

SCHEDULES

SCHEDULE 5

POWERS OF ENTRY AND SEARCH ETC

Power to issue search warrant

- 1 (1) A justice of the peace who is satisfied that the requirements in sub-paragraph (3) are met in relation to relevant higher education premises may issue a warrant under this paragraph (a “search warrant”) in respect of the premises.
- (2) “Relevant higher education premises” means premises in England which—
- (a) are occupied by a supported higher education provider or a linked institution in relation to such a provider, and
 - (b) are used for, or in connection with, the provision of higher education courses by such a provider,
- but does not include premises which are used wholly or mainly as a private dwelling.
- (3) The requirements of this sub-paragraph are met in relation to premises occupied by a supported higher education provider or a linked institution in relation to such a provider if—
- (a) there are reasonable grounds for suspecting that there is, or has been, a breach of a registration condition or funding condition of the provider,
 - (b) the suspected breach is sufficiently serious to justify entering the premises,
 - (c) entry to the premises is necessary to determine whether the suspected breach is taking place or has taken place, and
 - (d) either of the requirements in sub-paragraph (4) is met.
- (4) The requirements referred to in sub-paragraph (3)(d) are—
- (a) that entry to the premises has been, or it is likely to be, refused;
 - (b) that requesting entry may frustrate or seriously prejudice the purpose of entry.
- (5) References in this Schedule to a registration condition of a supported higher education provider are to an ongoing registration condition of the provider (see section 3(8)).
- (6) References in this Schedule to a funding condition of a supported higher education provider are to—
- (a) a term or condition subject to which a grant, loan or other payment under section 39 or 40 (financial support for providers) was paid to the provider, or
 - (b) a condition imposed on the provider by or under regulations made under section 22 of the Teaching and Higher Education Act 1998 (financial support for students) in connection with the designation of a course for the purposes of that section.