



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—
 - ^{F1}(a)
 - (b) a register of independent schools in Wales.
- ^{F2}(2)
- (3) The register of independent schools in Wales shall be kept by [^{F3}the Welsh Ministers].
- [^{F4}(4) The Welsh Ministers must publish a list of the schools included in the register of independent schools in Wales, as amended from time to time.
- (5) If the Welsh Ministers have been provided with the necessary information by the proprietor of the school, the published list must specify the type or types of additional learning provision made by a school on the list for pupils with additional learning needs (if any).]

Textual Amendments

- F1** S. 158(1)(a) repealed (5.1.2015) by [Education and Skills Act 2008](#) (c. 25), s. 173(4), Sch. 1 para. 17(a), [Sch. 2](#) (with s. 139); [S.I. 2014/3364](#), art. 2(z)(aa) (with art. 4)

Status: Point in time view as at 02/11/2020.

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 25 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)

- F2** S. 158(2) repealed (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 17\(a\)](#), [Sch. 2](#) (with s. 139); [S.I. 2014/3364](#), art. 2(z)(aa) (with art. 4)
- F3** Words in s. 158(3) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 17\(b\)](#) (with s. 139); [S.I. 2014/3364](#), art. 2(z) (with art. 4)
- F4** S. 158(4)(5) inserted (2.11.2020 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), [ss. 54\(2\)](#), 100(3); [S.I. 2020/1182](#), reg. 3(1)(e)

Commencement Information

- I1** S. 158 in force at 1.1.2004 for W. by [S.I. 2003/2961](#), art. 6, [Sch. Pt. III](#)
- I2** S. 158(1)(2) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), [art. 4](#)
- I3** S. 158(3) in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

159 Unregistered schools

- (1) A person who conducts an independent school which is not a registered school is guilty of an offence.
- (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.
- ^{F5}(3)
- (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) [^{F6}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

- F5** S. 159(3) repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 172\(3\)](#), 188(2), [Sch. 18 Pt. 2](#)
- F6** 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](#)

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