I of the ^{M1}School Inspections Act 1996, gives notice to the proprietor that the registration is final.
- (4) In this Part—

“provisionally registered school” means an independent school whose registration is provisional only, and

“registered school” means an independent school whose registration is final.
- (5) In this section “proprietor”, in relation to a school, includes any person or body of persons proposing to be the proprietor.

Marginal Citations

M1 1996 c. 57.

466 Enforcement of registration: offences.

- (1) Subject to subsection (2), a person is guilty of an offence if he conducts an independent school which is not a registered school or a provisionally registered school.
- (2) A person is not guilty of an offence under subsection (1) by reason of conducting a school at any time within the period of one month from the date on which it was first conducted (whether by that person or another) if an application for the registration of the school has been duly made under section 465 within that period.
- (3) The proprietor of an independent school is guilty of an offence if, while it is a provisionally registered school, he does any act calculated to lead to the belief that it is a registered school.

467 Provision of information about registered and provisionally registered schools.

- (1) Regulations may make provision for requiring the proprietor of a registered or provisionally registered school to provide the Registrar of Independent Schools from time to time with such particulars relating to the school as may be prescribed.

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- (2) Regulations made under this section may in particular require the proprietor of a school to furnish the Registrar with such information as is required by the local authority for the purpose of determining whether the school is a children's home (within the meaning of the ^{F1}Care Standards Act 2000).
- (3) Regulations may make provision for enabling the Secretary of State to order the deletion from the register of the name of any school in respect of which any requirement imposed by or under regulations made under this section is not complied with.
- (4) Subsection (9) of section 537 (general power of Secretary of State to require information from governing bodies etc.) confers power on the Secretary of State to make similar provision in relation to non-compliance with any requirement imposed by or under regulations under that section.

Textual Amendments

- F1** Words in s. 467(2) substituted (1.4.2002) by 2000 c. 14, ss. 116, 122, Sch. 4 para. 24(2); S.I. 2001/4150, art. 3(3)(a) (subject to art. 4); S.I. 2002/920, art. 3(3)(d) (subject to art. 3(2), Schs. 1-3 and with art. 3(4)-(10))

468 School may be struck off for contravention of regulations about employment of teachers.

Where the Secretary of State is satisfied that a person whose employment is prohibited or restricted by virtue of regulations under section 218(6) of the ^{M2}Education Reform Act 1988 (employment prohibited or restricted on medical grounds or for misconduct etc.)—

- (a) is employed in a registered or provisionally registered school in contravention of those regulations, or
- (b) is the proprietor of such a school,

he may order that the school be struck off the register or (as the case may be) that the Registrar is not to register the school.

^{F2}(2) Where the Secretary of State is satisfied that a person who is included (otherwise than provisionally) in the list kept under section 1 of the ^{M3}Protection of Children Act 1999 (individuals considered unsuitable to work with children) or is subject to an order under section 28 or 29 of the Criminal Justice and Court Services Act 2000 (disqualification from working with children)—

- (a) is employed in a registered or provisionally registered school, or
- (b) is the proprietor of such a school,

he may order that the school be struck off the register or (as the case may be) that the Registrar is not to register the school.]

Textual Amendments

- F2** S. 468(2) inserted (11.1.2001) by 2000 c. 43, s. 74, Sch. 7 Pt. II para. 128; S.I. 2000/3302, art. 2(b)

Marginal Citations

- M2** 1988 c. 40.

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M3 1999 c. 14.

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