



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 8

#### INSPECTIONS

#### CHAPTER 4

##### INSPECTION AND REVIEW OF LOCAL AUTHORITIES IN ENGLAND

##### *Powers of entry etc.*

#### **139 Power of entry**

- (1) This section applies to—
  - (a) any inspection conducted by the Chief Inspector under section 136, and
  - (b) any review conducted by him under section 138.
- (2) The Chief Inspector may, at any reasonable time, enter any premises for the purposes of the inspection or review, other than any premises excluded by subsection (3).
- (3) The premises excluded by this subsection are any domestic premises that are not a school (within the meaning of EA 1996).

#### **Commencement Information**

**II** S. 139 in force at 1.4.2007 by S.I. 2007/935, art. 5(u)

#### **140 Power to inspect documents, etc.**

- (1) This section applies to—
  - (a) any inspection conducted by the Chief Inspector under section 136, and

*Status: Point in time view as at 01/09/2007.*

**Changes to legislation:** *Education and Inspections Act 2006, Cross Heading: Powers of entry etc. is up to date with all changes known to be in force on or before 28 September 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) any review conducted by him under section 138.
- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection or review, he may do any of the following—
- (a) inspect, take copies of, or take away any documents which—
    - (i) relate to the performance by the local authority being inspected or reviewed of any function to which this Chapter applies, or to any related activity, and
    - (ii) are on any premises in relation to which he exercises his power of entry under section 139,
  - (b) inspect or take away any other item which is on the premises,
  - (c) interview in private—
    - (i) any person working on the premises, or
    - (ii) (subject to subsection (3)) any person accommodated or cared for there, and
  - (d) make any other examination into the state and management of the premises and treatment of persons accommodated or cared for there.
- (3) Subsection (2)(c)(ii) does not apply unless consent to the interview is given by or on behalf of the person concerned.
- (4) The power in subsection (2)(a) includes—
- (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
  - (b) in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (5) In connection with inspecting any such documents, the Chief Inspector—
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents, and
  - (b) may require a person within subsection (6) to afford him such reasonable assistance as he may require for that purpose.
- (6) A person is within this subsection if he is—
- (a) the person by whom or on whose behalf the computer is or has been used, or
  - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) The Chief Inspector may—
- (a) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under section 139 or this section, and
  - (b) take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (8) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.
- (9) Any person who without reasonable excuse—
- (a) obstructs the exercise of any power conferred by section 139 or this section, or

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(b) fails to comply with any requirement imposed under this section,  
is guilty of an offence and liable on summary conviction to a fine not exceeding level  
4 on the standard scale.

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**Commencement Information**

**12** S. 140 in force at 1.4.2007 by S.I. 2007/935, art. 5(u)

**Status:**

Point in time view as at 01/09/2007.

**Changes to legislation:**

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