

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4 **E+W**

Section 66

INTERACTION WITH OTHER AUTHORITIES

PART 1 **E+W**

INTERPRETATION

Inspection authorities

- 1 (1) In this Schedule references to inspection authorities are to be read in accordance with sub-paragraph (2) or (3), as the case may be.
- (2) For the purposes of paragraph 5 or 6 the inspection authorities are—
- (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Chief Inspector of Constabulary,
 - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
 - (d) Her Majesty's Chief Inspector of the National Probation Service for England and Wales,
 - (e) Her Majesty's Chief Inspector of Court Administration,
 - (f) Her Majesty's Chief Inspector of Education, Children's Services and Skills, and
 - (g) the Audit Commission for Local Authorities and the National Health Service in England.
- (3) For the purposes of paragraph 7 the inspection authorities are—
- (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Inspectors of Constabulary,
 - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
 - (d) Her Majesty's Inspectorate of the National Probation Service for England and Wales,
 - (e) Her Majesty's Inspectorate of Court Administration,
 - (f) Her Majesty's Chief Inspector of Education, Children's Services and Skills, and
 - (g) the Audit Commission for Local Authorities and the National Health Service in England.

Commencement Information

II Sch. 4 para. 1 in force at 1.10.2008 by S.I. 2008/2497, art. 2(p)(i)

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Inspection functions

- 2 In this Schedule “inspection functions” means functions relating to, or connected with, inspections carried out by the Commission under section 60.

Commencement Information

I2 Sch. 4 para. 2 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 34(a)

Public authorities

- 3 (1) In this Schedule “public authority”—
- (a) includes any person certain of whose functions are functions of a public nature, but
 - (b) does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (2) Subject to paragraph 9(3), references in this Schedule to a public authority do not include a public authority outside the United Kingdom.
- (3) In relation to a particular act, a person is not a public authority by virtue of sub-paragraph (1) if the nature of the act is private.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.10.2008 by S.I. 2008/2497, art. 2(p)(ii)

PART 2 E+W

EXERCISE OF FUNCTIONS

Delegation of inspection functions to public authorities

- 4 (1) The Commission may delegate any of its inspection functions (to such extent as it 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 any enactment as carried out by the Commission.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 34(b)

Inspection programmes and inspection frameworks

- 5 (1) The Commission must from time to time, or at such times as the Secretary of State may specify by order, prepare—
- (a) a document setting out what inspections it proposes to carry out (an “inspection programme”), and

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- (b) a document setting out the manner in which it proposes to exercise its functions of inspecting and reporting (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework the Commission must consult—
- (a) the Secretary of State,
 - (b) the inspection authorities, and
 - (c) any other person or body specified by an order made by the Secretary of State,
- and it must send to each of those persons or bodies a copy of each programme or framework once it is prepared.
- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks are to take.
- (4) The Commission may determine that any document or combination of documents prepared for the purposes of any other enactment or enactments is to be treated as a document prepared for the purposes of sub-paragraph (1)(b) (so long as any requirements applying under or by virtue of this paragraph are complied with in relation to the document or documents concerned).
- (5) Nothing in any inspection programme or inspection framework is to be read as preventing the Commission from making visits without notice.

Commencement Information

- I5** Sch. 4 para. 5 partly in force; Sch. 4 para. 5 in force for specified purposes at Royal Assent, see s. 170
- I6** Sch. 4 para. 5 in force at 1.10.2008 for specified purposes by S.I. 2008/2497, art. 2(p)(iii)

Inspections by other inspectors of activities within Commission's remit

- 6 (1) If—
- (a) a specified inspector is proposing to carry out an inspection that would involve inspecting a specified organisation, and
 - (b) the Commission considers that the proposed inspection would impose an unreasonable burden on the specified organisation, or would do so if carried out in a particular way,
- the Commission must, subject to sub-paragraph (6), give a notice to the specified inspector requiring the inspector not to carry out the proposed inspection, or not to carry it out in that way.
- (2) In this paragraph “specified inspector” means—
- (a) an inspection authority, or
 - (b) any other person or body specified by order made by the Secretary of State.
- (3) In this paragraph “specified organisation” means a person or body specified by order made by the Secretary of State.
- (4) A person or body may be specified under sub-paragraph (3) in relation to particular functions or particular activities.
- (5) 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 by that person

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or body of any of the functions, or the carrying on by that person or body of any of the activities, in relation to which it is specified.

- (6) 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.
- (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; but this is subject to sub-paragraph (8).
- (8) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the specified 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 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.

Commencement Information

I7 Sch. 4 para. 6 partly in force; Sch. 4 para. 6 in force for specified purposes at Royal Assent, see s. 170

I8 Sch. 4 para. 6 in force at 1.4.2009 in so far as not already in force by S.I. 2009/462, art. 2(1), Sch. 1 para. 34(c)

Co-operation

- 7 The Commission must co-operate with—
- (a) the inspection authorities, and
 - (b) any other public authority specified by order made by the Secretary of State, where it is appropriate to do so for the efficient and effective exercise of the Commission's functions.

Commencement Information

I9 Sch. 4 para. 7 in force at 1.10.2008 by S.I. 2008/2497, art. 2(p)(iv)

Joint action

- 8 (1) The Commission may act jointly with another public authority where it is appropriate to do so for the efficient and effective exercise of the Commission's functions.
- (2) Sub-paragraph (1) is without prejudice to any other power the Commission may have to act jointly with another public authority.

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Commencement Information

I10 Sch. 4 para. 8 in force at 1.10.2008 by S.I. 2008/2497, art. 2(p)(iv)

Advice or assistance for other public authorities

- 9
- (1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to another public authority for the purpose of the exercise by that authority of that authority's functions.
 - (2) Advice or assistance under this paragraph may be provided on such terms, including terms as to payment, as the Commission thinks fit.
 - (3) In this paragraph the reference to another public authority includes a public authority in the Channel Islands or the Isle of Man.

Commencement Information

I11 Sch. 4 para. 9 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 34(d)

Inspections carried out under arrangements

- 10
- (1) The Commission may make arrangements with—
 - (a) an inspection authority, or
 - (b) any other public authority specified by order made by the Secretary of State, to carry out, on behalf of the authority, inspections in England of any institution or matter which the Commission is not required or authorised to carry out by virtue of any other enactment.
 - (2) Inspections under this paragraph may be carried out on such terms, including terms as to payment, as the Commission thinks fit.

Commencement Information

I12 Sch. 4 para. 10 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 34(e)

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