



# Police and Justice Act 2006

## 2006 CHAPTER 48

### PART 4

#### INSPECTORATES

#### **28 Her Majesty's Chief Inspector of Prisons**

(1) In section 5A of the Prison Act 1952 (c. 52) (appointment and functions of Her Majesty's Chief Inspector of Prisons), after subsection (6) there is inserted—

“(7) Schedule A1 to this Act (which makes further provision about the Chief Inspector) has effect.”

(2) At the beginning of the Schedules to that Act there is inserted—

“SCHEDULE A1

Section 5A

#### FURTHER PROVISION ABOUT HER MAJESTY'S CHIEF INSPECTOR OF PRISONS

##### **Delegation of functions**

- 1 (1) The Chief Inspector may delegate any of his 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) above it is nevertheless to be regarded for the purposes of section 5A of this Act and this Schedule as carried out by the Chief Inspector.
- (3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

##### **Inspection programmes and inspection frameworks**

- 2 (1) The Chief Inspector shall from time to time, or at such times as the Secretary of State may specify by order, prepare—

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- (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 shall consult the Secretary of State and (subject to sub-paragraph (3) below)—
- (a) Her Majesty’s Chief Inspector of Constabulary,
  - (b) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
  - (c) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales,
  - (d) Her Majesty’s Chief Inspector of Court Administration,
  - (e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) 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 requirement in sub-paragraph (2) above to consult, and to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph is subject to any agreement made between the Chief Inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the Chief Inspector from making visits without notice.

### **Inspections by other inspectors of organisations within Chief Inspector’s remit**

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) below is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the Chief Inspector shall, subject to sub-paragraph (7) below, give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—

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- (a) Her Majesty's Inspectorate of the National Probation Service for England and Wales;
  - (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
  - (c) the Commission for Healthcare Audit and Inspection;
  - (d) the Commission for Social Care Inspection;
  - (e) the Audit Commission for Local Government and the National Health Service in England and Wales.
- (3) The Secretary of State may by order amend sub-paragraph (2) above.
- (4) In sub-paragraph (1)(a) above "specified organisation" means a person or body specified by an order made by the Secretary of State.
- (5) A person or body may be specified under sub-paragraph (4) above only if it exercises functions in relation to any prison or other institution or matter falling with the scope of the Chief Inspector's duties under section 5A of this Act.
- (6) A person or body may be specified under sub-paragraph (4) above in relation to particular functions that it has.

In the case of a person or body so specified, sub-paragraph (1)(a) above 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.

- (7) 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.
- (8) 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 (9) below.

- (9) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the organisation 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.
- (10) 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.

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### **Co-operation**

- 4 The Chief Inspector shall co-operate with—
- (a) Her Majesty’s Inspectors of Constabulary,
  - (b) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
  - (c) Her Majesty’s Inspectorate of the National Probation Service for England and Wales,
  - (d) Her Majesty’s Inspectorate of Court Administration,
  - (e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by an order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of his functions.

### **Joint action**

- 5 (1) The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of his functions.
- (2) The Chief Inspector, acting jointly with the chief inspectors within sub-paragraph (3) below, shall prepare a document (a “joint inspection programme”) setting out—
- (a) what inspections he proposes to carry out in the exercise of the power conferred by sub-paragraph (1) above, and
  - (b) what inspections the chief inspectors within sub-paragraph (3) below (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
- (3) The chief inspectors within this sub-paragraph are—
- (a) Her Majesty’s Chief Inspector of Constabulary;
  - (b) Her Majesty’s Chief Inspector of the Crown Prosecution Service;
  - (c) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales;
  - (d) Her Majesty’s Chief Inspector of Court Administration.
- (4) A joint inspection programme shall be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
- (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 above apply to a joint inspection programme as they apply to a document prepared under that paragraph.

- (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

#### **Assistance for other public authorities**

- 6 (1) The Chief Inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the Chief Inspector thinks fit.”

### **29 Her Majesty’s Inspectors of Constabulary**

- (1) In section 54 of the Police Act 1996 (c. 16) (appointment and functions of Her Majesty’s Inspectors of Constabulary), after subsection (5) there is inserted—
- “(6) Schedule 4A (which makes further provision about the inspectors of constabulary) has effect.”
- (2) After Schedule 4 to that Act there is inserted—

#### “SCHEDULE 4A

Section 54

#### FURTHER PROVISION ABOUT HER MAJESTY’S INSPECTORS OF CONSTABULARY

#### **Delegation of functions**

- 1 (1) An inspector of constabulary may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If an inspector of constabulary delegates the carrying out of an inspection under sub-paragraph (1) it is nevertheless to be regarded for the purposes of section 54 and this Schedule as carried out by the inspector.
- (3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

#### **Inspection programmes and inspection frameworks**

- 2 (1) The chief inspector of constabulary shall 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 of constabulary shall consult the Secretary of State and (subject to sub-paragraph (3))—
- (a) Her Majesty’s Chief Inspector of Prisons,

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- (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
- (c) Her Majesty's Chief Inspector of the National Probation Service for England and Wales,
- (d) Her Majesty's Chief Inspector of Court Administration,
- (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- (f) the Commission for Healthcare Audit and Inspection,
- (g) the Commission for Social Care Inspection,
- (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (i) the Auditor General for Wales, and
- (j) 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 requirement in sub-paragraph (2) to consult, and to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph is subject to any agreement made between the chief inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectors of constabulary from making visits without notice.

### **Inspections by other inspectors of organisations within remit of inspectors of constabulary**

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the chief inspector of constabulary considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the chief inspector of constabulary shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
- (a) Her Majesty's Chief Inspector of Prisons;
  - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service;
  - (c) Her Majesty's Inspectorate of the National Probation Service for England and Wales;
  - (d) the Commission for Healthcare Audit and Inspection;
  - (e) the Audit Commission for Local Government and the National Health Service in England and Wales.

- (3) The Secretary of State may by order amend sub-paragraph (2).
- (4) In sub-paragraph (1)(a) “specified organisation” means a person or body specified by an order made by the Secretary of State.
- (5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectors of constabulary under section 54 of this Act or any other enactment.
- (6) A person or body may be specified under sub-paragraph (4) 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.

- (7) 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.
- (8) 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 (9).

- (9) The Secretary of State, if satisfied that the proposed inspection—
  - (a) would not impose an unreasonable burden on the organisation 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.
- (10) 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**

- 4 The inspectors of constabulary shall co-operate with—
  - (a) Her Majesty’s Chief Inspector of Prisons,
  - (b) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
  - (c) Her Majesty’s Inspectorate of the National Probation Service for England and Wales,
  - (d) Her Majesty’s Inspectorate of Court Administration,
  - (e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,

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- (f) the Commission for Healthcare Audit and Inspection,
- (g) the Commission for Social Care Inspection,
- (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (i) the Auditor General for Wales, and
- (j) any other public authority specified by an order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectors of constabulary.

### **Joint action**

- 5
- (1) The inspectors of constabulary may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of their functions.
  - (2) The chief inspector of constabulary, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a “joint inspection programme”) setting out—
    - (a) what inspections the inspectors of constabulary propose to carry out in the exercise of the power conferred by sub-paragraph (1), and
    - (b) what inspections the chief inspectors within paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
  - (3) The chief inspectors within this sub-paragraph are—
    - (a) Her Majesty’s Chief Inspector of Prisons;
    - (b) Her Majesty’s Chief Inspector of the Crown Prosecution Service;
    - (c) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales;
    - (d) Her Majesty’s Chief Inspector of Court Administration.
  - (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
  - (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
  - (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

### **Assistance for other public authorities**

- 6
- (1) The chief inspector of constabulary may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
  - (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector of constabulary thinks fit.



### Orders under this Schedule

- 7 A statutory instrument containing an order under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

### 30 Her Majesty’s Chief Inspector of the Crown Prosecution Service

- (1) In section 2 of the Crown Prosecution Service Inspectorate Act 2000 (c. 10) (functions of Her Majesty’s Chief Inspector of the Crown Prosecution Service), after subsection (4) there is inserted—

“(5) The Schedule to this Act (which makes further provision about the Chief Inspector) has effect.”

- (2) At the end of that Act there is inserted—

#### “SCHEDULE

Section 2

#### FURTHER PROVISION ABOUT HER MAJESTY’S CHIEF INSPECTOR OF THE CROWN PROSECUTION SERVICE

### Delegation of functions

- 1 (1) The Chief Inspector may delegate any of his 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 this Act as carried out by the Chief Inspector.
- (3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

### Inspection programmes and inspection frameworks

- 2 (1) The Chief Inspector shall from time to time, or at such times as the Attorney General 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 shall consult the Attorney General and (subject to sub-paragraph (3))—
- (a) Her Majesty’s Chief Inspector of Prisons,
- (b) Her Majesty’s Chief Inspector of Constabulary,
- (c) Her Majesty’s Chief Inspector of the National Probation Service for England and Wales,
- (d) Her Majesty’s Chief Inspector of Court Administration,

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- (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- (f) the Commission for Healthcare Audit and Inspection,
- (g) the Commission for Social Care Inspection,
- (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (i) the Auditor General for Wales, and
- (j) any other person or body specified by an order made by the Attorney General,

and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.

- (3) The requirement in sub-paragraph (2) to consult, and to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph is subject to any agreement made between the Chief Inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.
- (4) The Attorney General may by order specify the form that inspection programmes or inspection frameworks are to take.
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the Chief Inspector from making visits, or causing visits to be made, without notice.

### **Inspections by other inspectors of organisations within remit of Chief Inspector**

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the Chief Inspector shall, subject to sub-paragraph (6), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are those that are specified by an order made by the Attorney General.
  - (3) In sub-paragraph (1)(a) "specified organisation" means a person or body specified by an order made by the Attorney General.
  - (4) A person or body may be specified under sub-paragraph (3) only if it exercises functions in relation to any matter falling with the scope of the duties of the Chief Inspector under this Act or any other enactment.
  - (5) A person or body may be specified under sub-paragraph (3) 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.

- (6) The Attorney General may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (7) 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 (8).

- (8) The Attorney General, if satisfied that the proposed inspection—
  - (a) would not impose an unreasonable burden on the organisation 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.
- (9) The Attorney General 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**

- 4 The Chief Inspector shall co-operate with—
  - (a) Her Majesty's Chief Inspector of Prisons,
  - (b) Her Majesty's Inspectors of Constabulary,
  - (c) Her Majesty's Inspectorate of the National Probation Service for England and Wales,
  - (d) Her Majesty's Inspectorate of Court Administration,
  - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by an order made by the Attorney General,

where it is appropriate to do so for the efficient and effective discharge of his functions.

**Joint action**

- 5
- (1) The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of his functions.
  - (2) The Chief Inspector, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a “joint inspection programme”) setting out—
    - (a) what inspections he proposes to carry out in the exercise of the power conferred by sub-paragraph (1), and
    - (b) what inspections the chief inspectors within sub-paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
  - (3) The chief inspectors within this sub-paragraph 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 National Probation Service for England and Wales;
    - (d) Her Majesty’s Chief Inspector of Court Administration.
  - (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
  - (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
  - (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

**Assistance for other public authorities**

- 6
- (1) The Chief Inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
  - (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the Chief Inspector thinks fit.

**Powers of inspectors regarding documents**

- 7
- (1) An inspector may for the purposes of an inspection under this Act—
    - (a) require documents to be produced;
    - (b) inspect, copy or take away any documents produced;
    - (c) require an explanation to be given of any document produced;
    - (d) require any other information to be provided.
  - (2) A reference in sub-paragraph (1) to the production of a document includes a reference to the production of—

- (a) a legible and intelligible copy of information recorded otherwise than in legible form, or
  - (b) information in a form from which it can readily be produced in legible and intelligible form.
- (3) A person exercising the power under sub-paragraph (1) to inspect documents—
- (a) is entitled to have access to, and inspect and check the operation of, any computer and associated apparatus or material that is or has been in use in connection with the documents in question;
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been used, or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,to afford him such reasonable assistance as he may require.

#### **Orders under this Schedule**

- 8 (1) The power to make an order under this Schedule is exercisable by statutory instrument.
- (2) A statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

### **31 Her Majesty’s Inspectorate of the National Probation Service for England and Wales**

- (1) In section 7 of the Criminal Justice and Court Services Act 2000 (c. 43) (functions of Her Majesty’s Inspectorate of the National Probation Service for England and Wales), after subsection (6) there is inserted—

“(7) Schedule 1A (which makes further provision about the inspectorate) has effect.”

- (2) After Schedule 1 to that Act there is inserted—

#### “SCHEDULE 1A

Section 7

#### FURTHER PROVISION ABOUT THE INSPECTORATE

#### **Delegation of functions**

- 1 (1) A member of the inspectorate may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If a member of the inspectorate delegates the carrying out of an inspection under sub-paragraph (1) it is nevertheless to be regarded for the purposes of section 7 and this Schedule as carried out by that member.
- (3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

### **Inspection programmes and inspection frameworks**

- 2 (1) The chief inspector shall 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 shall consult the Secretary of State and (subject to sub-paragraph (3))—
- (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 Court Administration,
  - (e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) 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 requirement in sub-paragraph (2) to consult, and to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph is subject to any agreement made between the chief inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectorate from making visits without notice.

### **Inspections by other inspectors of organisations within inspectorate’s remit**

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the chief inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,

the chief inspector shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.

- (2) The persons or bodies within this sub-paragraph are—
- (a) Her Majesty’s Chief Inspector of Prisons;
  - (b) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
  - (c) the Commission for Healthcare Audit and Inspection;
  - (d) the Commission for Social Care Inspection;
  - (e) the Audit Commission for Local Government and the National Health Service in England and Wales.
- (3) The Secretary of State may by order amend sub-paragraph (2).
- (4) In sub-paragraph (1)(a) “specified organisation” means a person or body specified by an order made by the Secretary of State.
- (5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectorate under section 7.
- (6) A person or body may be specified under sub-paragraph (4) 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.

- (7) 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.
- (8) 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 (9).

- (9) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the organisation 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.
- (10) 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.

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### Co-operation

- 4 The inspectorate shall co-operate with—
- (a) Her Majesty’s Chief Inspector of Prisons,
  - (b) Her Majesty’s Inspectors of Constabulary,
  - (c) Her Majesty’s Inspectorate of the Crown Prosecution Service,
  - (d) Her Majesty’s Chief Inspector of Court Administration,
  - (e) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by an order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectorate.

### Joint action

- 5 (1) The inspectorate may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of the inspectorate’s functions.
- (2) The chief inspector, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a “joint inspection programme”) setting out—
- (a) what inspections the inspectorate proposes to carry out in the exercise of the power conferred by sub-paragraph (1), and
  - (b) what inspections the chief inspectors within sub-paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
- (3) The chief inspectors within this sub-paragraph 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 Court Administration.
- (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
- (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
- (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.



### **Assistance for other public authorities**

- 6 (1) The chief inspector may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector thinks fit.”

## **32 Her Majesty’s Inspectorate of Court Administration**

- (1) In Part 5 of the Courts Act 2003 (c. 39) (inspectors of court administration), after section 61 there is inserted—

### **“61A Further provision about the inspectorate**

Schedule 3A (further provision about the inspectorate) has effect.”

- (2) After Schedule 3 to that Act there is inserted—

“SCHEDULE 3A

Section 61A

FURTHER PROVISION ABOUT THE INSPECTORS OF COURT ADMINISTRATION

### **Delegation of functions**

- 1 (1) An inspector of court administration may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If an inspector of court administration delegates the carrying out of an inspection under sub-paragraph (1) it is nevertheless to be regarded for the purposes of this Part as carried out by the inspector.
- (3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

### **Inspection programmes and inspection frameworks**

- 2 (1) The Chief Inspector shall from time to time, or at such times as the Lord Chancellor 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 shall consult the Lord Chancellor, the Lord Chief Justice of England and Wales and (subject to sub-paragraph (3))—
  - (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,

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- (d) Her Majesty's Chief Inspector of the National Probation Service for England and Wales,
- (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- (f) the Commission for Healthcare Audit and Inspection,
- (g) the Commission for Social Care Inspection,
- (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (i) the Auditor General for Wales, and
- (j) any other person or body specified by an order made by the Lord Chancellor,

and he shall send to each of those persons or bodies a copy of each programme or framework once it is prepared.

- (3) The requirement in sub-paragraph (2) to consult, and to send copies to, a person or body listed in paragraphs (a) to (j) of that sub-paragraph is subject to any agreement made between the Chief Inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.
- (4) The Lord Chancellor may by order specify the form that inspection programmes or inspection frameworks are to take.
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectors of court administration from making visits without notice.

### **Inspections by other inspectors of organisations within inspectors' remit**

- 3 (1) If—
  - (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and
  - (b) the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
 the Chief Inspector shall, subject to sub-paragraph (6), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
  - (a) the Audit Commission for Local Government and the National Health Service in England and Wales;
  - (b) any other person or body specified by an order made by the Lord Chancellor.
- (3) In sub-paragraph (1)(a) "specified organisation" means a person or body specified by an order made by the Lord Chancellor.
- (4) A person or body may be specified under sub-paragraph (3) only if it exercises functions in relation to any matter falling within the scope of the

duties of the inspectors of court administration under section 59 of this Act.

- (5) A person or body may be specified under sub-paragraph (3) 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.

- (6) The Lord Chancellor may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (7) 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 (8).

- (8) The Lord Chancellor, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the organisation 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.
- (9) The Lord Chancellor 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**

- 4 The inspectors of court administration shall co-operate with—
- (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 Chief Inspector of Education, Children's Services and Skills,
  - (f) the Commission for Healthcare Audit and Inspection,
  - (g) the Commission for Social Care Inspection,
  - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
  - (i) the Auditor General for Wales, and

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- (j) any other public authority specified by an order made by the Lord Chancellor,

where it is appropriate to do so for the efficient and effective discharge of the inspectors' functions.

### **Joint action**

- 5
- (1) The inspectors of court administration may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of the inspectors' functions.
  - (2) The Chief Inspector, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a "joint inspection programme") setting out—
    - (a) what inspections the inspectors of court administration propose to carry out in the exercise of the power conferred by sub-paragraph (1), and
    - (b) what inspections the chief inspectors within sub-paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
  - (3) The chief inspectors within this sub-paragraph 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.
  - (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
  - (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
  - (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

### **Assistance for other public authorities**

- 6
- (1) The inspectors of court administration may if they think it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
  - (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the Chief Inspector thinks fit."

## **33 Transitional provision**

In relation to any time before the commencement of the provision in Part 8 of the Education and Inspections Act 2006 (c. 40) establishing the office of Her Majesty's

Chief Inspector of Education, Children's Services and Skills, a reference to that inspector in any provision inserted by this Part is to be read as a reference to—

- (a) Her Majesty's Chief Inspector of Schools in England, and
- (b) the Adult Learning Inspectorate.