



Education Act 2002

2002 CHAPTER 32

PART 4

POWERS OF INTERVENTION

Schools causing concern

^{F1}54 Duty to notify where inspection shows school causing concern

.....

Textual Amendments

F1 S. 54 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))

55 Cases in which powers of intervention exercisable

(1) In section 15 of the School Standards and Framework Act 1998 (c. 31) (cases in which [^{F2}local authority] may exercise powers of intervention) for subsection (4) there is substituted—

- “(4) This section applies to a maintained school by virtue of this subsection if—
- (a) following an inspection of the school under Part 1 of the School Inspections Act 1996, the Chief Inspector has given the Secretary of State a notice under subsection (2) of section 16A of that Act in a case falling within subsection (1)(a) or (b) of that section (schools having serious weaknesses), and
 - (b) where any subsequent inspection of the school has been made under Part 1 of that Act, the notice has not been superseded by—

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

- (i) the person making the subsequent inspection making a report stating that in his opinion the school no longer has serious weaknesses, or
- (ii) the Chief Inspector giving the Secretary of State a notice under subsection (2) of section 16A of that Act in a case falling within subsection (1)(c) of that section (schools requiring special measures)."

(2) For subsection (6) of that section there is substituted—

- “(6) This section applies to a maintained school by virtue of this subsection if—
- (a) following an inspection of the school under Part 1 of the School Inspections Act 1996, the Chief Inspector has given the Secretary of State a notice under subsection (2) of section 16A of that Act in a case falling within subsection (1)(c) of that section (schools requiring special measures), and
 - (b) where any subsequent report of an inspection of the school has been made under Part 1 of that Act, the person making it did not state that in his opinion special measures were not required to be taken in relation to the school.”

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

Commencement Information

II S. 55 wholly in force at 19.12.2002; s. 55 not in force at Royal Assent, see s. 216; s. 55 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), **art. 4** and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4, Sch. Pt. 1**

56 Power of Secretary of State to appoint additional governors or direct closure

(1) In section 18 of the School Standards and Framework Act 1998 (c. 31) (power of Secretary of State to appoint additional governors) for subsection (1) there is substituted—

- “(1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- (a) subsection (4) (school with serious weaknesses), or
 - (b) subsection (6) (school requiring special measures),
- the Secretary of State may appoint such number of additional governors as he thinks fit; and he may nominate one of those governors to be the chairman of the governing body in place of any person who has been elected as chairman of that body.”

^{F3}(2)

(3) Schedule 5 (which contains amendments consequential on the provisions of section 55 and this section) shall have effect.

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

Textual Amendments

- F3** S. 56(2) repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))

Commencement Information

- I2** S. 56 wholly in force at 19.12.2002; s. 56 not in force at Royal Assent, see s. 216; s. 56 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), art. 4 and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), art. 4, [Sch. Pt. 1](#)

57 **Power of [F²local authority] to provide for governing body to consist of interim executive members**

- (1) In section 14(2) of the School Standards and Framework Act 1998 (which lists the intervention powers of [F⁴local authorities]), before the “and” at the end of paragraph (a) there is inserted—

“(aa) section 16A (power to provide for governing body to consist of interim executive members);”.

- (2) After section 16 of that Act there is inserted—

“16A Power of [F²local authority] to provide for governing body to consist of interim executive members

- (1) If at any time this section applies to a maintained school in accordance with section 14(1), then (subject to subsections (2) and (3)) the [F²local authority] may, with the consent of the Secretary of State, give the governing body a notice in writing stating that, as from a date specified in the notice, the governing body are to be constituted in accordance with Schedule 1A (governing bodies consisting of interim executive members).
- (2) Where this section so applies in the case of a school falling within section 15(4) (school with serious weaknesses) or section 15(6) (school requiring special measures), the power conferred by subsection (1) above is exercisable only if the following conditions are satisfied, namely—
- the Secretary of State has given the [F²local authority] a notice under section 16A(3) of the School Inspections Act 1996, and
 - a period of not less than ten days has elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(b) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) Before exercising the power conferred by subsection (1), the [F²local authority] shall consult—
- the governing body of the school,
 - in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.”

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(3)**

Commencement Information

- I3** S. 57 in force at 2.9.2002 for E. by [S.I. 2002/2002](#), **art. 4**
- I4** S. 57 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), **art. 4(1), Sch. Pt. 1**

58 Power of Secretary of State to provide for governing body to consist of interim executive members

After section 18 of the School Standards and Framework Act 1998 (c. 31) there is inserted—

“18A Power of Secretary of State to provide for governing body to consist of interim executive members

- (1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- (a) subsection (4) (school with serious weaknesses), or
 - (b) subsection (6) (school requiring special measures),
- the Secretary of State may give the governing body a notice in writing stating that, as from the date specified in the notice, the governing body are to be constituted in accordance with Schedule 1A (governing bodies consisting of interim executive members).
- (2) Before exercising the power conferred by subsection (1), the Secretary of State shall consult—
- (a) the [^{F2}local authority],
 - (b) the governing body of the school,
 - (c) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (3) The Secretary of State is not obliged to consult the persons mentioned in subsection (2)(b), (c) and (d) if the [^{F2}local authority] have consulted them under subsection (4) of section 16A in relation to a proposed notice under subsection (1) of that section.”

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

Commencement Information

- I5** S. 58 in force at 2.9.2002 for E. by [S.I. 2002/2002, art. 4](#)
I6 S. 58 in force at 2.1.2008 for W. by [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#)

59 Governing bodies consisting of interim executive members

- (1) After section 19 of the School Standards and Framework Act 1998 (c. 31) there is inserted—

“Governing bodies consisting of interim executive members

19A Governing bodies consisting of interim executive members

The provisions of Schedule 1A shall have effect in relation to any school in respect of which a notice has been given—

- (a) under section 16A(1), by the ^[F2]local authority], or
(b) under section 18A(1), by the Secretary of State.”

- (2) After Schedule 1 to that Act there is inserted, as Schedule 1A, the Schedule set out as Schedule 6 to this Act.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(2\)](#)

Commencement Information

- I7** S. 59 in force at 2.9.2002 for E. by [S.I. 2002/2002, art. 4](#)
I8 S. 59 in force at 2.1.2008 for W. by [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#)

[^{F4}Local authorities]

60 Powers of Secretary of State to secure proper performance of ^[F2]local authority's functions

- (1) Section 497A of the Education Act 1996 (c. 56) (power to secure proper performance of functions of ^[F2]local authority) is amended as follows.

- (2) For subsection (1) there is substituted—

“(1) This section applies to a ^[F2]local authority]’s functions under this Act and to other functions (of whatever nature) which are conferred on them in their capacity as a ^[F2]local authority].”

- (3) In subsection (2), for “(3) or (4)” there is substituted “ (4), (4A) or (4B) ”.

- (4) After subsection (2) there is inserted—

“(2A) The Secretary of State may also exercise his powers under subsection (4), (4A) or (4B) where—

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

- (a) he has given a previous direction under subsection (4), (4A) or (4B) in relation to a [F2local authority] in respect of any function to which this section applies, and
 - (b) he is satisfied that it is likely that if no further direction were given under subsection (4), (4A) or (4B) on the expiry or revocation of the previous direction the authority would fail in any respect to perform that function to an adequate standard (or at all).”
- (5) Subsection (3) is omitted.
- (6) For subsection (4) there is substituted—
- “(4) The Secretary of State may under this subsection give the authority or an officer of the authority such directions as the Secretary of State thinks expedient for the purpose of securing that the function is performed on behalf of the authority by such person as is specified in the direction; and such directions may require that any contract or other arrangement made by the authority with that person contains such terms and conditions as may be so specified.”
- (7) After subsection (4) there is inserted—
- “(4A) The Secretary of State may under this subsection direct that the function shall be exercised by the Secretary of State or a person nominated by him and that the authority shall comply with any instructions of the Secretary of State or his nominee in relation to the exercise of the function.
- (4B) The Secretary of State may under this subsection (whether or not he exercises the power conferred by subsection (4) or (4A) in relation to any function) give the authority or an officer of the authority such other directions as the Secretary of State thinks expedient for the purpose of securing that the function is performed to an adequate standard.”
- (8) For subsection (5) there is substituted—
- “(5) Where the Secretary of State considers it expedient that—
- (a) in the case of directions given under subsection (4), the person specified in the directions, or
 - (b) in the case of directions given under subsection (4A), the Secretary of State or a person nominated by him,
- should perform other functions to which this section applies in addition to the function to which subsection (2) or (2A) applies, the directions under subsection (4) or (4A) may relate to the performance of those other functions as well; and in considering whether it is expedient that that person should perform any such additional functions, the Secretary of State may have regard to financial considerations.”
- (9) In subsection (6), for paragraph (b) there is substituted—
- “(b) have effect for a period specified in the direction unless revoked earlier by the Secretary of State.”
- (10) In subsection (7), for “(3) or (4)” there is substituted “ (4), (4A) or (4B) ”.

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Commencement Information

- I9** S. 60 partly in force; s. 60 not in force at Royal Assent, see s. 216; s. 60 in force for E. at 26.7.2002 by [S.I. 2002/2002](#), [art. 3](#)
- I10** S. 60 in force at 1.8.2003 for W. by [S.I. 2003/1718](#), [art. 4](#), [Sch. Pt. I](#)

61 Power to secure proper performance: duty of authority where directions contemplated

After section 497A of the Education Act 1996 (c. 56) there is inserted—

“497AA Power to secure proper performance: duty of authority where directions contemplated

Where, in relation to any function to which section 497A applies, the Secretary of State—

- (a) is satisfied as mentioned in subsection (2) or (2A)(b) of that section, and
- (b) has notified the [^{F2}local authority] that he is so satisfied and that he is contemplating the giving of directions under subsection (4) or (4A) of that section,

the authority shall give the Secretary of State, and any person authorised by him for the purposes of this section, all such assistance, in connection with the proposed exercise of the function by the Secretary of State or another person in pursuance of directions, as they are reasonably able to give.”

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 61 modified (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 18\(2\)](#)

Commencement Information

- I11** S. 61 in force at 26.7.2002 for E. by [S.I. 2002/2002](#), [art. 3](#)
- I12** S. 61 in force at 1.8.2003 for W. by [S.I. 2003/1718](#), [art. 4](#), [Sch. Pt. I](#)

62 Power to secure proper performance: further provisions

- (1) Section 497B of the Education Act 1996 is amended as follows.
- (2) In subsection (1), for the words from “section 497A(4)” to “those directions” there is substituted “ section 497A(4) or (4A) to a [^{F2}local authority] or to an officer of such an authority, the specified person ”.

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

(3) After that subsection there is inserted—

“(1A) In this section “the specified person” means—

- (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.”

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

Modifications etc. (not altering text)

C2 S. 62 modified (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 18(2)**

Commencement Information

I13 S. 62 in force at 1.10.2002 for E. by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4, Sch.](#))

I14 S. 62 in force at 1.8.2003 for W. by [S.I. 2003/1718](#), **art. 4, Sch. Pt. I**

[^{F5}62A Power to require [^{F2}local authority] in England to obtain advisory services

(1) This section applies where—

- (a) one or more schools maintained by a [^{F2}local authority] in England are for the purposes of Part 4 of the Education and Inspections Act 2006 (schools causing concern: England) eligible for intervention by virtue of either of the following provisions of that Act—
 - (i) section 61 (school requiring significant improvement), or
 - (ii) section 62 (school requiring special measures), and
- (b) it appears to the Secretary of State that the [^{F2}local authority] —
 - (i) have not been effective or are unlikely to be effective in eliminating deficiencies in the conduct of that school or those schools,
 - (ii) are unlikely to be effective in eliminating deficiencies in the conduct of other schools which may in the future fall within paragraph (a), or
 - (iii) maintain a disproportionate number of schools falling within that paragraph.

[This section also applies where it appears to the Secretary of State that—

- ^{F6}(1A) (a) a [^{F2}local authority] in England maintain a disproportionate number of low-performing schools, and
- (b) the authority—
 - (i) have not been effective or are unlikely to be effective in securing an improvement in the standards of performance of pupils at those schools, or
 - (ii) are unlikely to be effective in securing an improvement in the standards of performance of pupils at other schools which may in the future be low-performing schools.

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

- (1B) In subsection (1A) “low-performing school” means a school at which the standards of performance of pupils are unacceptably low.
- (1C) For the purposes of subsection (1B) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following—
- (a) the standards that the pupils might in all the circumstances reasonably be expected to attain;
 - (b) where relevant, the standards previously attained by them;
 - (c) the standards attained by pupils at comparable schools.]
- (2) The Secretary of State may direct the [^{F2}local authority] to enter into a contract or other arrangement with a person specified in the direction, or a person falling within a class so specified, for the provision to the authority or the governing body of any school maintained by them (or both) of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section
- [^{F7} “pupil” has the same meaning as in the Education Act 1996 (see sections 3 and 19(5) of that Act);]
 - “school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.
- (5) Any direction given under this section shall be enforceable, on an application made on behalf of the Secretary of State, by a mandatory order.]

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F5** S. 62A inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 7 para. 20**; [S.I. 2007/935](#), art. 5(cc)
- F6** S. 62A(1A)-(1C) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 204(2)**, 269(4); [S.I. 2009/3317](#), art. 2, Sch.
- F7** Words in s. 62A(4) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 204(3)**, 269(4); [S.I. 2009/3317](#), art. 2, Sch.

Modifications etc. (not altering text)

- C3** S. 62A applied (with modifications) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 18(1)**

63 Power to require [^{F2}local authority][^{F8}in Wales] to obtain advisory services

- (1) This section applies where—
- (a) in relation to one or more schools maintained by a [^{F2}local authority][^{F9}in Wales], section 15 of the School Standards and Framework Act 1998 (c. 31) (cases where [^{F2}local authority] may exercise powers of intervention) applies by virtue of either of the following provisions of that section—
 - (i) subsection (4) (school [^{F10}requiring significant improvement]), or
 - (ii) subsection (6) (school requiring special measures), and

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

- (b) it appears to the [^{F11}National Assembly for Wales] that the [^{F2}local authority] —
- (i) have not been effective or are unlikely to be effective in eliminating deficiencies in the conduct of that school or those schools,
 - (ii) are unlikely to be effective in eliminating deficiencies in the conduct of other schools which may in the future fall within paragraph (a), or
 - (iii) maintain a disproportionate number of schools falling within that paragraph.
- (2) [^{F12}The National Assembly for Wales] may direct the [^{F2}local authority] to enter into a contract or other arrangement with a person specified in the direction, or a person falling within a class so specified, for the provision to the authority or the governing body of any school maintained by them (or both), of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section “school” means a maintained school within the meaning of [^{F13}Chapter 4] of Part 1 of the School Standards and Framework Act 1998 (c. 31).
- (5) Any direction given under this section shall be enforceable, on an application made on behalf ^{F14}... of the National Assembly for Wales, by a mandatory order.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F8** Words in s. 63 heading inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 7 para. 21(5)**; [S.I. 2007/935](#), art. 5(cc)
- F9** Words in s. 63(1)(a) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 7 para. 21(2)(a)**; [S.I. 2007/935](#), art. 5(cc)
- F10** Words in s. 63(1)(a)(i) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 9 para. 28**; [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, Sch. 1
- F11** Words in s. 63(1)(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 7 para. 21(2)(b)**; [S.I. 2007/935](#), art. 5(cc)
- F12** Words in s. 63(2) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 7 para. 21(3)**; [S.I. 2007/935](#), art. 5(cc)
- F13** Words in s. 63(4) substituted (30.6.2008) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 17 para. 6**; [S.I. 2008/1429](#), art. 3(2), Sch. Pt. 2
- F14** Words in s. 63(5) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 7 para. 21(4), **Sch. 18 Pt. 4**; [S.I. 2007/935](#), art. 5(cc)(ii)

Commencement Information

- I15** S. 63 partly in force; s. 63 not in force at Royal Assent, see s. 216; s. 63 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in art. 4, Sch.)
- I16** S. 63 in force at 1.8.2003 for W. by [S.I. 2003/1718](#), art. 4, **Sch. Pt. I**

64 Provisions supplementary to [^{F15}sections 62A and 63]

- (1) Where [^{F16}section 62A or 63] applies in relation to a [^{F2}local authority] and the Secretary of State or the National Assembly for Wales has notified the authority that

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

he or it is contemplating the giving of a direction under that section, the authority shall give the Secretary of State or the Assembly, and any person authorised by the Secretary of State or the Assembly for the purposes of this subsection, such assistance, in connection with the proposed contract or other arrangement, as the authority are reasonably able to give.

- (2) Where a direction under [F17]section 62A or 63] is given to a [F2]local authority], the relevant person shall be entitled, for the purposes of providing the advisory services, to exercise the powers conferred by subsections (3) to (6).
- (3) The relevant 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 provision of the advisory services.
- (4) Section 497B(3) of the Education Act 1996 (c. 56) (right of access to computers etc) applies in relation to the exercise by the relevant person of the right conferred by subsection (3) as it applies to the exercise by the specified person (within the meaning of that section) of the right conferred by section 497B(2) of that Act.
- (5) Without prejudice to subsection (3), the authority shall give the relevant person all assistance in connection with the provision of the advisory services which they are reasonably able to give.
- (6) Subsection (3) applies 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 relevant person all assistance in connection with the provision of the advisory services 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.
- (7) In this section—

“the advisory services” means the services to be provided in pursuance of the direction under [F18]section 62A or 63];

“documents” and “records” each include information recorded in any form;

“the relevant person” means—

 - (a) the person specified under [F19]section 62A(2) or 63(2)], or
 - (b) where the direction specifies a class of persons, the person with whom the [F2]local authority] enter into the contract or other arrangement required by the direction,

and includes any person assisting that person in the provision of the advisory services.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)
- F15** Words in s. 64 heading substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 22\(4\)](#); S.I. 2007/935, art. 5(cc)

Status: Point in time view as at 01/10/2013.

Changes to legislation: Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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)

- F16** Words in s. 64(1) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 22\(2\)](#); [S.I. 2007/935, art. 5\(cc\)](#)
- F17** Words in s. 64(2) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 22\(2\)](#); [S.I. 2007/935, art. 5\(cc\)](#)
- F18** Words in s. 64(7) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 22\(3\)\(a\)](#); [S.I. 2007/935, art. 5\(cc\)](#)
- F19** Words in s. 64(7) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 22\(3\)\(b\)](#); [S.I. 2007/935, art. 5\(cc\)](#)

Commencement Information

- I17** S. 64 partly in force; s. 64 not in force at Royal Assent, see s. 216; s. 64 in force for E. at 1.10.2002 by [S.I. 2002/2439, art. 3](#) (with transitional provisions and savings in [art. 4, Sch.](#))
- I18** S. 64 in force at 1.8.2003 for W. by [S.I. 2003/1718, art. 4, Sch. Pt. I](#)

Status:

Point in time view as at 01/10/2013.

Changes to legislation:

Education Act 2002, Part 4 is up to date with all changes known to be in force on or before 09 July 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.