



Qualifications Wales Act 2015

2015 anaw 5

PART 7

ENFORCEMENT POWERS OF QUALIFICATIONS WALES

44 Entry and inspection of premises

- (1) An authorised person may apply to a justice of the peace for an order under this section in respect of premises occupied by a recognised body.
- (2) The justice of the peace may make an order under this section only if satisfied that the requirements in subsections (3) to (5) are met.
- (3) The first requirement is that there are reasonable grounds for believing that the body has failed to comply with—
 - (a) a condition to which its recognition is subject, or
 - (b) a condition to which approval under Part 4 of a form of a qualification awarded by it is subject.
- (4) The second requirement is that—
 - (a) entry to the premises has been, or is likely to be, refused, or
 - (b) requesting entry would be likely to defeat the object of the entry.
- (5) The third requirement is that entry to the premises is necessary to ascertain whether there has been a breach of the condition by reference to which the requirement in subsection (3) is met.
- (6) When an order under this section is in force, an authorised person and any constable accompanying the authorised person in accordance with the order may, for the purpose of ascertaining whether there has been a breach of a condition referred to in subsection (3)—
 - (a) enter the premises specified in the order;
 - (b) inspect and copy records and documents found on the premises or remove them from the premises;

Changes to legislation: There are currently no known outstanding effects for the Qualifications Wales Act 2015, Section 44. (See end of Document for details)

- (c) require access to, and inspect and check the operation of, any computer or other electronic device found on the premises, and any associated apparatus or material found on the premises, which is or has been in use in connection with records or other documents;
- (d) require—
 - (i) the person by whom or on whose behalf the electronic device is or has been so used, or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the device, apparatus or material,to afford the authorised person such assistance as the authorised person may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form).
- (7) An order under this section must specify—
 - (a) the premises to which it relates;
 - (b) the period for which the order is in force.
- (8) An order under this section may—
 - (a) permit or require the authorised person to be accompanied by a constable;
 - (b) restrict the time at which the power of entry conferred by the order may be exercised;
 - (c) require notice of the order to be given to the recognised body concerned.
- (9) A constable accompanying the authorised person in accordance with the order may (if necessary) use reasonable force to enable the exercise of the powers conferred by the order.
- (10) References in this section to an authorised person are to a member of the staff of Qualifications Wales who is authorised (generally or specifically) by Qualifications Wales for the purposes of this section.

Commencement Information

II S. 44 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

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