



Crown Prosecution Service Inspectorate Act 2000

2000 CHAPTER 10

An Act to make provision for inspection of the Crown Prosecution Service. [20th July 2000]

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:—

1 Inspectorate.

- (1) The Attorney General shall appoint a person as Her Majesty's Chief Inspector of the Crown Prosecution Service.
- (2) The Chief Inspector may appoint inspectors and other staff to assist him in the discharge of his functions.
- (3) There shall be paid out of money provided by Parliament—
 - (a) such sums in respect of salary, pension, allowances and compensation for the Chief Inspector as the Attorney General may determine, and
 - (b) expenditure incurred by the Chief Inspector in the discharge of his functions, including expenditure on payments to or in respect of staff.

2 Functions.

- (1) The Chief Inspector shall—
 - (a) inspect or arrange for the inspection of the operation of the Crown Prosecution Service,
 - (b) report to the Attorney General on any matter connected with the operation of the Service which the Attorney General refers to him, and

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- (c) submit an annual report to the Attorney General on the operation of the Service.
- (2) The Attorney General shall lay before Parliament a copy of any report which he receives under subsection (1)(c).
- (3) The Chief Inspector may designate an inspector to discharge his functions during any period when he is absent or unable to act.
- [^{F1}(4) This section applies to the Revenue and Customs Prosecutions Office as it applies to the Crown Prosecution Service (by virtue of section 42 of the Commissioners for Revenue and Customs Act 2005).]
- [^{F2}(5) The Schedule to this Act (which makes further provision about the Chief Inspector) has effect.]

Textual Amendments

- F1** S. 2(4) inserted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#) , s. 53(1) , [Sch. 4 para. 77](#) ; [S.I. 2005/1126](#) , art. 2(2)(h)
- F2** S. 2(5) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#) , **ss. 30(1)** , 53(1); [S.I. 2007/709](#) , art. 3(m) (with art. 6)

Modifications etc. (not altering text)

- C1** S. 2 applied (7.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#) , **ss. 42** , 53(1) ; [S.I. 2005/1126](#) , art. 2(1)

3 Short title, commencement and extent.

- (1) This Act may be cited as the Crown Prosecution Service Inspectorate Act 2000.
- (2) Sections 1 and 2 shall come into force on such day as the Attorney General may appoint by order made by statutory instrument.
- (3) This Act shall extend to England and Wales only.

Subordinate Legislation Made

- P1** S. 3(2) Power fully exercised: 1.10.2000 appointed by [S.I. 2000/2423](#) , **art. 2**

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[^{F3}SCHEDULE

Section 2

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

Textual Amendments

F3 Sch. inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 30\(2\), 53\(1\); S.I. 2007/709, art. 3\(m\)](#) (with art. 6)

Modifications etc. (not altering text)

C2 Sch. modified (temp.) (1.10.2008) by [Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\), arts. 1\(1\), 3\(9\)](#)

Delegation of functions

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

Inspection programmes and inspection frameworks

- 2 (1) The Chief Inspector shall from time to time, or at such times as the Attorney General may specify by order, prepare—
- (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
 - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the Chief Inspector shall consult the Attorney General and (subject to sub-paragraph (3))—
- (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Chief Inspector of Constabulary,
 - (c) [^{F4}Her Majesty's Chief Inspector of Probation for England and Wales] ,
 - ^{F5}(d)
 - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
 - ^{F6}(f)
 - [^{F7}(g) the Care Quality Commission,]
 - (h) the Audit Commission for Local Government and the National Health Service in England^{F8} ...,
 - (i) the Auditor General for Wales, and
 - (j) any other person or body specified by an order made by the Attorney General,

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

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

Textual Amendments

- F4** Words in Sch. para. 2(2)(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 27(2)(d)**
- F5** Sch. para. 2(2)(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 9(a)** (with art. 2)
- F6** Sch. para. 2(2)(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 71(2)(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(x), 36
- F7** Sch. para. 2(2)(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 71(2)(b)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F8** Words in Sch. para. 2(2)(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(o), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

Inspections by other inspectors of organisations within remit of Chief Inspector

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

the Chief Inspector shall, subject to sub-paragraph (6), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are those that are specified by an order made by the Attorney General.
- (3) In sub-paragraph (1)(a) “specified organisation” means a person or body specified by an order made by the Attorney General.
- (4) A person or body may be specified under sub-paragraph (3) only if it exercises functions in relation to any matter falling within the scope of the duties of the Chief Inspector under this Act or any other enactment.
- (5) A person or body may be specified under sub-paragraph (3) in relation to particular functions that it has.

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In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.

- (6) The Attorney General may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (7) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.

This is subject to sub-paragraph (8).

- (8) The Attorney General, if satisfied that the proposed inspection—
 - (a) would not impose an unreasonable burden on the organisation in question, or
 - (b) would not do so if carried out in a particular manner,may give consent to the inspection being carried out, or being carried out in that manner.
- (9) The Attorney General may by order make provision supplementing that made by this paragraph, including in particular—
 - (a) provision about the form of notices;
 - (b) provision prescribing the period within which notices are to be given;
 - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
 - (d) provision for revising or withdrawing notices;
 - (e) provision for setting aside notices not validly given.

Co-operation

- 4 The Chief Inspector shall co-operate with—
 - (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Inspectors of Constabulary,
 - (c) [^{F9}Her Majesty's Inspectorate of Probation for England and Wales] ,
 - ^{F10}(d)
 - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
 - ^{F11}(f)
 - ^{F12}(g) the Care Quality Commission,
 - (h) the Audit Commission for Local Government and the National Health Service in England^{F13} ...,
 - (i) the Auditor General for Wales, and
 - (j) any other public authority specified by an order made by the Attorney General,

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

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Textual Amendments

- F9** Words in Sch. para. 4(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 26(2)(e)**
- F10** Sch. para. 4(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 9(b)** (with art. 2)
- F11** Sch. para. 4(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 71(3)(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(x), 36
- F12** Sch. para. 4(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 71(3)(b)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F13** Words in Sch. para. 4(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(o), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

Joint action

- 5 (1) The Chief Inspector may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of his functions.
- (2) The Chief Inspector, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a “joint inspection programme”) setting out—
- (a) what inspections he proposes to carry out in the exercise of the power conferred by sub-paragraph (1), and
 - (b) what inspections the chief inspectors within sub-paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
- (3) The chief inspectors within this sub-paragraph are—
- (a) Her Majesty's Chief Inspector of Prisons;
 - (b) Her Majesty's Chief Inspector of Constabulary;
 - (c) [^{F14}Her Majesty's Chief Inspector of Probation for England and Wales] ;
 - ^{F15}(d)
- (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
- (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
- (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

Textual Amendments

- F14** Words in Sch. para. 5(3)(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 27(2)(d)**
- F15** Sch. para. 5(3)(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 9(c)** (with art. 2)

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Assistance for other public authorities

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

Powers of inspectors regarding documents

- 7 (1) An inspector may for the purposes of an inspection under this Act—
- (a) require documents to be produced;
 - (b) inspect, copy or take away any documents produced;
 - (c) require an explanation to be given of any document produced;
 - (d) require any other information to be provided.
- (2) A reference in sub-paragraph (1) to the production of a document includes a reference to the production of—
- (a) a legible and intelligible copy of information recorded otherwise than in legible form, or
 - (b) information in a form from which it can readily be produced in legible and intelligible form.
- (3) A person exercising the power under sub-paragraph (1) to inspect documents—
- (a) is entitled to have access to, and inspect and check the operation of, any computer and associated apparatus or material that is or has been in use in connection with the documents in question;
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been used, or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,to afford him such reasonable assistance as he may require.

Orders under this Schedule

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

[^{F16}Joint inspection of courts

Textual Amendments

- F16** Sch. para. 9 and cross-heading inserted (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 9\(d\)](#) (with art. 2)

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9. (1) The Chief Inspector may inspect any aspect of the Crown Court or magistrates' courts in relation to their criminal jurisdiction which could have been inspected by Her Majesty's Inspectorate of Court Administration immediately before its abolition.
- (2) Sub-paragraph (1) applies only if the inspection includes matters other than any aspect of the Crown Court or magistrates' courts.
- (3) The power of the Chief Inspector under this paragraph is in addition to the power under paragraph 5 to act jointly with another public authority.]

Status:

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