



Education Act 1996

1996 CHAPTER 56

PART IX

ANCILLARY FUNCTIONS

CHAPTER I

ANCILLARY FUNCTIONS OF SECRETARY OF STATE

General functions

[^{F1}497B Power to secure proper performance: further provisions.

- (1) Where the Secretary of State gives directions under [^{F2}section 497A(4) or (4A) to a [^{F3}local authority] or to an officer of such an authority, the specified person] shall, in the performance of the function or functions specified in the directions, be entitled to exercise the powers conferred by this section.

[In this section “the specified person” means—

- ^{F4}(1A) (a) in relation to directions under section 497A(4), the person specified in the directions, and
(b) in relation to directions under section 497A(4A), the Secretary of State or the person nominated by him.]

- (2) The specified person shall have at all reasonable times—
(a) a right of entry to the premises of the authority, and
(b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which he considers relevant to the performance of the specified function or functions.
- (3) In exercising the right to inspect records or other documents under subsection (2), the specified person—

Changes to legislation: Education Act 1996, Section 497B is up to date with all changes known to be in force on or before 20 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

- (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 or other documents 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 (including, in particular, the making of information available for inspection or copying in a legible form).
- (4) Without prejudice to subsection (2), the authority shall give the specified person all assistance in connection with the performance of the specified function or functions which they are reasonably able to give.
- (5) Subsection (2) shall apply in relation to any school maintained by the authority as it applies in relation to the authority; and without prejudice to that subsection (as it so applies)—
 - (a) the governing body of any such school shall give the specified person all assistance in connection with the exercise of his functions which they are reasonably able to give; and
 - (b) the governing body of any such school and the authority shall secure that all such assistance is also given by persons who work at the school.
- (6) Any reference in this section to the specified person includes a reference to any person assisting him in the performance of the specified function or functions.
- (7) In this section “document” and “records” each include information recorded in any form.]

Textual Amendments

- F1** S. 497B inserted (1.10.1998) by 1998 c. 31, s. 8 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), **Sch. 1 Pt. I**
- F2** Words in s. 497B(1) substituted (1.10.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. 62(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I
- F3** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F4** S. 497B(1A) inserted (1.10.2002 for E., 1.8.2003 for W.) by Education Act 2002 (c. 32), ss. 62(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I

Modifications etc. (not altering text)

- C1** Ss. 495-498 modified (1.4.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 34(7), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2005/2910, art. 4, Sch.
- C2** S. 497B applied (with modifications) (1.3.2005 for E.; 1.10.2006 for W.) by Children Act 2004 (c. 31), s. 50(4)(5), 67(7)(e); S.I. 2005/394, art. 2(1)(f); S.I. 2006/885, art. 4(e)
- C3** S. 497B modified (12.1.1999) by S.I. 1998/3217, **reg.2(b)**
 S. 497B modified (1.9.1999) by 1998 c. 31, s. 44(7), 145(3) (with ss. 138(9), 144(6))
- C4** S. 497B applied (with modifications) (1.4.2007) by Childcare Act 2006 (c. 21), s. 15(4)(5), 109(2); S.I. 2007/1019, art. 3

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- C5 S. 497B applied (with modifications) (31.8.2008) by [Childcare Act 2006 \(c. 21\), s. 29\(4\)\(5\), 109\(2\); S.I. 2008/17, art. 2\(a\)](#)
- C6 S. 497B(1)(1A) modified (7.8.2013) by [The Transfer of Functions \(Youth Leisure-time Activities\) Order 2013 \(S.I. 2013/1721\), arts. 1\(2\), 3\(3\)\(e\) \(with art. 4\)](#)
- C7 S. 497B(3) applied (1.10.2002 for E., 1.8.2003 for W.) by [Education Act 2002 \(c. 32\), ss. 64\(4\), 216\(4\) \(with ss. 210\(8\), 214\(4\)\); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 4, Sch. Pt. I](#)

Changes to legislation:

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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. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)