



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 1

### REGULATION OF SOCIAL CARE SERVICES

#### CHAPTER 3

##### INFORMATION AND INSPECTIONS

#### **34 Powers of inspector to enter and inspect premises**

- (1) For the purposes of carrying out an inspection, an inspector may enter and inspect any premises which the inspector has reasonable grounds to believe is (or has been) used—
  - (a) as a place at or from which a regulated service is (or has been) provided, or
  - (b) in connection with the provision of a regulated service.
- (2) But an inspector may not enter and inspect premises used wholly or mainly as a private dwelling unless the occupier consents.
- (3) Where an inspector enters premises for the purposes of carrying out an inspection, the inspector must, if requested to do so by any person at the premises, produce a document showing the inspector's authorisation under section 33.
- (4) The inspector may—
  - (a) examine the state and management of the premises and assess the well-being of any persons accommodated or receiving care and support there;
  - (b) require—
    - (i) the manager or any other person who appears to the inspector to be responsible for the day to day management of the service at or from the premises, or

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 34. (See end of Document for details)

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- (ii) where the service is no longer being provided, a person who appears to the inspector to have responsibility for the day to day management of the premises,
    - to produce any documents or records (including medical and other personal records) that the inspector thinks may be relevant to the provision of the regulated service;
  - (c) inspect and take copies of any documents or records (including medical and other personal records) that the inspector thinks may be relevant to the provision of the regulated service;
  - (d) seize and remove any document or other thing found at the premises which the inspector has reasonable grounds to believe may be evidence of a failure to comply with any condition or other requirement imposed by virtue of this Part;
  - (e) require—
    - (i) the manager or any other person who appears to the inspector to be responsible for the day to day management of the service at or from the premises, or
    - (ii) where the service is no longer being provided, a person who appears to the inspector to have responsibility for the day to day management of the premises,
      - to afford the inspector such facilities and assistance as are necessary to enable the inspector to carry out the inspection;
  - (f) take such measurements and photographs and make such recordings as the inspector thinks necessary for the purpose of carrying out the inspection.
- (5) The powers in subsection (4)(b) to (d) include the power to—
- (a) gain access to and check the operation of any computer and associated apparatus which the inspector has reasonable grounds to believe is (or has been) used in connection with the documents or records, and
  - (b) require documents or records to be produced in a form which is legible and portable.
- (6) “Premises” includes a vehicle.

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**Commencement Information**

**II** S. 34 in force at 2.4.2018 by [S.I. 2017/1326](#), [art. 2\(3\)\(e\)](#)

**Changes to legislation:**

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