



Education Act 2002

2002 CHAPTER 32

PART 4

POWERS OF INTERVENTION

[^{F1}Local authorities]

64 Provisions supplementary to [^{F1}sections 62A and 63]

- (1) Where [^{F2}section 62A ^{F3}...] applies in relation to a [^{F4}local authority] and the Secretary of State ^{F5}... has notified the authority that he ^{F6}...is contemplating the giving of a direction under that section, the authority shall give the Secretary of State^{F7}..., and any person authorised by the Secretary of State^{F7}... 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 [^{F8}section 62A^{F9}...] is given to a [^{F4}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.

Status: Point in time view as at 20/02/2014.

Changes to legislation: Education Act 2002, Section 64 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)

- (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 ^{F10}section 62A^{F11} ...];
- “documents” and “records” each include information recorded in any form;
- “the relevant person” means—
- (a) the person specified under ^{F12}section 62A(2)^{F11} ...], or
 - (b) where the direction specifies a class of persons, the person with whom the ^{F4}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

- F1** 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)
- F2** 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)
- F3** Words in s. 64(1) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(7\)\(a\)\(i\)](#); S.I. 2014/178, art. 2(f) (with art. 3)
- 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\(2\)](#)
- F5** Words in s. 64(1) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(7\)\(a\)\(ii\)](#); S.I. 2014/178, art. 2(f) (with art. 3)
- F6** Words in s. 64(1) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(7\)\(a\)\(iii\)](#); S.I. 2014/178, art. 2(f) (with art. 3)
- F7** Words in s. 64(1) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(7\)\(a\)\(iv\)](#); S.I. 2014/178, art. 2(f) (with art. 3)
- F8** 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)
- F9** Words in s. 64(2) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(7\)\(b\)](#); S.I. 2014/178, art. 2(f) (with art. 3)
- F10** 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)
- F11** Words in s. 64(7) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 6\(7\)\(c\)](#); S.I. 2014/178, art. 2(f) (with art. 3)
- F12** 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

- I1** 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.](#))

Status: Point in time view as at 20/02/2014.

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12 S. 64 in force at 1.8.2003 for W. by S.I. 2003/1718, art. 4, **Sch. Pt. I**

Status:

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