



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—

Changes to legislation: Higher Education (Wales) Act 2015, Cross Heading: Supplementary powers for purpose of monitoring etc is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.

Commencement Information

II S. 36 in force at 1.8.2017 by S.I. 2017/239, art. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act repealed by [2022 asc 1 Sch. 4 para. 31](#)