



# School Inspections Act 1996

1996 CHAPTER 57

E+W

An Act to consolidate provisions of the Education (Schools) Act 1992 and Part V of the Education Act 1993, with amendments to give effect to recommendations of the Law Commission. [24th July 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## Modifications etc. (not altering text)

**C1** Act (except s. 4(4) and paras. 1, 2(3) and 3 of Sch. 1): certain functions transferred (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

Act modified (1.10.2000 for specified purposes and otherwise 1.4.2001 (E.) and otherwise 1.4.2002 (W.)) by [2000 c. 21](#), s. 113(1), [Sch. 7 para. 3\(3\)](#); [S.I. 2000/2559](#), art. 2(1), [Sch. Pt. I](#); [S.I. 2001/654](#), art. 2, Pt. II; [S.I. 2001/2705](#), art. 2, [Sch. Pt. I](#)

Act applied (1.6.2001) by [S.I. 2001/1507](#), reg. 2, [Sch. 2 para. 2](#)

## Commencement Information

**II** Act wholly in force at 1.11.1996 see s.48(2).

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## PART I E+W

### SCHOOL INSPECTIONS

#### CHAPTER I E+W

#### SCHOOL INSPECTORS AND INSPECTIONS CARRIED OUT BY THEM

##### *Her Majesty's Inspectorate for England*

#### 1 **Her Majesty's Inspectorate of Schools in England.** E+W

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Schools in England ("the Chief Inspector for England").
- (2) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Schools in England.
- (3) Any person appointed as one of Her Majesty's Inspectors of Schools in England shall serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector for England.
- (4) The Chief Inspector for England shall hold and vacate office in accordance with the terms of his appointment, but—
  - (a) shall not be appointed for a term of more than five years;
  - (b) may at any time resign by giving written notice to the Secretary of State;
  - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.
- (5) The previous appointment of a person as Chief Inspector for England shall not affect his eligibility for re-appointment.
- (6) Schedule 1 to this Act makes further provision with respect to the Chief Inspector for England and his staff.

#### 2 **Functions of the Chief Inspector for England.** E+W

- (1) The Chief Inspector for England shall have the general duty of keeping the Secretary of State informed about—
  - (a) the quality of the education provided by schools in England;
  - (b) the educational standards achieved in those schools;
  - (c) whether the financial resources made available to those schools are managed efficiently; and
  - (d) the spiritual, moral, social and cultural development of pupils at those schools.
- (2) When asked to do so by the Secretary of State, the Chief Inspector for England shall—
  - (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State's request;
  - (b) inspect and report on such school, or class of school, in England as may be so specified.
- (3) The Chief Inspector for England shall, in addition, have the following specific duties—

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- (a) establishing and maintaining the register mentioned in section 7(1);
  - (b) giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in England under section 10 and the making of reports of such inspections;
  - (c) keeping under review the system of inspecting schools under that section (so far as it relates to schools in England) and, in particular, the standard of such inspections and of the reports made by registered inspectors;
  - (d) keeping under review the extent to which any requirement imposed by or under this Act, or any other enactment, on any registered inspector, local education authority, proprietor of a school or governing body in relation to inspections of schools in England is complied with;
  - (e) promoting efficiency in the conduct and reporting of inspections of schools in England by encouraging competition in the provision of services by registered inspectors.
- (4) The Chief Inspector for England may at any time give advice to the Secretary of State on any matter connected with schools, or a particular school, in England.
- (5) The Chief Inspector for England shall have such other functions in connection with schools in England, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Secretary of State.
- (6) In exercising his functions the Chief Inspector for England shall have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Chief Inspector for England—
- (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each House of Parliament;
  - (b) may make such other reports to the Secretary of State, with respect to matters which fall within the scope of his functions, as he considers appropriate; and
  - (c) may arrange for any report made by him under this subsection to be published in such manner as he considers appropriate.
- (8) The Chief Inspector for England, when inspecting a school for the purposes of subsection (2)(b), shall have at all reasonable times—
- (a) a right of entry to the premises of the school; and
  - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for the purposes of the inspection.
- (9) It shall be an offence wilfully to obstruct the Chief Inspector for England in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b).
- (10) A person guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### 3 **Power of Chief Inspector for England to arrange for inspections.** E+W

- (1) The Chief Inspector for England may cause any school in England to be inspected by one or more of Her Majesty's Inspectors of Schools in England (in this section referred to as "Inspectors").

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- (2) Where an inspection of a school in England is being conducted by a registered inspector under section 10 of this Act, the Chief Inspector for England may arrange for that inspection to be monitored by one or more Inspectors.
- (3) Any Inspector inspecting a school, or monitoring an inspection, under this section shall have at all reasonable times—
  - (a) a right of entry to the premises of the school; and
  - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he considers relevant to the discharge of his functions.
- (4) It shall be an offence wilfully to obstruct any Inspector in the exercise of any of his functions under this section.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**Modifications etc. (not altering text)**

- C2** S. 3(3)(a)(b) extended (1.4.2001) by 2000 c. 21, s. 118(5)(a); S.I. 2001/654, art. 2, Sch. Pt. II  
 S. 3(3)(a)(b) extended (1.4.2001) by 1973 c. 50, s. 10B(6)(a) (as inserted (1.4.2001) by 2000 c. 21, s. 122); S.I. 2001/654, art. 2, Sch. 2 Pt. II

*Her Majesty's Inspectorate for Wales*

**4 Her Majesty's Inspectorate of Schools in Wales. E+W**

- (1) Her Majesty may by Order in Council appoint a person to the office of Her Majesty's Chief Inspector of Schools in Wales ("the Chief Inspector for Wales).
- (2) Her Majesty may by Order in Council appoint persons as Her Majesty's Inspectors of Schools in Wales.
- (3) Any person appointed as one of Her Majesty's Inspectors of Schools in Wales shall serve, in accordance with the terms and conditions on which he is appointed, as a member of the staff of the Chief Inspector for Wales.
- (4) The Chief Inspector for Wales shall hold and vacate office in accordance with the terms of his appointment, but—
  - (a) shall not be appointed for a term of more than five years;
  - (b) may at any time resign by giving written notice to the Secretary of State;
  - (c) may be removed from office by Her Majesty on the ground of incapacity or misconduct.
- (5) The previous appointment of a person as Chief Inspector for Wales shall not affect his eligibility for re-appointment.
- (6) Schedule 1 to this Act makes further provision with respect to the Chief Inspector for Wales and his staff.

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### Modifications etc. (not altering text)

**C3** **S. 4(4):** transfer of functions (16.2.2000) by **S.I. 2000/253**, arts. 2, **Sch. 1**

## 5 Functions of the Chief Inspector for Wales. **E+W**

- (1) The Chief Inspector for Wales shall have the general duty of keeping the Secretary of State informed about—
  - (a) the quality of the education provided by schools in Wales;
  - (b) the educational standards achieved in those schools;
  - (c) whether the financial resources made available to those schools are managed efficiently; and
  - (d) the spiritual, moral, social and cultural development of pupils at those schools.
- (2) When asked to do so by the Secretary of State, the Chief Inspector for Wales shall—
  - (a) give advice to the Secretary of State on such matters as may be specified in the Secretary of State's request;
  - (b) inspect and report on such school, or class of school, in Wales as may be so specified.
- (3) The Chief Inspector for Wales shall, in addition, have the following specific duties—
  - (a) establishing and maintaining the register mentioned in section 7(2);
  - (b) giving guidance to inspectors registered in that register, and such other persons as he considers appropriate, in connection with inspections of schools in Wales under section 10 and the making of reports of such inspections;
  - (c) keeping under review the system of inspecting schools under that section (so far as it relates to schools in Wales) and, in particular, the standard of such inspections and of the reports made by registered inspectors;
  - (d) keeping under review the extent to which any requirement imposed by or under this Act, or any other enactment, on any registered inspector, local education authority, proprietor of a school or governing body in relation to inspections of schools in Wales is complied with;
  - (e) promoting efficiency in the conduct and reporting of inspections of schools in Wales by encouraging competition in the provision of services by registered inspectors.
- (4) The Chief Inspector for Wales may at any time give advice to the Secretary of State on any matter connected with schools, or a particular school, in Wales.
- (5) The Chief Inspector for Wales shall have such other functions in connection with schools in Wales, including functions with respect to the training of teachers for such schools, as may be assigned to him by the Secretary of State.
- (6) In exercising his functions the Chief Inspector for Wales shall have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Chief Inspector for Wales—
  - (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each House of Parliament;
  - (b) may make such other reports to the Secretary of State, with respect to matters which fall within the scope of his functions, as he considers appropriate; and

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- (c) may arrange for any report made by him under this subsection to be published in such manner as he considers appropriate.
- (8) The Chief Inspector for Wales, when inspecting a school for the purposes of subsection (2)(b), shall have at all reasonable times—
  - (a) a right of entry to the premises of the school; and
  - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for the purposes of the inspection.
- (9) It shall be an offence wilfully to obstruct the Chief Inspector for Wales in the exercise of his functions in relation to the inspection of a school for the purposes of subsection (2)(b).
- (10) A person guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **6 Power of Chief Inspector for Wales to arrange for inspections. E+W**

- (1) The Chief Inspector for Wales may cause any school in Wales to be inspected by one or more of Her Majesty's Inspectors of Schools in Wales (in this section referred to as "Inspectors").
- (2) Where an inspection of a school in Wales is being conducted by a registered inspector under section 10, the Chief Inspector for Wales may arrange for that inspection to be monitored by one or more Inspectors.
- (3) Any Inspector inspecting a school, or monitoring an inspection, under this section shall have at all reasonable times—
  - (a) a right of entry to the premises of the school; and
  - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he considers relevant to the discharge of his functions.
- (4) It shall be an offence wilfully to obstruct any Inspector in the exercise of any of his functions under this section.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### *Registered inspectors*

## **7 Registration of inspectors. E+W**

- (1) No person shall conduct an inspection of any school in England under section 10(1) unless he is registered as an inspector in a register kept by the Chief Inspector for England for the purposes of this Part.
- (2) No person shall conduct an inspection of any school in Wales under section 10(2) unless he is registered as an inspector in a register kept by the Chief Inspector for Wales for the purposes of this Part.

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- (3) The Chief Inspector shall not register a person under this section unless, having regard to any conditions that he proposes to impose under subsection (5)(c), it appears to him that that person—
  - (a) is a fit and proper person for discharging the functions of a registered inspector; and
  - (b) will be capable of conducting inspections under this Part competently and effectively.
- (4) An application for registration under this section—
  - (a) shall be made in such manner, and be accompanied by such particulars, as the Chief Inspector may direct; and
  - (b) shall be accompanied by the prescribed fee.
- (5) On an application duly made under this section the Chief Inspector may—
  - (a) register the applicant;
  - (b) refuse to register him; or
  - (c) register him subject to such conditions as the Chief Inspector considers it appropriate to impose.
- (6) Conditions imposed under subsection (5)(c) may be conditions applying generally in relation to all cases, or particular classes of case, or such conditions together with specific conditions applying in the particular case.
- (7) Where a person is registered subject to conditions imposed under subsection (5)(c), he shall be taken to be authorised to act as a registered inspector only so far as those conditions permit.
- (8) The period for which any registration is to have effect shall be determined by the Chief Inspector and shall be entered in the register kept by him.
- (9) Nothing in subsection (8) is to be taken as preventing a registered inspector from applying for a fresh registration to take effect immediately on the expiry of his current registration.
- (10) Subsections (1) and (2) have effect subject to section 12.

## 8 Removal from register and imposition or variation of conditions. E+W

- (1) If the Chief Inspector is satisfied that any of the conditions mentioned in subsection (2) is satisfied with respect to an inspector registered in his register, he may remove the name of that inspector from that register.
- (2) The conditions are that—
  - (a) he is no longer a fit and proper person for discharging the functions of a registered inspector under this Part;
  - (b) he is no longer capable of conducting inspections under this Part competently and effectively;
  - (c) there has been a significant failure on his part to comply with any condition imposed under section 7(5)(c) and subject to which his registration has effect;
  - (d) he has knowingly or recklessly produced a report of an inspection which is, in whole or in part, seriously misleading.
- (3) If the Chief Inspector is satisfied—



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- (a) that he is authorised by subsection (2) to remove the name of an inspector from his register, or
  - (b) that it would otherwise be in the public interest to act under this subsection, he may vary any condition subject to which the registration of that inspector has effect or vary that registration by imposing a condition subject to which it will have effect.
- (4) Either Chief Inspector may, in exercising his functions under this section with respect to a registered inspector, have regard to any action taken by the other Chief Inspector with respect to that registered inspector.

## 9 Appeals in relation to registration. **E+W**

- (1) Any person who is aggrieved by—
  - (a) the refusal of the Chief Inspector to renew his registration under section 7,
  - (b) the imposition or variation of any condition subject to which he is registered under that section,
  - (c) the removal of his name from the relevant register under section 8,
 may appeal against the Chief Inspector's decision to a tribunal constituted in accordance with Schedule 2 to this Act.
- (2) No such decision of the Chief Inspector shall have effect until—
  - (a) the disposal of any appeal against it which is duly made under this section; or
  - (b) the period within which an appeal may be made has expired without an appeal having been made.
- (3) Subsection (2) shall not apply where the Chief Inspector—
  - (a) is satisfied that the circumstances of the case are exceptional and justify the decision in question taking effect immediately, or earlier than would otherwise be the case; and
  - (b) notifies the person concerned to that effect.
- (4) On determining any appeal under this section, the tribunal may—
  - (a) confirm, reverse or vary the decision appealed against; or
  - (b) remit the case to the Chief Inspector with directions as to the action to be taken by him.
- (5) Schedule 2 to this Act makes further provision with respect to tribunals constituted to hear appeals under this section.

### *Inspections by registered inspectors*

## 10 Inspection of certain schools by registered inspectors. **E+W**

- (1) It shall be the duty of the Chief Inspector for England to secure that every school in England to which this section applies is inspected, at such intervals as may be prescribed, by an inspector registered under section 7(1).
- (2) It shall be the duty of the Chief Inspector for Wales to secure that every school in Wales to which this section applies is inspected, at such intervals as may be prescribed, by an inspector registered under section 7(2).
- (3) Subject to subsection (4), the schools to which this section applies are—



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- (a) county schools;
  - (b) voluntary schools;
  - (c) special schools;
  - (d) grant-maintained schools;
  - (e) independent schools approved by the Secretary of State under section 347(1) of the <sup>M1</sup>Education Act 1996 (approval of independent schools as suitable for admitting children with statements);
  - (f) city technology colleges;
  - (g) city colleges for the technology of the arts; and
  - (h) maintained nursery schools.
- (4) This section does not apply to any school conducted by an education association in accordance with Part II.
- (5) It shall be the general duty of any registered inspector conducting an inspection under this section to report on—
- (a) the quality of the education provided by the school;
  - (b) the educational standards achieved in the school;
  - (c) whether the financial resources made available to the school are managed efficiently; and
  - (d) the spiritual, moral, social and cultural development of pupils at the school.
- (6) In prescribing the intervals mentioned in subsections (1) and (2) the Secretary of State may make provision as to the period within which the first inspection of a school under this section is to begin.
- (7) Subsections (1) and (2) have effect subject to section 12.
- (8) An inspection which is required under this section shall not extend to—
- (a) denominational education, or
  - (b) the content of collective worship which falls to be inspected under section 23.
- (9) Schedule 3 to this Act makes further provision with respect to inspections under this section.

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#### Marginal Citations

**M1** 1996 c. 56.

## CHAPTER II **E+W**

### PROCEDURE FOR INSPECTIONS UNDER CHAPTER I

#### Introductory

#### 11 Application of provisions of Chapter II. **E+W**

- (1) Except as is otherwise provided in section 15, sections 13 to 15, in their application to—

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- (a) inspections under section 2(2)(b), 3(1), 5(2)(b) or 6(1) by a member of the Inspectorate, or
  - (b) inspections under section 10,

apply irrespective of the nature of the schools inspected.
- (2) Except as is otherwise provided in section 18, sections 16 to 19, in their application to such inspections, apply with respect to county, voluntary, maintained special, grant-maintained or grant-maintained special schools.
- (3) Sections 20 to 22, in their application to such inspections, apply with respect to schools not falling within subsection (2) above.
- (4) In this Chapter, in its application to an inspection of a school falling within subsection (2)—
  - “appropriate appointing authority means, in relation to any aided or special agreement school—
    - (a) the appropriate diocesan authority, if it is a Church of England school, Church in Wales school or Roman Catholic Church school, and
    - (b) in any other case, the person who appoints the foundation governors; and
  - “appropriate authority—
    - (a) in relation to any county, voluntary or maintained special school, means the school’s governing body or, if the governing body do not have a delegated budget, the local education authority, and
    - (b) in relation to a grant-maintained or grant-maintained special school, means the school’s governing body.
- (5) In this Chapter, in its application to an inspection of a school falling within subsection (3), “appropriate authority means—
  - (a) in the case of a school falling within paragraph (e), (f) or (g) of section 10(3), the proprietor of the school;
  - (b) in the case of a maintained nursery school whose governing body does not have a delegated budget, the local education authority; and
  - (c) in any other case, the school’s governing body.
- (6) In this Chapter “section 10 inspection means an inspection under section 10.

## 12 Inspections by members of the Inspectorate. E+W

- (1) Where an inspection of a school is required under section 10 but the Chief Inspector is satisfied that it is not reasonably practicable to secure that the school is inspected by a suitable registered inspector, he shall secure that it is inspected by a member of the Inspectorate.
- (2) Where such an inspection is conducted by a member of the Inspectorate by virtue of this section, the following provisions, namely—
  - (a) section 10(1), (2) and (5) and Schedule 3, and
  - (b) section 13(1),

shall (unless the context otherwise requires) have effect in relation to the inspection as if the member of the Inspectorate were a registered inspector.

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- (3) If the Chief Inspector so elects in the case of any inspection of a school by a member of the Inspectorate under section 2(2)(b), 3(1), 5(2)(b) or 6(1), that inspection shall be treated for the purposes of the relevant provisions—
  - (a) as if it were an inspection under section 10, and
  - (b) in the case of sections 10(1) and (2) and 13(1), as if the member of the Inspectorate were a registered inspector.
- (4) In subsection (3) “the relevant provisions means sections 10(1) and (2), 13(1) and 14 and—
  - (a) (in the case of an inspection of a school falling within section 11(2)) sections 16 to 19; and
  - (b) (in the case of an inspection of a school falling within section 11(3)) sections 20 to 22.

*Inspections and reports: all schools*

**13 Section 10 inspections by registered inspectors. E+W**

- (1) Where a section 10 inspection by a registered inspector has been completed, the inspector shall make in writing a report of the inspection and a summary of the report.
- (2) Where the inspector is of the opinion that special measures are required to be taken in relation to the school he shall submit a draft of the report of the inspection to the Chief Inspector.
- (3) If the Chief Inspector so requests, an inspector who has submitted a draft under subsection (2) shall provide the Chief Inspector with such further information as the Chief Inspector may specify.
- (4) The Chief Inspector shall inform an inspector who has submitted a draft under subsection (2) whether he agrees or disagrees with the inspector’s opinion.
- (5) Where—
  - (a) the Chief Inspector informs the inspector that he disagrees with the inspector’s opinion, but
  - (b) the inspector remains of the opinion that special measures are required to be taken in relation to the school,
 the inspector may not make a report stating that opinion unless the terms in which he makes the report are substantially the same (except as to the statement required by subsection (7)(b)) as the draft or as a subsequent draft submitted to the Chief Inspector under this subsection.
- (6) Where a subsequent draft is submitted under subsection (5), the Chief Inspector shall inform the inspector whether he agrees or disagrees with the inspector’s opinion.
- (7) A report made by a registered inspector who is of the opinion that special measures are required to be taken in relation to the school shall—
  - (a) state his opinion, and
  - (b) state whether the Chief Inspector agrees or disagrees with his opinion.
- (8) If a report of an inspection of a school by a registered inspector is made in circumstances where—

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- (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,
 the registered inspector shall state his opinion in the report.
- (9) For the purposes of this Act special measures are required to be taken in relation to a school if the school is failing or likely to fail to give its pupils an acceptable standard of education.

**Modifications etc. (not altering text)**

- C4** [S. 13\(2\)-\(7\)](#) applied (with modifications) (1.10.2000 for specified purposes otherwise 1.4.2001 (E.) and 1.4.2002 (W.)) by [2000 c. 21, s. 113\(1\), Sch. 7 paras. 7, 14](#); [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); [S.I. 2001/654, art. 2, Sch. Pt. II](#); [S.I. 2001/2705, art. 2, Sch. Pt. I](#)

**14 Reports of inspections by members of the Inspectorate. E+W**

- (1) Where on the completion of any inspection of a school under section 2(2)(b), 3(1), 5(2)(b) or 6(1) by a member of the Inspectorate, that person is of the opinion that special measures are required to be taken in relation to the school, he shall—
  - (a) prepare in writing a report of the inspection and a summary of the report, and
  - (b) state his opinion in the report.
- (2) If on the completion of any such inspection of a school by a member of the Inspectorate in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,
 the member of the Inspectorate shall prepare in writing a report of the inspection and a summary of the report and state his opinion in the report.
- (3) A report of a section 10 inspection of a school by a member of the Inspectorate shall, if he is of the opinion that special measures are required to be taken in relation to the school, state his opinion.
- (4) If a report of a section 10 inspection of a school by a member of the Inspectorate is made in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either—
    - (i) that person was a member of the Inspectorate, or
    - (ii) the report stated that the Chief Inspector agreed with his opinion,
 the member of the Inspectorate shall state his opinion in the report.

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## 15 Timing of section 10 inspections by registered inspectors. **E+W**

- (1) The carrying out of a section 10 inspection shall be completed by the time allowed under subsection (2) below, and the making of the report required by section 13 shall be completed within the period allowed under that subsection.
- (2) The time, and the period, allowed shall be such as may be prescribed, subject to any such extension of the period as the Chief Inspector may consider necessary to make; but the total period allowed must not exceed the prescribed period extended by three months.
- (3) In the case of an inspection of a school falling within section 11(2) the Chief Inspector shall give notice in writing of any extension under subsection (2) above to—
  - (a) the inspector;
  - (b) the local education authority in the case of a county, voluntary or maintained special school; and
  - (c) the governing body.
- (4) In the case of an inspection of a school falling within section 11(3) the Chief Inspector shall give notice in writing of any extension under subsection (2) above to—
  - (a) the inspector;
  - (b) the appropriate authority; and
  - (c) the Secretary of State, except where the school is a maintained nursery school.
- (5) This section does not apply to a section 10 inspection carried out by a member of the Inspectorate.

*Destination of reports and special measures: schools within s. 11(2)*

## 16 Destination of reports. **E+W**

- (1) In the case of a report of a section 10 inspection of a school falling within section 11(2), the person making the report shall without delay—
  - (a) send a copy of the report together with the summary of it to the appropriate authority for the school and, if it is a grant-maintained or grant-maintained special school, to the Secretary of State; and
  - (b) if in the case of a county, voluntary or maintained special school the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and either—
    - (i) that person is a member of the Inspectorate, or
    - (ii) the report states that the Chief Inspector agrees with his opinion,
 send a copy of the report and summary to the Secretary of State.
- (2) In a case where—
  - (a) a report of an inspection of a school falling within section 11(2) is made by a member of the Inspectorate, and
  - (b) he is required by section 14(1)(b) to state in the report that he is of the opinion that special measures are required to be taken in relation to the school,
 the member of the Inspectorate shall send a copy of the report together with the summary of it to the appropriate authority for the school and the Secretary of State.

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- (3) In any case, copies of the report and summary referred to in subsection (1) or (2) shall be sent by the person who made the report—
- (a) to the Chief Inspector (unless the report was made by a member of the Inspectorate);
  - (b) to the head teacher of the school;
  - (c) in the case of a county, voluntary or maintained special school, to whichever of the local education authority and the governing body are not the appropriate authority;
  - (d) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority;
  - (e) to any person named as a sponsor of the school in the instrument of government; and
  - (f) in the case of any school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 25 to the <sup>M2</sup>Education Act 1996 (core governors for groups), to that person.
- (4) The appropriate authority shall—
- (a) make a copy of any report and summary sent to the authority under subsection (1) or (2) available for inspection by members of the public at such times and at such place as may be reasonable;
  - (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary as soon as is reasonably practicable.

#### Marginal Citations

M2 1996 c. 56.

VALID FROM 02/09/2002

#### **[<sup>F1</sup>16A Duty to notify where inspection shows school causing concern E+W**

- (1) Subsection (2) applies in relation to a school falling within section 11(2) where—
- (a) following an inspection of the school under Part 1 by a member of the Inspectorate, that member has informed the Chief Inspector of his opinion—
    - (i) that the school has serious weaknesses, or
    - (ii) that special measures are required to be taken in relation to the school,
  - (b) following an inspection of the school under Part 1 by a registered inspector, the Chief Inspector has been notified in writing by the inspector of the inspector's opinion that the school has serious weaknesses, or
  - (c) the Chief Inspector agrees with the opinion of a registered inspector, expressed in a draft report submitted to the Chief Inspector under

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section 13(2), that special measures are required to be taken in relation to the school.

- (2) Where this subsection applies, the Chief Inspector shall without delay give the Secretary of State a notice in writing stating that the case falls within paragraph (a), (b) or (c) of subsection (1).
- (3) On receiving a notice under subsection (2), the Secretary of State shall without delay give the local education authority a notice in writing stating that he has been informed by the Chief Inspector that the case falls within paragraph (a), (b) or (c) of subsection (1).
- (4) For the purposes of this section a school has serious weaknesses if, although giving its pupils in general an acceptable standard of education, it has significant weaknesses in one or more areas of its activities.]

#### Textual Amendments

- F1** [S. 16A](#) inserted (2.9.2002 for E. and otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 54, 216(4); [S.I. 2002/2002](#), [art. 4](#)

## 17 Special measures by appropriate authority. **E+W**

- (1) Where there is sent to the appropriate authority for a school falling within section 11(2) either—
  - (a) a report of a section 10 inspection of the school, or
  - (b) a report of an inspection of the school by a member of the Inspectorate in which that person is required by section 14(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school,
 the appropriate authority shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (2) It is the duty of the appropriate authority to prepare the statement within the period allowed by this subsection, that is—
  - (a) such period as may be prescribed, or
  - (b) if—
    - (i) the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and
    - (ii) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, and
    - (iii) the Secretary of State is of the opinion that the urgency of the case requires a shorter period,
 such shorter period as the Secretary of State may direct;
 but this subsection does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.
- (3) Where such a statement has been prepared by the appropriate authority they shall, before the end of the prescribed period, send copies of it—
  - (a) to the Chief Inspector;



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- (b) in the case of a county, voluntary or maintained special school, to whichever of the governing body and the local education authority are not the appropriate authority;
  - (c) in the case of a grant-maintained or grant-maintained special school, to the Secretary of State; and
  - (d) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) If in the case of a county, voluntary or maintained special school—
  - (a) the statement is prepared in response to a report of an inspection of the school in which the person who made the report states that in his opinion special measures are required to be taken in relation to the school, and
  - (b) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion,

the appropriate authority shall, before the end of the prescribed period, send a copy of the statement to the Secretary of State.
- (5) The appropriate authority shall also send a copy of the statement—
  - (a) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority;
  - (b) to any person named as a sponsor of the school in the instrument of government; and
  - (c) in the case of any school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 25 to the <sup>M3</sup>Education Act 1996 (core governors for groups), to that person.
- (6) The appropriate authority shall—
  - (a) make any statement prepared by them under this section available for inspection by members of the public, at such times and at such place as may be reasonable;
  - (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply); and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement as soon as is reasonably practicable.
- (7) Where the governing body of a school have prepared a statement under this section, they shall in the report referred to in—
  - (a) section 161 of the <sup>M4</sup>Education Act 1996 (governors' report in case of county, voluntary or maintained special school), or
  - (b) paragraph 7 of Schedule 23 to that Act (governors' report for grant-maintained school),

as the case may be, state the extent to which the proposals set out in the statement (or if there is more than one, the most recent statement) have been carried into effect.

#### Marginal Citations

**M3** 1996 c. 56.

**M4** 1996 c. 56.

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## **18 Additional special measures by local education authority. E+W**

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a county, voluntary or maintained special school the governing body of which have a delegated budget, the person who made the report stated that in his opinion special measures were required to be taken in relation to the school; and
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - (c) either—
    - (i) the local education authority have received a copy of a statement prepared under section 17 in response to the report, or
    - (ii) the period prescribed for the purposes of subsection (3) of that section has expired.
- (2) The local education authority shall—
- (a) prepare a written statement of any action they propose to take in the light of the report, and the period within which they propose to take such action, or, if they do not propose to take any such action, of their reasons for not doing so, and
  - (b) send a copy of the statement prepared under paragraph (a) above, together with their comments on any statement prepared under section 17 of which they have received a copy, to the Secretary of State and the Chief Inspector and, in the case of an aided or special agreement school—
    - (i) to the person who appoints the foundation governors, and
    - (ii) (if different) to the appropriate appointing authority.
- (3) It is the duty of the local education authority to prepare the statement within the period allowed by this subsection, that is—
- (a) such period as may be prescribed, or
  - (b) if the Secretary of State is of the opinion that the urgency of the case requires a shorter period, such shorter period as the Secretary of State may direct;
- but this subsection does not relieve the local education authority of any duty to prepare a statement which has not been performed within that period.

## **19 Monitoring special measures and further inspections. E+W**

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a school falling within section 11(2) the person who made it stated that in his opinion special measures were required to be taken in relation to the school; and
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - (c) either—
    - (i) a statement has been prepared under section 17, or
    - (ii) the period prescribed for the purposes of subsection (3) of that section has expired; and
  - (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not state in the report that in his opinion special measures were not required to be taken in relation to the school.

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- (2) Regulations may make provision with a view to securing that any measures taken by—
  - (a) the appropriate authority, and
  - (b) in the case of a school which has a delegated budget, the local education authority,
 for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.
- (3) The regulations may, in particular, provide for reports to be made by such persons and at such intervals as may be prescribed.
- (4) The regulations may authorise the Secretary of State to require the Chief Inspector to conduct further inspections of the school and prepare further reports of such inspections.
- (5) In respect of cases where—
  - (a) any report prepared in pursuance of a requirement imposed by virtue of subsection (4) states that, in the opinion of the person who prepared it, special measures are required to be taken in relation to the school concerned, but the grounds for that opinion are substantially different from the grounds for the opinion in any preceding report by a registered inspector or member of the Inspectorate, or
  - (b) any report prepared in pursuance of any such requirement states that, in the opinion of the person who prepared it, special measures are not required to be taken in relation to the school concerned,
 the regulations may make provision corresponding to any of the provisions of this Chapter so far as it has effect in relation to schools falling within section 11(2).

*Destination of reports and special measures: schools within s. 11(3)*

## 20 Destination of reports. **E+W**

- (1) In the case of a report of a section 10 inspection of a school falling within section 11(3), the person making the report shall without delay—
  - (a) send a copy of the report together with the summary of it—
    - (i) to the appropriate authority for the school, and
    - (ii) (unless the person making it is a member of the Inspectorate) to the Chief Inspector, and
  - (b) if the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and either—
    - (i) that person is a member of the Inspectorate, or
    - (ii) the report states that the Chief Inspector agrees with his opinion,
 send a copy of the report and summary to the Secretary of State.
- (2) In a case where—
  - (a) a report of an inspection of a school falling within section 11(3) is made by a member of the Inspectorate, and
  - (b) he is required by section 14(1)(b) to state in the report that he is of the opinion that special measures are required to be taken in relation to the school,
 the member of the Inspectorate shall send a copy of the report together with the summary of it to the appropriate authority for the school and to the Secretary of State.

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(3) In the case of—

- (a) a special school which is not a maintained or grant-maintained special school, or
- (b) an independent school approved by the Secretary of State under section 347(1) of the <sup>M5</sup>Education Act 1996 (approval of independent schools as suitable for admitting children with statements),

the appropriate authority shall without delay send a copy of any report and summary sent to them under subsection (1) or (2) to the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.

(4) The appropriate authority shall—

- (a) make any report and summary sent to the authority under subsection (1) or (2) available for inspection by members of the public at such times and at such place as may be reasonable;
- (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
- (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary as soon as is reasonably practicable.

#### Marginal Citations

M5 1996 c. 56.

## 21 Special measures by appropriate authority. **E+W**

(1) Where there is sent to the appropriate authority for a school falling within section 11(3) either—

- (a) a report of a section 10 inspection of the school, or
- (b) a report of an inspection of the school made by a member of the Inspectorate in which that person is required by section 14(1)(b) to state that he is of the opinion that special measures are required to be taken in relation to the school,

the appropriate authority shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.

(2) It is the duty of the appropriate authority to prepare the statement within the period allowed by this subsection, that is—

- (a) such period as may be prescribed, or
- (b) if—
  - (i) the report states that the person making it is of the opinion that special measures are required to be taken in relation to the school, and
  - (ii) either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, and
  - (iii) the Secretary of State is of the opinion that the urgency of the case requires a shorter period,

such shorter period as the Secretary of State may direct;

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but this subsection does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.

(3) Where such a statement has been prepared by the appropriate authority they shall, before the end of the prescribed period, send copies of it—

- (a) to the Chief Inspector;
- (b) to the Secretary of State, except in the case of a maintained nursery school; and
- (c) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.

(4) In the case of—

- (a) a special school which is not a maintained or grant-maintained special school, or
- (b) an independent school approved by the Secretary of State under section 347(1) of the <sup>M6</sup>Education Act 1996 (approval of independent schools as suitable for admitting children with statements),

the appropriate authority shall, before the end of the prescribed period, send a copy of any such statement prepared by them to the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school.

(5) The appropriate authority shall—

- (a) make any statement prepared by them under this section available for inspection by members of the public, at such times and at such place as may be reasonable;
- (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply); and
- (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement as soon as is reasonably practicable.

#### Marginal Citations

M6 1996 c. 56.

## 22 Monitoring special measures. **E+W**

(1) This section applies in circumstances where—

- (a) in a report of an inspection of a school falling within section 11(3) the person who made it stated that in his opinion special measures were required to be taken in relation to the school; and
- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
- (c) either—
  - (i) a statement has been prepared under section 21 of this Act, or
  - (ii) the period prescribed for the purposes of subsection (3) of that section has expired, and
- (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not in the report state that, in

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his opinion, special measures were not required to be taken in relation to the school.

- (2) Regulations may make provision with a view to securing that any measures taken by the appropriate authority for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.
- (3) The regulations may, in particular, provide for reports to be made by such persons and at such intervals as may be prescribed.
- (4) The regulations may authorise the Secretary of State to require the Chief Inspector to conduct further inspections of the school and prepare further reports of such inspections.
- (5) In respect of cases where—
  - (a) any report prepared in pursuance of a requirement imposed by virtue of subsection (4) states that, in the opinion of the person who prepared it, special measures are required to be taken in relation to the school concerned, but the grounds for that opinion are substantially different from the grounds for the opinion in any preceding report by a registered inspector or member of the Inspectorate, or
  - (b) any report prepared in pursuance of any such requirement states that, in the opinion of the person who prepared it, special measures are not required to be taken in relation to the school concerned,

the regulations may make provision corresponding to any of the provisions of this Chapter so far as it has effect in relation to schools falling within section 11(3).

### CHAPTER III **E+W**

#### OTHER INSPECTIONS

##### *Religious education*

#### **23 Inspection of religious education. **E+W****

- (1) It shall be the duty of the governing body of—
  - (a) any voluntary school, or
  - (b) any grant-maintained school,in which denominational education is given to any pupils to secure that that education is inspected under this section.
- (2) It shall be the duty of the governing body of—
  - (a) any voluntary school, or
  - (b) any grant-maintained school falling within subsection (3),to secure that the content of the school's collective worship is inspected under this section.
- (3) A grant-maintained school falls within this subsection if—
  - (a) it was a voluntary school immediately before it became grant-maintained, or
  - (b) it was established in pursuance of proposals published under section 212 of the <sup>M7</sup>Education Act 1996 (proposals by promoters) and either—



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- (i) any trust deed relating to the school, or
    - (ii) the statement required by paragraph 8 of Schedule 20 to that Act,

makes provision as to religious education for pupils at the school, or
  - (c) it is a school in respect of which there are approved under section 261 of that Act (approval of proposed alterations etc.) proposals for the required provision for religious education to be provision for religious education in accordance with the tenets of a particular religion or religious denomination.
- (4) In this Act “denominational education, in relation to a school, means any religious education which—
- (a) is required by section 352(1)(a) of the Education Act 1996 to be included in the school’s basic curriculum, but
  - (b) is not required by any enactment to be given in accordance with an agreed syllabus;
- and in this section—
- (i) “the required provision for religious education means the provision for religious education for pupils at the school which is required as mentioned in paragraph (a) above, and
  - (ii) references to collective worship are references to collective worship required by section 385 of that Act.
- (5) An inspection under this section shall be conducted by a person chosen by—
- (a) the foundation governors, in the case of a controlled school; and
  - (b) the governing body, in any other case.
- (6) The person chosen need not be a registered inspector.
- (7) Inspections under this section shall be carried out at such intervals as may be prescribed; and in prescribing the intervals the Secretary of State may make provision as to the period within which the first inspection under this section with respect to a school is to begin.
- (8) It shall be the general duty of a person conducting an inspection under this section—
- (a) if the inspection is conducted by virtue of subsection (1), to report on the quality of the denominational education provided by the school for pupils to whom denominational education is given by the school, or
  - (b) if the inspection is conducted by virtue of subsection (2), to report on the content of the school’s collective worship,
- and any such person may report on the spiritual, moral, social and cultural development of pupils at the school.
- (9) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by him as are in his opinion fit and proper persons for carrying out the inspection.
- (10) Schedule 4 to this Act makes further provision with respect to inspections under this section.

#### **Marginal Citations**

**M7** 1996 c. 56.



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### *Local authority inspection services*

## **24 Provision of inspection services by local education authorities. E+W**

- (1) Any local education authority may provide a school inspection service for schools within their area.
- (2) In this section “school inspection service, in relation to any local education authority, means a service providing for the inspection of schools under section 10 or 23 by officers of the authority.
- (3) Any school inspection service provided by a local education authority may, in addition to providing for the inspection of schools which are maintained by them, provide for the inspection of schools which are not maintained by them.
- (4) Any school inspection service provided by a local education authority shall be operated by the authority in such a way as can reasonably be expected to secure that the full cost of providing the service is recovered by way of charges made by the authority to those using the service.
- (5) The Secretary of State may by regulations—
  - (a) make provision as to the making of tenders by local education authorities (as required by paragraph 2 of Schedule 3 to this Act);
  - (b) make provision with respect to the accounts to be kept by local education authorities in connection with any school inspection services provided by them; and
  - (c) make such incidental and supplemental provision with respect to school inspection services provided by local education authorities as the Secretary of State considers appropriate.

### **Modifications etc. (not altering text)**

- C5** [S. 24](#) functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by ([Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), [art. 3](#), [Sch. 3\(f\)](#))

## **25 Power of local education authority to inspect maintained school for specific purpose. E+W**

- (1) Where—
  - (a) for the purpose of enabling them to exercise any function of theirs, a local education authority require information about any matter in connection with a school which is maintained by them, and
  - (b) it is not reasonably practicable for them to obtain the information in any other manner,they may cause an inspection of the school to be made by one or more of their officers for the purpose of obtaining the information.
- (2) Any officer of a local education authority inspecting a school under this section shall have at all reasonable times a right of entry to the premises of the school.

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#### **Modifications etc. (not altering text)**

- C6** [S. 25\(1\)](#) functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), art. 3, [Sch. 3\(g\)](#)

## **PART II E+W**

### POWERS OVER SCHOOLS REQUIRING SPECIAL MEASURES

#### *Miscellaneous powers and restrictions*

#### **26 Schools to which sections 27 to 30 apply. E+W**

Sections 27 to 30 apply only to county, voluntary and maintained special schools and do not apply to a school at any time unless, at that time—

- (a) there is a report of an inspection of the school in which the person who made it stated that in his opinion special measures were required to be taken in relation to the school,
- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- (c) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school under Part I, he did not state in the report that in his opinion special measures were not required to be taken in relation to the school, and
- (d) the Secretary of State has not exercised his powers under section 33 in relation to the school.

#### **27 Appointment of additional governors. E+W**

(1) If at any time—

- (a) this section applies in relation to any county, controlled or maintained special school, and
- (b) the conditions in subsection (2) are satisfied,

the local education authority may appoint such number of additional governors as they think fit.

(2) Those conditions are that—

- (a) a copy of a statement prepared—
  - (i) (in the case of a school not having a delegated budget) under section 17, and
  - (ii) (in any other case) under section 18,
 has been sent to the Secretary of State;
- (b) the local education authority have received a notice in writing in which the Secretary of State acknowledges receipt of the copy; and
- (c) a period of not less than ten days has elapsed since the date of the notice.

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- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(c) above shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) In relation to any appointment made by the local education authority by virtue of subsection (1) to the governing body of a school—
- (a) the instrument of government for the school, or
  - (b) if the governing body of the school are constituted in accordance with arrangements under section 96 or 97 of the <sup>M8</sup>Education Act 1996 (temporary governing bodies for new schools), those arrangements,
- shall have effect as if, notwithstanding subsection (1) or (2) of section 79 of that Act (governing bodies for county schools, etc.), the instrument or, as the case may be, arrangements authorised the local education authority to appoint such number of additional governors as they think fit.
- (5) If at any time—
- (a) this section applies in relation to an aided or special agreement school, and
  - (b) the conditions in subsection (6) are satisfied,
- the appropriate appointing authority may appoint such number of additional foundation governors as they think fit.
- (6) Those conditions are—
- (a) that a period of not less than ten days has elapsed since the expiry of—
    - (i) (in the case of a school not having a delegated budget) the period prescribed for the purposes of section 17(3), or
    - (ii) (in any other case) the period allowed under section 18(3) for preparing a statement under section 18, and
  - (b) that the Secretary of State has received a copy of a statement prepared—
    - (i) (in the case of a school not having a delegated budget) under section 17, or
    - (ii) (in any other case) under section 18,and has served notice in writing on the appropriate appointing authority stating that the power conferred by subsection (5) is exercisable.
- (7) The Secretary of State may by notice in writing served on the appropriate appointing authority determine that subsection (6)(a) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (8) In the case of any appointment made by virtue of subsection (5) to the governing body of a school—
- (a) the instrument of government for the school, or
  - (b) if the governing body are constituted in accordance with arrangements under section 97 of the <sup>M9</sup>Education Act 1996, those arrangements,
- shall have effect as if, notwithstanding section 84(2) of that Act (foundation governors for aided and special agreement schools), the instrument or, as the case may be, arrangements authorised the appropriate appointing authority to appoint such number of additional foundation governors as they think fit.
- (9) Subject to subsection (10), references in this section to the appropriate appointing authority in relation to any aided or special agreement school are references—

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- (a) to the appropriate diocesan authority, if it is a Church of England School, Church in Wales school or Roman Catholic Church school; or
  - (b) in any other case, to the person who appoints the foundation governors.
- (10) Where, in the case of any aided or special agreement school not falling within subsection (9)(a) there are different powers to appoint foundation governors, references in this section (excluding subsections (6) and (7)) to the appropriate appointing authority are references—
- (a) to all those persons who have any such power acting jointly, or
  - (b) if they are unable to agree, to such of them acting jointly, or such one of them, as the Secretary of State may, after consulting all those persons, determine.

#### Marginal Citations

**M8** 1996 c. 56.

**M9** 1996 c. 56.

## 28 Suspension of right to delegated budget. **E+W**

- (1) If at any time—
- (a) this section applies in relation to a county, controlled or maintained special school in respect of which financial delegation is required, and
  - (b) the conditions in subsection (2) are satisfied,
- the local education authority may by giving the governing body of the school notice of suspension suspend the right to a delegated budget with effect from the receipt by the governing body of the notice; and a copy of the notice shall be given to the head teacher of the school at the same time as the notice is given to the governing body.
- (2) Those conditions are that—
- (a) a copy of a statement prepared under section 18 has been sent to the Secretary of State;
  - (b) the local education authority have received a notice in writing in which the Secretary of State acknowledges receipt of the copy; and
  - (c) a period of not less than ten days has elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(c) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) A suspension by virtue of this section shall have effect for the purposes of Chapter V of Part II of the Education Act 1996 as if made under section 117 of that Act, but section 119(1)(a) of that Act (right to appeal against imposition of suspension) does not apply in relation to a suspension by virtue of this section.
- (5) Expressions used in this section and that Chapter have the same meaning as in that Chapter.

## 29 Grouping and de-grouping. **E+W**

- (1) If at any time—

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- (a) this section applies in relation to a county, voluntary or maintained special school, and
- (b) the local education authority have received a copy of the report referred to in section 26(a),

they may not pass a resolution under section 89 of the Education Act 1996 (grouping of schools under single governing body) for two or more schools to be grouped if those schools would include the school to which this section applies.

(2) If at any time—

- (a) this section applies in relation to a county, voluntary or maintained special school, and
- (b) the Secretary of State has received a copy of the report referred to in section 26(a),

he may by order under section 95(1) of the Education Act 1996 bring to an end any grouping of schools under that section which includes the school to which this section applies, whether or not the grouping is one in respect of which his consent was at any time required under section 90 of that Act.

### **30 Prohibition on ballot under Part III of Education Act 1996. E+W**

(1) If at any time—

- (a) this section applies in relation to a county or voluntary school, and
- (b) the governing body have received a copy of the report referred to in section 26(a),

then, notwithstanding anything in section 186 or 187 of the Education Act 1996 (initiation of ballot procedure), the governing body of the school may not secure that any ballot is held under Chapter II of Part III of that Act.

(2) If at any time—

- (a) this section applies in relation to a maintained special school, and
- (b) the governing body have received a copy of the report referred to in section 26(a),

regulations under section 345 of that Act (maintained special school becoming grant-maintained special school) shall not apply in relation to the school.

### *Education associations*

### **31 Power to establish education associations. E+W**

(1) Where—

- (a) the powers conferred by section 33 are exercisable by the Secretary of State in relation to a county or voluntary school, and
- (b) he is of the opinion that the school should be conducted by a body corporate established under this section and that no suitable body corporate has been so established,

he may by order provide for the establishment of a body corporate under the name given in the order.

(2) Bodies corporate established under this section shall be known as “education associations.”

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- (3) An education association shall consist of not less than five members appointed by the Secretary of State, one of whom shall be so appointed as chairman.
- (4) Before making an order under this section in the case of a voluntary school, the Secretary of State shall consult—
  - (a) if it is a Church of England school, Church in Wales school or Roman Catholic Church school, the appropriate diocesan authority; and
  - (b) in any other case, the person who appoints the foundation governors.
- (5) An education association—
  - (a) must include at least one member who appears to the Secretary of State—
    - (i) to have experience of, and to have shown capacity in, the provision of primary or secondary education, or
    - (ii) to have held, and shown capacity in, any position carrying responsibility for the provision of such education; and
  - (b) if the association conduct a school which was a voluntary school, must include at least one member who appears to the Secretary of State to have experience of, and to have shown capacity in, the provision of education in voluntary schools; and
  - (c) if the association conduct a special school, must include at least one member who appears to the Secretary of State to have experience of, and to have shown capacity in, providing for children with special educational needs;

but one person may satisfy the requirement in paragraph (a) as well as that in paragraph (b) or (c).
- (6) Schedule 5 to this Act makes further provision with respect to education associations.
- (7) Subject to the following provisions of this Part—
  - (a) references in any enactment to the governing body of any school, or to the foundation governors of any school, are to be read, in relation to a school conducted by an education association, as references to that association; and
  - (b) references in any enactment to the governors of any school are to be read, in relation to a school conducted by an education association, as references to the members of the association.
- (8) Where an education association conduct more than one school, then, subject to the following provisions of this Part, any provision of an enactment which applies to schools shall apply separately in relation to each of the schools.

## **32 Supervision of education associations by the Secretary of State. E+W**

- (1) An education association shall, in exercising their functions, comply with any directions given by the Secretary of State.
- (2) Before giving a direction under this section, the Secretary of State shall consult the education association or (as the case may be) each education association to which the direction applies unless, for reasons of urgency, it is not in his opinion reasonably practicable for him to do so.
- (3) The Secretary of State shall publish any directions given by him under this section in such manner as he thinks fit.

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### 33 **Transfer of responsibility for conducting school to an education association.** **E** **+W**

- (1) The powers conferred by this section are exercisable by the Secretary of State in relation to a county school or voluntary school at any time if, at that time—
  - (a) there is a report of an inspection of the school in which the person who made it stated that in his opinion special measures were required to be taken in relation to the school;
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion;
  - (c) the Secretary of State has received a statement prepared under section 17 or the period allowed by subsection (2) of that section for the preparation of such a statement has expired; and
  - (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not state in the report that in his opinion special measures were not required to be taken in relation to the school.
- (2) Where—
  - (a) the powers conferred by this section are exercisable by the Secretary of State in relation to a school,
  - (b) he is of the opinion that the school should be conducted by an education association, and
  - (c) if the school is a voluntary school, he has consulted the person who appoints the school's foundation governors and such other persons as he thinks appropriate,he may by order provide for the school to be conducted by an education association named in the order as from such date as may be specified in the order (referred to in this Act as the "transfer date").
- (3) On making an order under this section the Secretary of State shall give notice in writing of the order to the governing body and head teacher of the school, to the local education authority and (except in the case of a school in Wales before the Schools Funding Council for Wales begin to exercise their functions) the funding authority.
- (4) On the transfer date—
  - (a) the local education authority whose duty it was immediately before that date to maintain the school as a county or voluntary school shall cease to have that duty, and
  - (b) any special agreement relating to the school shall cease to have effect.

### 34 **Effect of order under section 33.** **E+W**

- (1) This section applies in relation to a school where an order under section 33 has been made.
- (2) A school conducted by an education association may not cease to be so conducted unless—
  - (a) it becomes a grant-maintained school, or
  - (b) the school is discontinued.
- (3) The following subsections have effect subject to the following provisions of this Part.



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- (4) Subject to section 10(4) and subsection (7) below, references in any enactment to grant-maintained schools include schools conducted by education associations.
- (5) References in any enactment to schools the governing bodies of which are incorporated under Chapter II of Part III of the <sup>M10</sup>Education Act 1996 (however expressed) include schools conducted by education associations.
- (6) Subject to subsection (7) below, references in any enactment—
  - (a) to any school becoming grant-maintained (whether the reference is to its acquiring grant-maintained status or is expressed in any other form), or
  - (b) to the date of implementation of the proposals under which it becomes grant-maintained,
 are in the case of schools conducted by education associations references to the school beginning to be conducted by the association or, as the case may be, to the transfer date.
- (7) References in any enactment to schools the governing bodies of which are incorporated under Chapter IV of Part III of the Education Act 1996 (however expressed) do not include schools conducted by education associations.

#### Marginal Citations

**M10** 1996 c. 56.

### 35 Functions of education associations. **E+W**

- (1) Where an order under section 33 provides for an education association to conduct a school, the association may as from the transfer date conduct the school; and their power under this subsection is to conduct a school of the same description as the school as it was immediately before that date.
- (2) An education association shall conduct any school for which they are the governing body so as to secure, so far as it is practicable to do so, the elimination of any deficiencies in the conduct of the school identified in any report made by a registered inspector or member of the Inspectorate.
- (3) A school conducted by an education association shall not, where changes have been made in the character or premises of the school since the transfer date, be regarded as being of a different description from the school as it was immediately before that date if the changes—
  - (a) did not require authorisation under Chapter VII of Part III of the Education Act 1996, or
  - (b) were authorised under that Chapter.
- (4) Subject to any provision made by the articles of government for the school, an education association may provide education at any school conducted by them which is neither primary nor secondary education if—
  - (a) it is part-time education suitable to the requirements of persons of any age over compulsory school age, or full-time education suitable to the requirements of persons who have attained the age of 19;
  - (b) it is part-time education suitable to the requirements of junior pupils who have not attained the age of 5 and the school provides full-time education for junior pupils of the same age; or

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- (c) they do so as agents for a local education authority under arrangements made with the authority for the purpose.

### 36 Conduct of school. **E+W**

- (1) Each school conducted by an education association shall be conducted in accordance with an instrument to be known as the articles of government.
- (2) Subject to any express provision of the articles of government, the school shall be conducted in accordance with any trust deed relating to it.
- (3) The initial articles of government for such a school shall be such as are prescribed and, subject to subsection (4), shall have effect as from the transfer date.
- (4) Such of the articles as may be prescribed shall have effect as from such date prior to the transfer date as may be prescribed.
- (5) The education association may, with the consent of the Secretary of State—
  - (a) make new articles of government in place of the existing articles for the school, or
  - (b) modify the existing articles for the school.
- (6) The Secretary of State may by a direction under this section, in the case of—
  - (a) schools conducted by education associations,
  - (b) any class of such schools specified in the direction, or
  - (c) any particular school conducted by an education association so specified,require each education association conducting any school to which the direction applies to modify its articles of government in any manner so specified.
- (7) Before giving a direction under this section, the Secretary of State shall consult each education association conducting any school to which the direction applies.

### 37 School conducted by education association acquiring grant-maintained status. **E+W**

- (1) Where the Secretary of State—
  - (a) has received a copy of a report under section 40(2) in respect of a school conducted by an education association, and
  - (b) is of the opinion that the school should become a grant-maintained school,he may give notice in writing of his opinion to the head teacher of the school, the education association, the local education authority and (except in the case of a school in Wales before the Schools Funding Council for Wales have begun to exercise their functions) the funding authority.
- (2) An education association which receive a notice under subsection (1) above in respect of a school shall, within the period of three months beginning with the receipt of the notice, publish proposals under section 193 of the <sup>M11</sup>Education Act 1996 (proposals to seek grant-maintained status).
- (3) In relation to proposals published under that section by virtue of this section and the incorporation of a governing body in pursuance of such proposals, Chapters II and V of Part III of that Act shall have effect—

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- (a) as if the school to which the proposals relate had continued, after the transfer date, to be a county or, as the case may be, voluntary school, and
- (b) with such other modifications as may be prescribed.

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**Marginal Citations**

**M11** 1996 c. 56.

### 38 Discontinuance of school conducted by education association. **E+W**

- (1) Where the Secretary of State is of the opinion that a school conducted by an education association should be discontinued, he shall give notice in writing of his opinion and of the discontinuance date to—
  - (a) the education association;
  - (b) the local education authority;
  - (c) the funding authority (except in the case of a school in Wales before the Schools Funding Council for Wales have begun to exercise their functions); and
  - (d) if the school provides education to which section 2(1) of the <sup>M12</sup>Further and Higher Education Act 1992 applies, the appropriate further education funding council.
- (2) The education association shall cease to conduct the school—
  - (a) on the date specified in the notice; or
  - (b) if at the request of the education association the Secretary of State subsequently fixes another date (whether in substitution for the date specified in the notice or in substitution for a date previously fixed under this subsection), on that date.
- (3) Where the Secretary of State has given notice under this section, he may by order make provision for the disposal of the school property and the discharge of any liabilities of the education association in respect of the school.
- (4) An order under subsection (3) may make any such provision (except provision for the dissolution of the education association) as is made by, or may be made by an order under, sections 274 to 279 of the Education Act 1996 (winding up and disposal of property) where proposals for the discontinuance of a grant-maintained school have been approved under section 269 of that Act.

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**Marginal Citations**

**M12** 1992 c. 13.

### 39 Winding-up of education association. **E+W**

- (1) Where this section applies to the school or, as the case may be, each of the schools conducted or formerly conducted by an education association, the Secretary of State may by order provide for the dissolution of the association and the transfer to him of the property, rights and liabilities of the association.
- (2) This section applies where—

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- (a) the Secretary of State has approved proposals for the school to become a grant-maintained school, or
- (b) the Secretary of State has given notice under section 38 of his opinion that the school should be discontinued.

#### **40 Reports showing school no longer requires special measures. E+W**

- (1) Where, on the completion of any inspection of a school conducted by an education association which is carried out under section 2(2)(b), 3(1), 5(2)(b) or 6(1) by a member of the Inspectorate, that person is of the opinion that special measures are not required to be taken in relation to the school, he shall prepare in writing a report of the inspection and a summary of the report and state his opinion in the report.
- (2) The member of the Inspectorate shall send a copy of the report, together with a summary of it, to the head teacher of the school, the education association and the Secretary of State.
- (3) The education association shall—
  - (a) make any copy report and summary sent to them under subsection (2) available for inspection by members of the public at such times and at such place as may be reasonable;
  - (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary as soon as is reasonably practicable.

#### **41 Regulations for the purposes of Part II. E+W**

- (1) Regulations may provide for any relevant enactments to have effect in relation to—
  - (a) the transfer to an education association under section 33 of responsibility for the conduct of any school and the subsequent conduct of the school by the association,
  - (b) the transfer to a governing body incorporated in pursuance of proposals published by virtue of section 37 of responsibility for the conduct of any school conducted by an education association, and
  - (c) the discontinuance under section 38 of any school conducted by an education association,with such modifications as seem to the Secretary of State to be necessary or desirable.
- (2) In subsection (1) “relevant enactment means any enactment relating to grant-maintained schools (or schools including grant-maintained schools), including an enactment relating to the acquisition of grant-maintained status.
- (3) Subsection (1) does not apply in relation to schools which are or were maintained special schools; but regulations may provide for sections 33 to 40 to have effect in relation to any such schools as they have effect in relation to county schools but with such modifications as seem to the Secretary of State to be necessary or desirable.
- (4) Regulations may make such provision as the Secretary of State considers necessary or desirable in relation to—

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- (a) the transfer to an education association under section 33 of responsibility for the conduct of any maintained special school and the subsequent conduct of the school by the association, and
  - (b) where a former maintained special school is being conducted by an education association, the discontinuance of the school under section 38.
- (5) In relation to any former maintained special school being conducted by an education association—
- (a) section 345 of the <sup>M13</sup>Education Act 1996 (maintained special school becoming grant-maintained school) shall apply as it applies to any maintained special school, but as if the reference in subsection (1) to the school ceasing to be maintained by the local education authority were to its ceasing to be conducted by an education association, and
  - (b) section 37 above shall apply—
    - (i) as if the reference in subsection (1) to a grant-maintained school were to a grant-maintained special school,
    - (ii) as if the reference in subsection (2) to section 193 of that Act were to section 345 of that Act, and
    - (iii) with the omission of subsection (3).

#### Marginal Citations

M13 1996 c. 56.

## PART III U.K.

### GENERAL

#### *Inspection of computer records*

## 42 **Inspection of computer records for purposes of Part I.** E+W

Any person authorised by Part I to inspect records—

- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
- (b) may require—
  - (i) the person by whom or on whose behalf the computer is or has been so used; or
  - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,
 to afford him such assistance as he may reasonably require.

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VALID FROM 01/10/1998

## *f<sup>F2</sup>Publication of reports*

### Textual Amendments

- F2** S. 42A and cross-heading inserted (1.10.1998) by 1998 c. 31, s. 134(1) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I

### **<sup>F3</sup>42A Publication of inspection reports. E+W**

- (1) The Chief Inspector may in the case of—
- (a) any report by a member of the Inspectorate of an inspection carried out by him under any provision of this Act (whether the report is required by any such provision or is otherwise made in pursuance of his functions under that provision), or
  - (b) any report of an inspection under section 10 (other than one made by a member of the Inspectorate),
- arrange for the report to be published in such manner as the Chief Inspector considers appropriate.
- (2) Without prejudice to the generality of—
- (a) section 2(7)(c) or 5(7)(c), or
  - (b) subsection (1) above,
- the Chief Inspector may arrange for a report to which that provision applies to be published by electronic means.
- (3) For the purposes of the law of defamation any report published by the Chief Inspector under any of those provisions shall be privileged unless the publication is shown to be made with malice.
- (4) Nothing in subsection (3) shall be construed as limiting any privilege subsisting apart from that subsection.]

### Textual Amendments

- F3** S. 42A and cross-heading inserted (1.10.1998) by 1998 c. 31, s. 134(1) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I

### Modifications etc. (not altering text)

- C7** S. 42A applied (1.4.2001) by 2000 c. 21, s. 118(6); S.I. 2001/654, art. 2(2), Sch. Pt. II  
S. 42A applied (1.4.2001) by 1973 c. 50, s. 10B(7) (as inserted (1.4.2001) by 2000 c. 21, s. 122); S.I. 2001/654, art. 2(2), Sch. Pt. II  
S. 42A applied (1.4.2001 (W.) and otherwise prosp.) by 2000 c. 21, ss. 128(3), 154; S.I. 2001/1274, art. 2(1), Sch. Pt. I
- C8** S. 42A(2)(3) applied (1.10.1998) by 1998 c. 31, s. 122, Sch. 26 para. 13(3) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I  
S. 42A(2)-(4) extended (1.10.1998) by 1994 c. 30, s. 18A(4) (as inserted by 1998 c. 30, s. 20 (with s. 42(8)); S.I. 1998/2215, art. 2)  
S. 42A(2)-(4) extended (1.10.1998) by 1998 c. 30, s. 34(1)(8) (with s. 42(8)); S.I. 1998/2215, art. 2

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S. 42A(2)-(4) applied (1.10.1998) by 1997 c. 44, s. 39(4)(as amended by 1998 c. 31, s. 134(3) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I)  
 S. 42A(2)-(4) applied (2.7.2001 for E. 1.4.2002 for W.) by 1989 c. 41, s. 79R(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920, art. 3(3)(b) (with transitional provisions in Sch. 1-3)  
 S. 42A(2)-(4): power to apply (with modification) conferred (2.7.2001 for E. 1.4.2002 for W.) by 1989 c. 41, s. 79T(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920 {art. 3(3)(b)} (with transitional provisions in Sch. 1-3)

### Financial provisions

#### 43 Payment of fees into Consolidated Fund. **E+W**

Any sums received by the Chief Inspector under—

- (a) section 7(4)(b), or
  - (b) paragraph 4(2) or 5(2) of Schedule 3,
- shall be paid into the Consolidated Fund.

#### 44 Stamp duty. **E+W**

(1) Subject to subsection (2) below, stamp duty shall not be chargeable in respect of—

- (a) any transfer effected under section 39;
- (b) any transfer—
  - (i) to a funding authority, or
  - (ii) to the governing body of a grant-maintained school,
 by virtue of section 38(3); or
- (c) any transfer to a local education authority by virtue of section 38(3) of property which immediately after the transfer is held by the authority for the purposes of—
  - (i) a county or voluntary school or maintained special school not established in a hospital, or
  - (ii) a new county school.

(2) No instrument (other than a statutory instrument) made or executed under or in pursuance of any of the provisions mentioned in subsection (1) shall be treated as duly stamped unless—

- (a) it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the <sup>M14</sup>Finance Act 1982), be liable, or
- (b) it has, in accordance with the provisions of section 12 of the <sup>M15</sup>Stamp Duty Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.

#### Marginal Citations

**M14** 1982 c. 39.

**M15** 1891 c. 39.



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### Orders and regulations

#### 45 Orders and regulations. **E+W**

- (1) Any power conferred by this Act to make an order or regulations (except an order under section 38) shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing any such order or regulations (except an order under section 31, 33 or 39) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order or regulations made under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any such regulations may include provision for the designation by the Secretary of State, in accordance with the regulations, of particular schools or classes of school for the purposes of the application of particular provisions of the regulations in relation to such schools.

### Construction

#### 46 Interpretation. **E+W**

- (1) In this Act—
  - “Chief Inspector (without more) shall be read—
    - (a) in relation to any school in England or registration under section 7(1), as a reference to the Chief Inspector for England; and
    - (b) in relation to any school in Wales or registration under section 7(2), as a reference to the Chief Inspector for Wales;
  - “Chief Inspector for England means the person referred to in section 1(1);
  - “Chief Inspector for Wales means the person referred to in section 4(1);
  - “Church in Wales school, “Church of England school and “Roman Catholic Church school, and “appropriate diocesan authority in each case, have the meaning given by section 311(1) of the <sup>M16</sup>Education Act 1996;
  - “delegated budget has the same meaning as in section 116 of the Education Act 1996;
  - “denominational education has the meaning given in section 23(4);
  - “member of the Inspectorate means the Chief Inspector, any of Her Majesty’s Inspectors of Schools in England or, as the case may be, Wales and any additional inspector authorised under paragraph 2 of Schedule 1;
  - “prescribed means prescribed by regulations;
  - “registered inspector means a person registered under section 7(1) or (2);
  - “regulations means regulations made by the Secretary of State under this Act;
  - “the transfer date shall be construed by reference to section 33(2).
- (2) References in this Act to special measures being, or not being, required to be taken in relation to a school shall be construed in accordance with section 13(9).

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(3) For the purposes of this Act any reference to a condition imposed under section 7(5) (c) includes a reference to a condition imposed under section 8(3).

(4) This Act and the Education Act 1996 shall be construed as one.

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#### Marginal Citations

**M16** 1996 c. 56.

#### Final provisions

#### 47 Consequential amendments, repeals and transitional provisions. **E+W**

- (1) The enactments specified in Schedule 6 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 7 are repealed to the extent specified.
- (3) The transitional provisions contained in Schedule 8 shall have effect.

#### 48 Short title, commencement and extent. **U.K.**

- (1) This Act may be cited as the School Inspections Act 1996.
- (2) This Act shall come into force on 1st November 1996.
- (3) Subject to subsections (4) and (5), this Act extends to England and Wales only.
- (4) This section and paragraph 6 of Schedule 1 also extend to Scotland and Northern Ireland.
- (5) The amendments in Schedule 6 and the repeals in Schedule 7 have the same extent as the enactments to which they refer.

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## SCHEDULES

### SCHEDULE 1 U.K.

Sections 1 and 4.

#### HER MAJESTY’S CHIEF INSPECTORS

##### *Chief Inspector’s other staff*

- 1       The Chief Inspector may, with the approval of the Treasury as to numbers and terms and conditions of service, appoint such staff, in addition to Inspectors who are members of his staff by virtue of section 1(3) or (as the case may be) 4(3) of this Act, as he thinks fit.

##### *Additional inspectors*

- 2       (1) The Chief Inspector may arrange for such persons as he thinks fit to assist him in the discharge of any of his functions in relation to a particular case or class of case.
- (2) Any person assisting the Chief Inspector under any such arrangements shall be known as an additional inspector.
- (3) Any arrangements which provide for assistance by persons who are not members of the Chief Inspector’s staff shall be made on terms agreed by him with the Treasury.
- (4) An additional inspector acting within the authority conferred on him by the Chief Inspector shall have all the powers of an Inspector.

##### *Remuneration, pensions etc.*

- 3       (1) There shall be paid to the Chief Inspector such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any such Chief Inspector as may be determined by the Secretary of State, there shall be paid—
- (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 may be so determined.
- (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, there may be paid to him such sum by way of compensation as may be determined by the Secretary of State.
- (4) Any determination of the Secretary of State under this paragraph requires the approval of the Minister for the Civil Service.

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- (5) Any determination made under this paragraph with respect to one Chief Inspector may be different from any corresponding determination made with respect to the other Chief Inspector.

**Modifications etc. (not altering text)**

**C9** [Sch. 1 para. 3](#): transfer of functions (16.2.2000) by [S.I. 2000/253](#), arts. 1(2), 2, [Sch. 1](#)

*Official seal*

- 4 The Chief Inspector shall have an official seal for the authentication of documents required for the purposes of his functions.

*Performance of functions*

- 5 (1) Anything authorised or required by or under this Part of this Act or any other enactment to be done by the Chief Inspector for England may be done by—
- (a) any of Her Majesty’s Inspectors of Schools in England,
  - (b) any other member of his staff, or
  - (c) any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for England.
- (2) Anything authorised or required by or under this Part of this Act or any other enactment to be done by the Chief Inspector for Wales may be done by—
- (a) any of Her Majesty’s Inspectors of Schools in Wales,
  - (b) any other member of his staff, or
  - (c) any additional inspector,
- who is authorised generally or specially in that behalf by the Chief Inspector for Wales.
- (3) Without prejudice to the generality of sub-paragraph (1) or (2), the references to the Chief Inspector in—
- (a) section 2(8) or (9), or
  - (b) section 5(8) or (9),
- include references to any person authorised to act on his behalf in conducting an inspection under section 2(2)(b) or section 5(2)(b) (as the case may be).

*Documentary evidence*

- 6 The <sup>M17</sup>Documentary Evidence Act 1868 shall have effect, in relation to the Chief Inspector for England and in relation to the Chief Inspector for Wales, as if—
- (a) he were included 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 by any such person.

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#### Marginal Citations

M17 1868 c. 37.

## SCHEDULE 2 E+W

Section 9.

### TRIBUNALS HEARING APPEALS UNDER SECTION 9

#### *Constitution of tribunals*

- 1 (1) A tribunal constituted to hear an appeal under section 9 of this Act (“a tribunal”) shall consist of—
- (a) a Chairman appointed by the Lord Chancellor; and
  - (b) two other members appointed by the Secretary of State.
- (2) To be qualified for appointment as Chairman of a tribunal, a person must have a 7 year general qualification (within the meaning of section 71 of the <sup>M18</sup>Courts and Legal Services Act 1990).
- (3) A person shall not be appointed after the day on which he attains the age of 70 to be the Chairman of a tribunal.

#### Marginal Citations

M18 1990 c. 41.

#### *Procedure of tribunals*

- 2 (1) The Secretary of State may by regulations make provision with respect to the making of appeals to, and the procedure to be followed by, tribunals.
- (2) The regulations may, in particular, make provision—
- (a) as to the period within which, and manner in which, appeals must be brought;
  - (b) for the holding of hearings in private in prescribed circumstances;
  - (c) as to the persons who may appear on behalf of the parties;
  - (d) for enabling hearings to be conducted even though a member of the tribunal, other than the Chairman, is absent;
  - (e) as to the disclosure by the appellant, and others, of documents and the inspection of documents;
  - (f) requiring persons to attend the proceedings and give evidence;
  - (g) as to the payment of expenses incurred by persons compelled to attend proceedings by regulations made by virtue of paragraph (f);
  - (h) authorising the administration of oaths to witnesses;
  - (i) as to the withdrawal of appeals;
  - (j) as to costs and expenses incurred by any party to the proceedings; and
  - (k) authorising preliminary or incidental matters in relation to an appeal to be dealt with by the Chairman of the tribunal hearing that appeal.

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**Modifications etc. (not altering text)**

**C10** Sch. 2 para. 2 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 10(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

*Staff*

- 3 The Secretary of State may, with the consent of the Treasury, make such provision as he thinks fit for—
- (a) the allocation of staff for any tribunal;
  - (b) the remuneration of members of tribunals and the reimbursement of their expenses;
  - (c) defraying any reasonable expenses incurred by any tribunal.

**Modifications etc. (not altering text)**

**C11** Sch. 2 para. 3 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 10(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

SCHEDULE 3 **E+W**

Section 10.

INSPECTIONS UNDER SECTION 10

- 1 In this Schedule—
- “appropriate authority means—
- (a) in the case of a county, voluntary, maintained special or maintained nursery school whose governing body does not have a delegated budget, the local education authority;
  - (b) in the case of a school falling within paragraph (e), (f) or (g) of section 10(3), the proprietor of the school;
  - (c) in any other case, the school’s governing body;
- “inspection means an inspection under section 10.

*Selection of registered inspectors*

- 2 Before entering into any arrangement for an inspection, the Chief Inspector shall, after consulting the appropriate authority for the school concerned as to the tender specification, invite tenders from at least two registered inspectors who can reasonably be expected—
- (a) to wish to tender for the proposed inspection; and
  - (b) to tender at arm’s length from each other.

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### *Inspection teams*

- 3 (1) Every inspection shall be conducted by a registered inspector with the assistance of a team (an “inspection team”) consisting of persons who are fit and proper persons for carrying out the inspection.
- (2) It shall be the duty of the registered inspector to ensure that—
- (a) at least one member of the inspection team is a person—
    - (i) without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity); and
    - (ii) whose primary function on the team is not that of providing financial or business expertise; and
  - (b) no member of the inspection team falls within a category of person prescribed for the purposes of this sub-paragraph.
- (3) Otherwise, the composition of the inspection team shall be determined by the registered inspector, subject to his complying with any condition imposed under section 7(5)(c).
- (4) Any experience of a kind mentioned in sub-paragraph (2)(a) which it is reasonable to regard as insignificant, having regard to the purposes of sub-paragraph (2), may be ignored by the registered inspector.
- (5) It shall be the duty of the registered inspector to ensure that no person takes any part in an inspection if he has, or has at any time had, any connection with—
- (a) the school in question,
  - (b) any person who is employed at the school,
  - (c) any person who is a member of the school’s governing body, or
  - (d) the proprietor of the school,
- of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to that school.

VALID FROM 01/10/1998

### *[<sup>F4</sup>Enrolment of persons to act as team members]*

#### **Textual Amendments**

**F4** Sch. 3 para. 3A and crossheading inserted (1.10.1998) by 1998 c. 31, s. 135, Sch. 28 Pt. I para. 4(2) (with ss. 138(9), 144(6)); S.I. 1998/2212, arts. 2, Sch. 1 Pt. I (with Sch. 2 Pt. I para. 5)

- <sup>F5</sup>3A (1) The Chief Inspector shall keep a list of persons who may act as members of an inspection team (“the list”); and no person shall act as a member of an inspection team unless he is enrolled in the list.



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- (2) The Chief Inspector shall not enrol any person in the list unless, having regard to any conditions that he proposes to impose under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) below), it appears to him that that person—
  - (a) is a fit and proper person for carrying out an inspection, and
  - (b) will be capable of assisting in an inspection competently and effectively.
- (3) An application for enrolment in the list shall (except in such circumstances as may be prescribed) be accompanied by the prescribed fee.
- (4) Subsections (5) to (9) of section 7 shall apply in relation to the enrolment of a person in the list and to acting as a member of an inspection team as they apply in relation to the registration of a person under subsection (1) or (2) of that section and to acting as a registered inspector.
- (5) Sections 8 and 9 and Schedule 2 shall (with any necessary modifications) apply in relation to enrolment in the list and to a person so enrolled as they apply in relation to registration under section 7(1) or (2) and to a person so registered.
- (6) In its application to an enrolled person in accordance with sub-paragraph (5) above, section 8 shall have effect as if the conditions mentioned in subsection (2) of that section were that—
  - (a) that person is no longer a fit and proper person to act as a member of an inspection team;
  - (b) he is no longer capable of assisting in an inspection competently and effectively;
  - (c) there has been a significant failure on his part to comply with any condition imposed under section 7(5)(c) (as it applies in accordance with sub-paragraph (4) above).
- (7) Without prejudice to the generality of paragraph 2(1) of Schedule 2, regulations under that provision may provide that, where a person is appealing simultaneously—
  - (a) against a decision of the Chief Inspector relating to that person's registration, and
  - (b) against a decision of the Chief Inspector relating to that person's enrolment in the list,both appeals are to be heard at the same time.

#### Textual Amendments

- F5** Sch. 3 para. 3A inserted (1.10.1998) by 1998 c. 31, s. 135, **Sch. 28 Pt. I para. 4(2)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

#### *Training for inspections*

- 4 (1) No person shall conduct an inspection of a school in England, or act as a member of an inspection team for such a school, unless he has, in the opinion of the Chief Inspector for England, satisfactorily completed a course of training provided by, or complying with arrangements approved by, that Chief Inspector.

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- (2) Where the Chief Inspector for England provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.
  - (3) Sub-paragraph (1) shall not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector for England.
- 5
- (1) No person shall conduct an inspection of a school in Wales, or act as a member of an inspection team for such a school, unless he has, in the opinion of the Chief Inspector for Wales, satisfactorily completed a course of training provided by, or complying with arrangements approved by, that Chief Inspector.
  - (2) Where the Chief Inspector for Wales provides such training he may charge such fees as are reasonable for the purpose of recovering the whole, or part, of the cost of providing it.
  - (3) Sub-paragraph (1) shall not apply in such circumstances as may be specified, either generally or in relation to a particular case or class of case, by the Chief Inspector for Wales.

#### *Meeting with parents*

- 6
- Where an inspection is arranged, the appropriate authority for the school concerned shall—
- (a) take such steps as are reasonably practicable to notify—
    - (i) the parents of registered pupils at the school, and
    - (ii) such other persons as may be prescribed,
  - (b) arrange a meeting, in accordance with such provisions as may be prescribed, between the inspector conducting the inspection and those parents of registered pupils at the school who wish to attend.

#### *Rights of entry etc.*

- 7
- A registered inspector conducting an inspection, and the members of his inspection team, shall have at all reasonable times—
- (a) a right of entry to the premises of the school concerned; and
  - (b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which he requires for the purposes of the inspection.

#### *Offence of obstructing inspector or inspection team*

- 8
- (1) It shall be an offence wilfully to obstruct—
    - (a) a registered inspector, or
    - (b) a member of an inspection team,in the exercise of his functions in relation to an inspection of a school.
  - (2) Any person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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## SCHEDULE 4 E+W

Section 23.

### INSPECTIONS OF DENOMINATIONAL EDUCATION

#### *Construction*

- 1        In this Schedule—
- “inspection means an inspection of a school under section 23; and
- “inspector means the person conducting the inspection.

#### *Inspectors’ reports*

- 2        (1) An inspection shall be carried out within such period as may be prescribed.
- (2) When an inspection has been completed, the inspector shall, before the end of the prescribed period, prepare in writing a report of the inspection and a summary of the report.
- (3) The inspector shall, without delay, send the report and summary to the governing body for the school concerned.
- (4) The governing body shall—
- (a) make any such report and its accompanying summary available for inspection by members of the public, at such times and at such a place as may be reasonable;
  - (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
  - (c) take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school—
    - (i) for whom the school provides denominational education, or
    - (ii) who takes part in acts of collective worship the content of which falls to be inspected under section 23,
 as the case may be, receives a copy of the summary as soon as is reasonably practicable.

#### *Action plans*

- 3        (1) The governing body to whom an inspector has reported under this Schedule shall, before the end of the prescribed period, prepare a written statement (“the action plan”) of the action which they propose to take in the light of his report and the period within which they propose to take it.
- (2) Where an action plan has been prepared by a governing body, they shall, before the end of the prescribed period, send copies of it to the person who appoints the school’s foundation governors and—
- (a) in the case of a voluntary school, to the local education authority, or
  - (b) in the case of a grant-maintained school, to the Secretary of State,
- and to such other persons (if any), in such circumstances, as may be prescribed.
- (3) The governing body shall—

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**Changes to legislation:** School Inspections Act 1996 (repealed) is up to date with all changes known to be in force on or before 12 October 2023. 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)

- (a) make any action plan prepared by them available for inspection by members of the public, at such times and at such a place as may be reasonable;
  - (b) provide a copy of the plan, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one; and
  - (c) take such steps as are reasonably practicable to secure that every parent of a registered pupil at the school—
    - (i) for whom the school provides denominational education, or
    - (ii) who takes part in acts of collective worship the content of which falls to be inspected under section 23,as the case may be, receives a copy of the plan as soon as is reasonably practicable.
- (4) Where the governing body of a school have prepared an action plan, they shall include in their governors’ report a statement of the extent to which the proposals set out in the plan have been carried into effect.
- (5) In sub-paragraph (4) “governors’ report means—
- (a) in the case of a voluntary school, the report referred to in section 161 of the <sup>M19</sup>Education Act 1996; and
  - (b) in the case of a grant-maintained school, the report referred to in paragraph 7(1) of Schedule 23 to that Act.
- (6) Sub-paragraph (4) applies only in relation to the most recent action plan for the school in question.

#### Marginal Citations

M19 1996 c. 56.

## SCHEDULE 5 **E+W**

Section 31.

### EDUCATION ASSOCIATIONS

#### *Supplementary powers*

- 1 (1) Subject to sub-paragraph (2) and to the articles of government of any school they conduct, an education association may do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular—
- (a) acquiring and disposing of land and other property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of the discharge of their functions, and
  - (d) accepting gifts of money, land or other property.
- (2) An education association shall not borrow money except money lent under section 255 of the <sup>M20</sup>Education Act 1996.

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- (3) The power to dispose of land mentioned in sub-paragraph (1)(a) above—
  - (a) does not include power to grant any mortgage, charge or other security in respect of any land, and
  - (b) may only be exercised with the written consent of the Secretary of State.

#### **Marginal Citations**

**M20** 1996 c. 56.

### *Tenure of members*

- 2
  - (1) A person shall hold and vacate office as a member of an education association in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
  - (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member of an education association.
- 3 If the Secretary of State is satisfied that a member of an education association—
  - (a) has been absent from meetings of the association for a period longer than six consecutive months without the permission of the association, or
  - (b) is unable or unfit to discharge the functions of a member,the Secretary of State may by notice in writing to that member remove him from office and thereupon the office shall become vacant.

### *Salaries, allowances and pensions*

- 4
  - (1) The Secretary of State may—
    - (a) pay to the members of an education association such salaries or fees, and such travelling, subsistence or other allowances, as he may determine, and
    - (b) may, as regards any member of the association in whose case the Secretary of State may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
  - (2) If a person ceases to be a member of an education association and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.
  - (3) Any determination of the Secretary of State under this paragraph requires the approval of the Treasury.

### *Committees*

- 5
  - (1) An education association may establish a committee for any purpose.

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- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the association.
- (3) Such a committee may include persons who are not members of the association.
- (4) The association shall keep under review the structure of committees established by them under this paragraph and the scope of each such committee's activities.

#### *Delegation of functions*

- 6 An education association may authorise the chairman or any committee established by them under paragraph 5 to exercise such of their functions as they may determine.

#### *Proceedings*

- 7 The validity of any proceedings of an education association or of any of their committees shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.
- 8 Subject to the preceding provisions of this Schedule, an education association may regulate their own procedure and that of any of their committees.

#### *Application of seal and proof of instruments*

- 9 The application of the seal of an education association shall be authenticated by the signature—
  - (a) of the chairman or of some other person authorised either generally or specifically by the association to act for that purpose, and
  - (b) of one other member.
- 10 Every document purporting to be an instrument made or issued by or on behalf of an education association and to be duly executed under their seal, or to be signed or executed by a person authorised by the association to act in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

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## SCHEDULE 6 U.K.

Section 47(1).

### CONSEQUENTIAL AMENDMENTS

#### Extent Information

**E1** Amendments in Sch. 6 are coextensive with the enactments to which they refer.

#### *Parliamentary Commissioner Act 1967 (c.13)*

- 1 Schedule 2 to the <sup>M21</sup>Parliamentary Commissioner Act 1967 shall continue to include the following entries (originally inserted by paragraph 8 of Schedule 1 to the Education (Schools) Act 1992)—

“Office of Her Majesty’s Chief Inspector of Schools in England.”

“Office of Her Majesty’s Chief Inspector of Schools in Wales.”

#### Marginal Citations

**M21** 1992 c. 38.

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 2 Part III of Schedule 1 to the <sup>M22</sup>House of Commons Disqualification Act 1975 shall continue to include the following entries (originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992)—

“Her Majesty’s Chief Inspector of Schools in England.”

“Her Majesty’s Chief Inspector of Schools in Wales.”

#### Marginal Citations

**M22** 1992 c. 38.

#### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 3 Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 shall continue to include the same entries as those specified in paragraph 2 above (also originally inserted by paragraph 9 of Schedule 1 to the Education (Schools) Act 1992).

#### *Education Reform Act 1988 (c. 40)*

- 4 (1) Section 226(2)(b) of the Education Reform Act 1988 (inspection of schools in other member States providing education for British children) shall continue to have effect with the following amendment (originally made by paragraph 7 of Schedule 4 to the Education (Schools) Act 1992).



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- (2) For the words from “school to the end of the paragraph there is substituted “ by, or under the direction of, one or more of Her Majesty’s Inspectors of Schools for England ”.

*Tribunals and Inquiries Act 1992 (c. 53)*

- 5 In Schedule 1 to the Tribunals and Inquiries Act 1992, in paragraph 15 of Part I, in sub-paragraph (d) for “Schedule 3 to the Education (Schools) Act 1992 there is substituted “ Schedule 2 to the School Inspections Act 1996 ”.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 6 In section 26(8)(h) of the Judicial Pensions and Retirement Act 1993, for “Schedule 3 to the Education (Schools) Act 1992 there is substituted “ Schedule 2 to the School Inspections Act 1996 ”.

*Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)*

- 7 (1) Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996 shall be amended in accordance with sub-paragraphs (2) to (5).
- (2) In paragraph 2(3)(c) for “the Education (Schools) Act 1992 there is substituted “ the School Inspections Act 1996 ”.
- (3) In paragraph 6(2) for “section 9 of the Education (Schools) Act 1992 there is substituted “ section 10 of the School Inspections Act 1996 ”.
- (4) In paragraph 10(2) for “section 12 of the Education (Schools) Act 1992; and paragraph 2 (procedure) and paragraph 3(1) (staff) of Schedule 3 to that Act there is substituted “ section 9 of the School Inspections Act 1996; and paragraph 2 (procedure) and paragraph 3 (staff) of Schedule 2 to that Act ”.
- (5) In paragraph 14—
- (a) for “paragraph (a) of sections 4 and 8 of the Education (Schools) Act 1992 there is substituted “ subsection (7)(a) of sections 2 and 5 of the School Inspections Act 1996 ”; and
- (b) for “paragraph (b) there is substituted “ subsection (7)(b) ”.

SCHEDULE 7 **U.K.**

Section 47(2).

REPEALS

**Extent Information**

**E2** Repeals in Sch. 7 are coextensive with the enactments to which they refer.

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1992 c. 38.	Education (Schools) Act 1992.	The whole Act except sections 16, 17 and 21(5) and paragraphs 1 and 4 to 6 of Schedule 4.
1993 c. 8.	Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 67.
1993 c. 35.	Education Act 1993.	Part V. Section 259. Section 299 so far as relating to section 225 or 226 of the Act. In section 306, the entries “appropriate appointing authority (in Part V), “appropriate authority (in Part V), “inspection by a member of the Inspectorate (in Part V), “member of the Inspectorate (in Part V), “section 9 inspection (in Part V), “special measures (in Part V) and “transfer date (in Part V). Schedule 12. In Schedule 19, paragraph 173.

## SCHEDULE 8 E+W

Section 47(3).

### TRANSITIONAL PROVISIONS

#### *Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions by this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if done, under or for the purposes of any provision repealed and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
  - (a) to any provision of this Act, or
  - (b) to things done or falling to be done under or for the purposes of any provision of this Act,

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shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference—

(i) to that corresponding provision, or

(ii) to things done or falling to be done under or for the purposes of that corresponding provision,

as the case may be.

(4) Any reference (express or implied) in any enactment or in any instrument or document—

(a) to any provision repealed and re-enacted by this Act, or

(b) to things done or falling to be done under or for the purposes of any such provision,

shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—

(i) to that corresponding provision, or

(ii) to things done or falling to be done under or for the purposes of that corresponding provision,

as the case may be.

(5) Without prejudice to the generality of sub-paragraph (4), where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.

(6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the <sup>M23</sup> Interpretation Act 1978 (but are without prejudice to any other provision of that Act); and sub-paragraph (1) has effect subject to any amendments of the law which give effect to recommendations of the Law Commission.

#### Marginal Citations

M23 1978 c. 30.

#### *New documents referring to repealed enactments*

- 2 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference to or (as the context may require) including a reference to the corresponding provision of this Act.

#### *Application of sections 2(9) and 5(9)*

- 3 Sections 2(9) and 5(9) shall not have effect in relation to anything done before they come into force.

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### TABLE OF DERIVATIONS

*Notes:*

1 This Table shows the derivation of the provisions of the Bill.

2 The following abbreviations are used in the Table:—

1992	= Education (Schools) Act 1992 (c.38)
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1993	= Education Act 1993 (c.35)
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3 The abbreviation “Law Com. Rec. No. followed by a number refers to a recommendation set out in the paragraph of that number in Appendix 1 to the Report of the Law Commission (Cm.3251).

Provision	Derivation
1	1992 s.1.
2(1) to (6)	1992 s.2.
(7)	1992 s.4.
(8) to (10)	Law Com. Rec. No.22.
3	1992 s.3.
4	1992 s.5.
5(1) to (6)	1992 s.6.
(7)	1992 s.8.
(8) to (10)	Law Com. Rec. No.22.
6	1992 s.7.
7(1) to (9)	1992 s.10.
(10)	Drafting.
8	1992 s.11.
9	1992 s.12.
10(1), (2)	1992 s.9(1), (2).
(3)	1992 s.9(3); 1993 Sch.19 para.173(1) (a).
(4)	1993 s.227(4).
(5), (6)	1992 s.9(4), (5).
(7)	Drafting.
(8)	1992 s.9(6); 1993 Sch.19 para.173(1) (b).
(9)	1992 s.9(7); 1993 Sch.19 para.173(1) (c).

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11(1)	1992 s.9(7); 1993 s.204(1), (4), Sch.19 para.173(1)(c).
(2)	1993 s.204(1).
(3)	1992 s.9(7); 1993 s.204(4), Sch.19 para.173(1)(c).
(4)	1993 s.204(2).
(5)	1992 Sch.2 para.1.
(6)	1992 Sch.2 para.1; 1993 s.204(2), Sch.19 para.173(3).
12(1), (2)	1992 Sch.2 para.12(1), (2); 1993 s.205(1), (2), Sch.19 para.173(7); Law Com. Rec. No.23.
(3), (4)	1992 Sch.2 para.12(3); 1993 s.205(3), Sch.19 para.173(7); Law Com. Rec. No.23.
13(1) to (8)	1992 Sch.2 para.9; 1993 s.206, Sch.19 para.173(5).
(9)	1992 Sch.2 para.1; 1993 s.204(3), Sch.19 para.173(3).
14	1992 Sch.2 para.9A; 1993 s.207, Sch.19 para.173(5).
15(1), (2)	1992 Sch.2 para.9B(1), (2); 1993 s.208(1), (2), Sch.19 para.173(5).
(3)	1993 s.208(3).
(4)	1992 Sch.2 para.9B(3); 1993 Sch.19 para.173(5).
(5)	1992 Sch.2 para.9B(4); 1993 s.208(4), Sch.19 para.173(5).
16	1993 s.209.
17	1993 s.210.
18	1993 s.211.
19	1993 s.212.
20(1)	1992 Sch.2 para.9C(1), (3); 1993 Sch.19 para.173(5).
(2)	1992 Sch.2 para.9C(2); 1993 Sch.19 para.173(5).
(3), (4)	1992 Sch.2 para.9C(4), (5); 1993 Sch.19 para.173(5).
21	1992 Sch.2 para.10; 1993 Sch.19 para.173(6).

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22	1992 Sch.2 para.11; 1993 Sch.19 para.173(6).
23(1) to (4)	1992 s.13(1) to (3A); 1993 s.259(2).
(5) to (7)	1992 s.13(4) to (6).
(8)	1992 s.13(7); 1993 s.259(3).
(9), (10)	1992 s.13(8), (9).
24	1992 s.14.
25	1992 s.15.
26	1993 s.213.
27(1) to (8)	1993 s.214(1) to (8).
(9)	1993 s.204(2).
(10)	1993 s.214(9).
28	1993 s.215.
29	1993 s.216.
30	1993 s.217.
31	1993 s.218.
32	1993 s.219.
33	1993 s.220.
34	1993 s.221.
35	1993 s.222.
36	1993 s.223.
37	1993 s.224.
38	1993 s.225.
39	1993 s.226.
40	1993 s.227(1) to (3).
41(1), (2)	1993 s.228(1).
(3) to (5)	1993 s.228(2) to (4).
42	1992 s.18(3).
43	1992 s.20(2).
44(1)	1993 s.299(1) to (4).
(2)	1993 s.299(5).
45(1)	1992 s.19(1); 1993 s.301(1), (2).
(2)	1992 s.19(2); 1993 s.301(3).
(3), (4)	1992 s.19(3); 1993 s. 301(6); Law Com. Rec. No.24.

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46(1)	1992 s.18(1); Interpretation Act 1978 (c. 30) s. 17(2)(a) (“denominational education); 1992 Sch.2 para.1 (“member of the Inspectorate); 1993 ss.204(2), 305(1), Sch.19 para.173(3).
(2)	Drafting.
(3)	1992 s.18(2).
(4)	1992 s.18(4); 1993 s.305(3).
47	Drafting.
48(1), (2)	Drafting.
(3)	1992 s.21(4); 1993 s.308(4); drafting.
(4)	1992 s.21(6); drafting.
(5)	Drafting.
Sch. 1	
paras.1, 2	1992 Sch.1 paras.1, 2.
para.3	1992 Sch.1 para.3; The Transfer of Functions (Treasury and Minister for the Civil Service) Order 1995 (S.I. 995/269) Art.3, Sch. para.19.
para.4	1992 Sch.1 para.5.
para.5	1992 Sch.1 para.6; Law Com. Rec. No. 22.
para.6	1992 Sch.1 para.7.
Sch. 2	
para.1	1992 Sch.3 para.1; Judicial Pensions and Retirement Act 1993 (c.8) Sch.6 para.67.
para.2	1992 Sch.3 para.2.
para.3	1992 Sch.3 para.3(1).
Sch. 3	
para.1	1992 Sch.2 para.1; 1993 Sch.19 para.173(3).
paras.2, 3	1992 Sch.2 paras. 2, 3; 1993 Sch.19 para.173(4).
para.4(1)	1992 Sch.2 para.4(1); 1993 Sch.19 para.173(4).
(2)	1992 Sch.2para.4(3).
(3)	1992 Sch.2para.4(2).
para.5(1)	1992 Sch.2 para.5(1); 1993 Sch.19 para.173(4).



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(2)	1992 Sch.2 para.5(3).
(3)	1992 Sch.2 para.5(2).
paras.6, 7	1992 Sch.2 paras.6, 7; 1993 Sch.19 para.173(4).
para.8	1992 Sch.2 para.8.
Sch. 4	
para.1	1992 Sch.2 para.13.
para.2	1992 Sch.2 para.14; 1993 Sch.19 para.173(8).
para.3	1992 Sch.2 para.15; Interpretation Act 1978 (c. 30) s. 17(2)(a) (“governors’ report”); 1993 Sch.19 para.173(9).
Sch. 5	1993 Sch.12.
Sch. 6	
para.1	1992 Sch.1 para.8.
paras.2, 3	1992 Sch.1 para.9.
paras.4 to 7	Drafting.
Sch. 7	Drafting.
Sch. 8	Drafting.

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