



School Inspections Act 1996 (repealed)

1996 CHAPTER 57

PART III

GENERAL

Inspection of computer records

42 Inspection of computer records for purposes of Part I.

Any person authorised by Part I to inspect records [^{F1}or other documents]—

- (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 [^{F1}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 [^{F1}(including, in particular, the making of information available for inspection or copying in a legible form)].

Textual Amendments

- F1** Words in s. 42 inserted (1.9.1997) by 1997 c. 44, s. 42, **Sch. 6 para.8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt.II**

Modifications etc. (not altering text)

- C1** S. 42 extended (1.9.1997) by 1997 c. 44, s. 40(1); S.I. 1997/1468, art. 2, **Sch. 1 Pt.II**
S. 42 extended (1.10.1998) by 1994 c. 30, s. 18A(5) (as inserted by 1998 c. 30, s.20 (with s. 42(8)); S.I. 1998/2215, art. (2)

Status: Point in time view as at 01/12/2004.

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- S. 42 applied (1.10.1998) by 1998 c. 31, s. 122, **Sch. 26 para. 18(3)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**
- S. 42 applied (1.9.1999) by 1996 c. 50, **Sch. 1 para. 18** (as inserted by 1998 c. 31, s. 135, **Sch. 28**, Pt. II para. 8 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- S. 42 extended (1.4.2001) by 2000 c. 21, s. 118(5)(b); S.I. 2001/654, art. 2(2), **Sch. Pt. II**
- S. 42 extended (1.4.2001) by 1973 c. 50, s. 10B(6)(b) (as inserted (1.4.2001) by 2000 c. 21, s. 122); S.I. 2001/654, art. 2(2), **Sch. Pt. II**
- S. 42 extended (1.4.2001 (W.) otherwise prosp.) by 2000 c. 21, ss. 128(2)(b), 154; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- S. 42 applied (2.7.2001 (E.) and 2.4.2002 (W.)) by 1989 c. 41, s. 79(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2 (with transitional provisions and savings in Sch.); S.I. 2002/920, art. 3(3)(b) (with transitional provisions in Sch. 1-3))
- S. 42 applied (19.12.2002 (W.) and otherwise prosp.) by The Education Act 2002 (c.32), ss. 180, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4
- C2** S. 42 applied (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), ss. 164(6), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III
- C3** S. 42 applied (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), ss. 159(5), 216(4) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

[^{F2}Publication of reports

Textual Amendments

- F2** S. 42A and cross-heading inserted (1.10.1998) by 1998 c. 31, s. 134(1) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

^{F3}42A Publication of inspection reports.

- (1) The Chief Inspector may in the case of—
- (a) any report by a member of the Inspectorate of an inspection carried out by him under any provision of this Act (whether the report is required by any such provision or is otherwise made in pursuance of his functions under that provision), or
 - (b) any report of an inspection under section 10 (other than one made by a member of the Inspectorate),
- arrange for the report to be published in such manner as the Chief Inspector considers appropriate.
- (2) Without prejudice to the generality of—
- (a) section 2(7)(c) or 5(7)(c), or
 - (b) subsection (1) above,
- the Chief Inspector may arrange for a report to which that provision applies to be published by electronic means.
- (3) For the purposes of the law of defamation any report published by the Chief Inspector under any of those provisions shall be privileged unless the publication is shown to be made with malice.
- (4) Nothing in subsection (3) shall be construed as limiting any privilege subsisting apart from that subsection.]

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Textual Amendments

- F3** S. 42A and cross-heading inserted (1.10.1998) by 1998 c. 31, s. 134(1) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I

Modifications etc. (not altering text)

- C4** S. 42A applied (1.4.2001) by 2000 c. 21, s. 118(6); S.I. 2001/654, art. 2(2), Sch. Pt. II
S. 42A applied (1.4.2001) by 1973 c. 50, s. 10B(7) (as inserted (1.4.2001) by 2000 c. 21, s. 122); S.I. 2001/654, art. 2(2), Sch. Pt. II
S. 42A applied (1.4.2001 (W.) and otherwise prosp.) by 2000 c. 21, ss. 128(3), 154; S.I. 2001/1274, art. 2(1), Sch. Pt. I
- C5** S. 42A(2)(3) applied (1.10.1998) by 1998 c. 31, s. 122, Sch. 26 para. 13(3)(with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt. I
S. 42A(2)-(4) extended (1.10.1998) by 1994 c. 30, s. 18A(4) (as inserted by 1998 c. 30, s.20 (with s. 42(8)); S.I. 1998/2215, art.2)
S. 42A(2)-(4) extended (1.10.1998) by 1998 c. 30, s. 34(1)(8) (with s. 42(8)); S.I. 1998/2215, art.2
S. 42A(2)-(4) applied (1.10.1998) by 1997 c. 44, s. 39(4)(as amended by 1998 c. 31, s. 134(3) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1 Pt.I)
S. 42A(2)-(4) applied (2.7.2001 for E. 1.4.2002 for W.) by 1989 c. 41, s. 79R(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920, art. 3(3)(b) (with transitional provisions in Sch. 1-3)
S. 42A(2)-(4): power to apply (with modification) conferred (2.7.2001 for E. 1.4.2002 for W.) by 1989 c. 41, s. 79T(4) (as inserted by The Care Standards Act 2000 (c. 14), s. 79(1); S.I. 2001/2041, art. 2(1)(a) (with Sch.); S.I. 2002/920 {art. 3(3)(b)} (with transitional provisions in Sch. 1-3)

Financial provisions

43 Payment of fees into Consolidated Fund.

Any sums received by the Chief Inspector under—

- (a) section 7(4)(b), or
 - (b) paragraph 4(2) or 5(2) of Schedule 3,
- shall be paid into the Consolidated Fund.

F4 44

Textual Amendments

- F4** S. 44 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 201, Sch.31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch.1 Pt. I

Orders and regulations

45 Orders and regulations.

- (1) Any power conferred by this Act to make an order or regulations ^{F5} . . . shall be exercisable by statutory instrument.

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- (2) Any statutory instrument containing any such order or regulations^{F6} . . . shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order or regulations made under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to the generality of subsection (3), any such regulations may include provision for the designation by the Secretary of State, in accordance with the regulations, of particular schools or classes of school for the purposes of the application of particular provisions of the regulations in relation to such schools.

Textual Amendments

- F5** Words in s. 45(1) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 201(a), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**
- F6** Words in s. 45(2) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 201(b), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

Construction

46 Interpretation.

- (1) In this Act—

“Chief Inspector (without more) shall be read—

- (a) in relation to any school in England or registration under section 7(1), as a reference to the Chief Inspector for England; and
- (b) in relation to any school in Wales or registration under section 7(2), as a reference to the Chief Inspector for Wales;

“Chief Inspector for England means the person referred to in section 1(1);

“Chief Inspector for Wales means the person referred to in section 4(1);

“Church in Wales school, “Church of England school and “Roman Catholic Church school, and “appropriate diocesan authority in each case, have the meaning given by [^{F7}section 142 of the School Standards and Framework Act 1998;];

“delegated budget has the same meaning as in [^{F8}section 49 of the School Standards and Framework Act 1998;];

“denominational education has the meaning given in section 23(4);

“member of the Inspectorate means the Chief Inspector, any of Her Majesty’s Inspectors of Schools in England or, as the case may be, Wales and any additional inspector authorised under paragraph 2 of Schedule 1;

“prescribed means prescribed by regulations;

“registered inspector means a person registered under section 7(1) or (2);

“regulations means regulations made by the Secretary of State under this Act;

^{F9} . . .

- (2) References in this Act to special measures being, or not being, required to be taken in relation to a school shall be construed in accordance with section 13(9).

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- (3) For the purposes of this Act any reference to a condition imposed under section 7(5) (c) includes a reference to a condition imposed under section 8(3).
- (4) This Act and the Education Act 1996 shall be construed as one.

Textual Amendments

- F7** S. 46(1): Words in the definition of “Church in Wales school substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 202(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F8** S. 46(1): Words in the definition of "delegated budget" substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 202(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F9** S. 46(1): Definition of "transfer date" repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 202(4), **Sch.31**; S.I. 1999/2323, **art. 2(1)**, Sch. 1

Final provisions

47 Consequential amendments, repeals and transitional provisions.

- (1) The enactments specified in Schedule 6 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 7 are repealed to the extent specified.
- (3) The transitional provisions contained in Schedule 8 shall have effect.

48 Short title, commencement and extent.

- (1) This Act may be cited as the School Inspections Act 1996.
- (2) This Act shall come into force on 1st November 1996.
- (3) Subject to subsections (4) and (5), this Act extends to England and Wales only.
- (4) This section and paragraph 6 of Schedule 1 also extend to Scotland and Northern Ireland.
- (5) The amendments in Schedule 6 and the repeals in Schedule 7 have the same extent as the enactments to which they refer.

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