
Changes to legislation: Education and Inspections Act 2006, Part 1 is up to date with all changes known to be in force on or before 12 April 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) View outstanding changes

SCHEDULES

SCHEDULE 12

THE CHIEF INSPECTOR AND OTHER INSPECTORS ETC.

PART 1

THE CHIEF INSPECTOR

Remuneration, pensions etc. of Chief Inspector

- 1 (1) The Office is to pay the Chief Inspector such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any Chief Inspector determined by the Secretary of State, the Office is to pay—
- (a) such pension, allowance or gratuity to or in respect of him, or
 - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,
- as the Secretary of State may determine.
- (3) If, when any person ceases to hold office as Chief Inspector, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Office may pay to him such sum by way of compensation as the Secretary of State may determine.
- (4) Service as Chief Inspector is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.
- (5) The Office must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (4) in the sums payable out of money provided by Parliament under that Act.

Commencement Information

II Sch. 12 para. 1 in force at 1.4.2007 by [S.I. 2007/935](#), art. 5(gg)

Temporary appointment of Chief Inspector; performance of functions during vacancy or incapacity etc.

- 2 (1) If there is a vacancy in the office of Chief Inspector, the Secretary of State may appoint a person to be Chief Inspector during such period (not exceeding one year) as he thinks fit.
- (2) Any such appointment is to be on such terms as the Secretary of State may determine.

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- (3) Those terms may include provision for the Secretary of State to terminate the appointment before the time when it would otherwise end.

Commencement Information

I2 Sch. 12 para. 2 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

- 3 (1) The Chief Inspector may designate an HMI to perform his functions during any period when he is absent or unable to act.
- (2) If (at a time when no designation is in force under sub-paragraph (1)) it appears to the chairman of the Office that the Chief Inspector is, as a result of any incapacity—
- (a) unable to act, and
 - (b) unable to make a designation under that sub-paragraph,
- the chairman may designate an HMI to perform the Chief Inspector's functions so long as he remains in office and is unable to act.
- (3) For the purposes of this paragraph the Chief Inspector's functions include his functions as a member of the Office.

Commencement Information

I3 Sch. 12 para. 3 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Execution of documents

- 4 The application of the Chief Inspector's seal must be authenticated by the signature of—
- (a) the Chief Inspector, or
 - (b) some other person who has been authorised for that purpose by the Chief Inspector, whether generally or specially.

Commencement Information

I4 Sch. 12 para. 4 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Evidence

- 5 The Documentary Evidence Act 1868 (c. 37) shall have effect in relation to the Chief Inspector as if—
- (a) he were mentioned in the first column of the Schedule to that Act,
 - (b) he and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and
 - (c) the regulations referred to in that Act included any document issued by him or any such person.

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Commencement Information

I5 Sch. 12 para. 5 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Ancillary powers

- 6 The Chief Inspector may do anything that he considers necessary or expedient for the purposes of, or in connection with, his functions.

Commencement Information

I6 Sch. 12 para. 6 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Nature of functions conferred on Chief Inspector

- 7 (1) Functions conferred on the Chief Inspector by virtue of this Part or any other enactment are conferred on him in his capacity as holder of the office of Chief Inspector and not in his capacity as a member of the Office.
- (2) Sub-paragraph (1) does not apply to any function of the Chief Inspector under—
- (a) section 114(4),
 - (b) paragraph 6 or 12 of Schedule 11, or
 - (c) paragraph 3 of this Schedule.
- (3) References in this Part to functions of the Chief Inspector are references to functions conferred on him in his capacity as holder of the office of Chief Inspector.
- This is subject to paragraph 3(3).
- (4) Any proceedings brought in respect of any such function of the Chief Inspector are to be brought against the Chief Inspector in his capacity as holder of that office.

Commencement Information

I7 Sch. 12 para. 7 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

Relationship between Chief Inspector and the Office

- 8 (1) For all purposes relating to the government department constituted by the Office, the Chief Inspector is to be regarded—
- (a) as part of that government department, whether acting in his capacity as holder of the office of Chief Inspector or in his capacity as a member of the Office, and
 - (b) as performing his functions (in whatever capacity) on behalf of it.
- (2) Sub-paragraph (1) applies subject to any provision made by virtue of sub-paragraph (3).
- (3) The Secretary of State may by order make such provision as he considers appropriate for—
- (a) supplementing or modifying the effect of sub-paragraph (1), or

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- (b) prescribing other matters in connection with responsibilities of the Chief Inspector in relation to the Office or otherwise connected with the relationship between them.
- (4) Such an order may in particular provide—
- (a) for allocating functions, property, rights or liabilities as between the Office and the Chief Inspector;
 - (b) for conferring on the Chief Inspector responsibilities in relation to property, rights or liabilities of the Office, including responsibilities as to the conduct of proceedings;
 - (c) for the capacity in which the Chief Inspector is to discharge any such functions or responsibilities.

Commencement Information

18 Sch. 12 para. 8 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(gg\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)