

# QUALIFICATIONS WALES ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 7: Enforcement**

#### ***Section 44: Entry and inspection of premises***

98. This section enables Qualifications Wales to apply to a justice of the peace for an order allowing it to enter an awarding body's premises to inspect and copy records and documents, or remove them, and to require access to, and to inspect and check the operation of, electronic devices, associated apparatus or material. Where there is an order in place, the authorised person must be assisted as the authorised person may reasonably require. Only a member of staff authorised by Qualification Wales for the purposes of this section may apply to the justice of the peace. An order can be made only if the justice of the peace is satisfied that the requirements in subsections (3) to (5) are met. If an order is granted, an authorised member of Qualifications Wales's staff may enter the premises for the purpose of ascertaining whether there has been a breach of a condition of recognition or approval to which the awarding body's recognition, or a form of qualification awarded by it, is subject. The order may permit or require a police officer to accompany the authorised person. The authorised person and police officer (if in attendance) may do the various things listed in subsection (6) for that purpose. If an accompanying police officer needs to use reasonable force to enable the exercise of the powers, then this is permitted (subsection (9)).