



Police and Justice Act 2006

2006 CHAPTER 48

PART 4

INSPECTORATES

28 Her Majesty's Chief Inspector of Prisons

(1) In section 5A of the Prison Act 1952 (c. 52) (appointment and functions of Her Majesty's Chief Inspector of Prisons), after subsection (6) there is inserted—

“(7) Schedule A1 to this Act (which makes further provision about the Chief Inspector) has effect.”

(2) At the beginning of the Schedules to that Act there is inserted—

“SCHEDULE A1

Section 5A

FURTHER PROVISION ABOUT HER MAJESTY'S CHIEF INSPECTOR OF PRISONS

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) above it is nevertheless to be regarded for the purposes of section 5A of this Act and this Schedule 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 Secretary of State may specify by order, prepare—

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- (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 Secretary of State and (subject to sub-paragraph (3) below)—
- (a) Her Majesty's Chief Inspector of Constabulary,
 - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
 - (c) Her Majesty's Chief Inspector of the National Probation Service for England and Wales,
 - (d) Her Majesty's Chief Inspector of Court Administration,
 - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
 - (f) the Commission for Healthcare Audit and Inspection,
 - (g) the Commission for Social Care Inspection,
 - (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
 - (i) the Auditor General for Wales, and
 - (j) any other person or body specified by an order made by the Secretary of State,
- 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) above 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 Secretary of State 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 without notice.

Inspections by other inspectors of organisations within Chief Inspector's remit

- 3 (1) If—
- (a) a person or body within sub-paragraph (2) below 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 (7) below, 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—

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- (a) Her Majesty's Inspectorate of the National Probation Service for England and Wales;
- (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
- (c) the Commission for Healthcare Audit and Inspection;
- (d) the Commission for Social Care Inspection;
- (e) the Audit Commission for Local Government and the National Health Service in England and Wales.

- (3) The Secretary of State may by order amend sub-paragraph (2) above.
- (4) In sub-paragraph (1)(a) above "specified organisation" means a person or body specified by an order made by the Secretary of State.
- (5) A person or body may be specified under sub-paragraph (4) above only if it exercises functions in relation to any prison or other institution or matter falling with the scope of the Chief Inspector's duties under section 5A of this Act.
- (6) A person or body may be specified under sub-paragraph (4) above in relation to particular functions that it has.

In the case of a person or body so specified, sub-paragraph (1)(a) above 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.

- (7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (8) 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 (9) below.

- (9) The Secretary of State, 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.
- (10) The Secretary of State 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—

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- (a) Her Majesty's Inspectors of Constabulary,
- (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
- (c) Her Majesty's Inspectorate of the National Probation Service for England and Wales,
- (d) Her Majesty's Inspectorate of Court Administration,
- (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- (f) the Commission for Healthcare Audit and Inspection,
- (g) the Commission for Social Care Inspection,
- (h) the Audit Commission for Local Government and the National Health Service in England and Wales,
- (i) the Auditor General for Wales, and
- (j) any other public authority specified by an order made by the Secretary of State,

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

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) below, 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) above, and
 - (b) what inspections the chief inspectors within sub-paragraph (3) below (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 Constabulary;
 - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service;
 - (c) Her Majesty's Chief Inspector of the National Probation Service for England and Wales;
 - (d) Her Majesty's Chief Inspector of Court Administration.
- (4) A joint inspection programme shall 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 above 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.

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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.”

Commencement Information

II S. 28 in force at 1.4.2007 by S.I. 2007/709, art. 3(m) (with arts. 6, 7)

Changes to legislation:

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