

SCHEDULES

SCHEDULE 13

Section 149

INTERACTION WITH OTHER AUTHORITIES

Inspection authorities and inspection functions

- 1 (1) In this Schedule references to inspection authorities are to be read in accordance with sub-paragraph (2) or (3), as the case may be.
- (2) For the purposes of paragraph 4 or 5 the inspection authorities are—
- (a) Her Majesty’s Chief Inspector of Prisons,
 - (b) Her Majesty’s Chief Inspector of Constabulary,
 - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
 - (d) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales,
 - (e) Her Majesty’s Chief Inspector of Court Administration,
 - (f) the Commission for Healthcare Audit and Inspection,
 - (g) the Commission for Social Care Inspection, and
 - (h) the Audit Commission for Local Authorities and the National Health Service in England and Wales.
- (3) For the purposes of paragraph 6 the inspection authorities are—
- (a) Her Majesty’s Chief Inspector of Prisons,
 - (b) Her Majesty’s Inspectors of Constabulary,
 - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
 - (d) Her Majesty’s Inspectorate of the National Probation Service for England and Wales,
 - (e) Her Majesty’s Inspectorate of Court Administration, and
 - (f) the bodies mentioned in sub-paragraph (2)(f) to (h).
- (4) In this Schedule “inspection functions” means functions relating to, or connected with, inspections.

Public authorities

- 2 (1) In this Schedule “public authority”—
- (a) includes any person certain of whose functions are functions of a public nature, but
 - (b) does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (2) Subject to paragraph 8(3), references in this Schedule to a public authority do not include a public authority outside the United Kingdom.

Status: This is the original version (as it was originally enacted).

Delegation of inspection functions to public authorities

- 3 (1) The Chief Inspector may delegate any of his inspection functions (to such extent as he may determine) to another public authority.
- (2) If the carrying out of an inspection is delegated under sub-paragraph (1) it is nevertheless to be regarded for the purposes of any enactment as carried out by the Chief Inspector.

Inspection programmes and inspection frameworks

- 4 (1) The Chief Inspector must from time to time, or at such times as the Secretary of State may specify by order, prepare—
- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
 - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the Chief Inspector must consult—
- (a) the Secretary of State,
 - (b) the inspection authorities, and
 - (c) any other person or body specified by an order made by the Secretary of State;
- and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (4) The Chief Inspector may determine that any document or combination of documents prepared for the purposes of any other enactment or enactments is to be treated as a document prepared for the purposes of sub-paragraph (1)(b) (so long as any requirements applying under or by virtue of this paragraph are complied with in relation to the document or documents concerned).

Inspections by other inspectors of institutions within Chief Inspector’s remit

- 5 (1) If—
- (a) an inspection authority is proposing to carry out an inspection that would involve inspecting a specified institution, and
 - (b) the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on that institution, or would do so if carried out in a particular manner,
- the Chief Inspector must, subject to sub-paragraph (5), give a notice to that authority requiring it not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) In sub-paragraph (1)(a) “specified institution” means a person or body specified by order made by the Secretary of State.
- (3) A person or body may be specified under sub-paragraph (2) only if the person or body—

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- (a) discharges functions or carries on other activities in relation to which the Chief Inspector exercises inspection functions by virtue of any enactment, or
 - (b) is a person or body in respect of whom the Chief Inspector is the registration authority by virtue of any enactment.
- (4) A person or body may be specified under sub-paragraph (2) in relation to particular functions that it has.

In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.

- (5) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (6) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.

This is subject to sub-paragraph (7).

- (7) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the institution in question, or
 - (b) would not do so if carried out in a particular manner,
- may give consent to the inspection being carried out, or being carried out in that manner.
- (8) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
- (a) provision about the form of notices;
 - (b) provision prescribing the period within which notices are to be given;
 - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
 - (d) provision for revising or withdrawing notices;
 - (e) provision for setting aside notices not validly given.

Co-operation

- 6 The Chief Inspector must co-operate with—
- (a) the inspection authorities, and
 - (b) any other public authority specified by order made by the Secretary of State,
- where it is appropriate to do so for the efficient and effective exercise of his functions.

Joint action

- 7 The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective exercise of his functions.

Advice or assistance for other public authorities

- 8 (1) The Chief Inspector may, if he thinks it appropriate to do so, provide advice or assistance to another public authority for the purpose of the exercise by that authority of its functions.

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- (2) Advice or assistance under this paragraph may be provided on such terms as the Chief Inspector thinks fit.
- (3) In this paragraph the reference to another public authority includes a public authority in the Channel Islands or the Isle of Man.

Inspections carried out under arrangements

- 9 (1) The Chief Inspector may make arrangements with a public authority for the carrying out by him—
 - (a) in England or Wales, or
 - (b) in Northern Ireland,of inspections of any institution or matter which he is not required or authorised to carry out by virtue of any other enactment.
- (2) The Chief Inspector may make arrangements with a public authority or the relevant overseas authority for the carrying out by him outside the United Kingdom of inspections of any institution or matter.
- (3) “The relevant overseas authority” means the authority in the jurisdiction concerned that is responsible for the institution or other matter.
- (4) Inspections under this paragraph may be carried out on such terms as the Chief Inspector thinks fit.

Charges

- 10 The Chief Inspector may, with the consent of the Secretary of State, enter into arrangements for charges to be made—
 - (a) for providing advice or assistance under paragraph 8; or
 - (b) for carrying out inspections under paragraph 9.