



Higher Education (Wales) Act 2015

2015 anaw 1

PART 4

FINANCIAL AFFAIRS OF REGULATED INSTITUTIONS

Supplementary powers for purpose of monitoring etc

36 Financial management: powers of entry and inspection

- (1) For the purpose of the exercise of a function by virtue of section 31 or 34(2), an authorised person may—
 - (a) enter the premises of a regulated institution;
 - (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 the governing body of the regulated institution.
- (5) Subsection (4) does not apply to the exercise of a power if the authorised person is satisfied that—

Status: This is the original version (as it was originally enacted).

- (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.