



Higher Education (Wales) Act 2015

2015 anaw 1

PART 3

QUALITY OF EDUCATION

Supplementary powers for purpose of quality assessment etc

22 Quality assessment etc: powers of entry and inspection

- (1) For the purpose of the exercise of a function by virtue of section 17 or 20(2), an authorised person may—
- (a) enter the premises of a regulated institution or external provider;
 - (b) inspect, copy or take away documents found on the premises.
- (2) In subsection (1)(b), references to—
- (a) documents include information recorded in any form;
 - (b) documents found on the premises include—
 - (i) documents stored on computers or electronic storage devices on the premises, and
 - (ii) documents stored elsewhere which can be accessed by computers on the premises.
- (3) The power conferred by subsection (1)(b) includes power—
- (a) to require a person to provide documents;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents stored electronically);
 - (c) to inspect a computer or electronic storage device on which documents have been created or stored.
- (4) A power conferred by this section may be exercised only after giving reasonable notice to—
- (a) the governing body of the regulated institution or external provider in relation to whose premises the authorised person intends to exercise the power, and

Status: This is the original version (as it was originally enacted).

- (b) the governing body of any regulated institution on whose behalf that institution or external provider provides the education to which the exercise of the function under section 17 or 20(2) relates.
- (5) Subsection (4) does not apply to the exercise of a power if the authorised person is satisfied that—
 - (a) the case is one of urgency, or
 - (b) complying with that subsection would defeat the object of exercising the power.
- (6) In this section, “authorised person” means a person authorised in writing by HEFCW (whether generally or specifically) to exercise the powers conferred by this section.
- (7) Before exercising a power under this section, an authorised person must, if required to do so, produce a copy of the person’s authorisation under subsection (6).
- (8) The powers conferred by this section—
 - (a) may be exercised at reasonable times only;
 - (b) may not be exercised to require a person to do anything otherwise than at a reasonable time.
- (9) The powers conferred by this section do not include power to enter a dwelling without the agreement of the occupier.