



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 8

#### INSPECTIONS

#### CHAPTER 4

##### <sup>F1</sup>INSPECTION ... OF LOCAL AUTHORITIES IN ENGLAND

##### *Powers of entry etc.*

#### **140 Power to inspect documents, etc.**

- (1) This section applies to—
- (a) any inspection conducted by the Chief Inspector under section 136, <sup>F1</sup>...
  - <sup>F1</sup>(b) .....
- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection <sup>F2</sup>..., he may do any of the following—
- (a) inspect, take copies of, or take away any documents which—
    - (i) relate to the performance by the local authority being inspected <sup>F3</sup>... of any function to which this Chapter applies, or to any related activity, and
    - (ii) are on any premises in relation to which he exercises his power of entry under section 139,
  - (b) inspect or take away any other item which is on the premises,
  - (c) interview in private—
    - (i) any person working on the premises, or
    - (ii) (subject to subsection (3)) any person accommodated or cared for there, and

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*Changes to legislation: Education and Inspections Act 2006, Section 140 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (d) make any other examination into the state and management of the premises and treatment of persons accommodated or cared for there.
- (3) Subsection (2)(c)(ii) does not apply unless consent to the interview is given by or on behalf of the person concerned.
- (4) The power in subsection (2)(a) includes—
  - (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
  - (b) in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (5) In connection with inspecting any such documents, the Chief Inspector—
  - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents, and
  - (b) may require a person within subsection (6) to afford him such reasonable assistance as he may require for that purpose.
- (6) A person is within this subsection if he is—
  - (a) the person by whom or on whose behalf the computer is or has been used, or
  - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) The Chief Inspector may—
  - (a) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under section 139 or this section, and
  - (b) take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (8) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.
- (9) Any person who without reasonable excuse—
  - (a) obstructs the exercise of any power conferred by section 139 or this section, or
  - (b) fails to comply with any requirement imposed under this section,
 is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### **Textual Amendments**

- F1** S. 140(1)(b) and word omitted (18.7.2012) by virtue of [The Legislative Reform \(Annual Review of Local Authorities\) Order 2012 \(S.I. 2012/1879\)](#), arts. 1, **4(5)(a)**
- F2** Words in s. 140(2) omitted (18.7.2012) by virtue of [The Legislative Reform \(Annual Review of Local Authorities\) Order 2012 \(S.I. 2012/1879\)](#), arts. 1, **4(5)(b)(i)**
- F3** Words in s. 140(2)(a)(i) omitted (18.7.2012) by virtue of [The Legislative Reform \(Annual Review of Local Authorities\) Order 2012 \(S.I. 2012/1879\)](#), arts. 1, **4(5)(b)(ii)**

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

- C1** S. 140 applied (9.11.2015) by [The Children Act 2004 \(Joint Area Reviews\) Regulations 2015 \(S.I. 2015/1792\)](#), reg. 1(1), **Sch. para. 1**

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#### Commencement Information

**II** S. 140 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(u\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

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

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

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

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