



# Education Act 2002

## 2002 CHAPTER 32

### PART 10

#### INDEPENDENT SCHOOLS

#### CHAPTER 1

#### REGULATION OF INDEPENDENT SCHOOLS

#### *Requirement of registration*

#### 158 The registers

- (1) There shall continue to be—
  - (a) a register of independent schools in England, and
  - (b) a register of independent schools in Wales.
- (2) The register of independent schools in England shall be kept by the Secretary of State.
- (3) The register of independent schools in Wales shall be kept by the National Assembly for Wales.

#### **Commencement Information**

- |           |  |
|-----------|--|
| <b>I1</b> | <a href="#">S. 158</a> in force at 1.1.2004 for W. by <a href="#">S.I. 2003/2961</a> , <a href="#">art. 6</a> , <a href="#">Sch. Pt. III</a> |
| <b>I2</b> | <a href="#">S. 158(1)(2)</a> in force at 1.9.2003 except in relation to W. by <a href="#">S.I. 2003/1667</a> , <a href="#">art. 4</a>        |
| <b>I3</b> | <a href="#">S. 158(3)</a> in force at 6.11.2006 except in relation to W. by <a href="#">S.I. 2006/2895</a> , <a href="#">art. 2</a>          |

#### 159 Unregistered schools

- (1) A person who conducts an independent school which is not a registered school is guilty of an offence.

*Status: Point in time view as at 06/11/2006.*

*Changes to legislation: Education Act 2002, Cross Heading: Requirement of registration is up to date with all changes known to be in force on or before 29 August 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)*

- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding six months,
- or to both.
- (3) No proceedings shall be instituted for an offence under subsection (1) except with the consent of the registration authority.
- (4) Where the Chief Inspector has reasonable cause to believe that an offence under subsection (1) is being committed on any premises, he may at any reasonable time—
- (a) enter and inspect the premises, and
  - (b) inspect and take copies of any records or other documents which he has reasonable cause to believe may be required for the purposes of proceedings in relation to such an offence.
- (5) [<sup>F1</sup>Section 58 of the Education Act 2005] (computer records) applies in relation to the inspection of records or other documents under subsection (4)(b).
- (6) It is an offence wilfully to obstruct the Chief Inspector in the exercise of his functions under subsection (4).
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Textual Amendments

**F1** Words in s. 159(5) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 29](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

#### Commencement Information

**I4** S. 159 in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), art. 4

**I5** S. 159 in force at 1.1.2004 for W. by [S.I. 2003/2961](#), art. 6, [Sch. Pt. III](#)

**Status:**

Point in time view as at 06/11/2006.

**Changes to legislation:**

Education Act 2002, Cross Heading: Requirement of registration is up to date with all changes known to be in force on or before 29 August 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.