



# Local Government (Wales) Measure 2009

## 2009 nawm 2

### PART 1

#### LOCAL GOVERNMENT IMPROVEMENT

##### *Other functions of the Auditor General for Wales*

#### **26 Inspectors' powers and duties**

- (1) An inspector has a right of access at all reasonable times—
  - (a) to any premises of a Welsh improvement authority, and
  - (b) to any document relating to the authority which appears to the inspector to be necessary for the purposes of the inspection, audit or assessment.
- (2) The right conferred by subsection (1) includes power to inspect, copy or take away the document.
- (3) An inspector—
  - (a) may require a person holding or accountable for any such document to give the inspector such information or explanation as the inspector thinks necessary, and
  - (b) may require that person to attend before the inspector in person to give the information or explanation or to produce the document.
- (4) In relation to a document kept in electronic form, the power in subsection (3)(b) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.
- (5) In connection with inspecting such a document, an inspector—
  - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the inspector considers is or has been used in connection with the document;
  - (b) may require a person within subsection (6) to afford the inspector such reasonable assistance as the inspector may require for that purpose.

*Changes to legislation: Local Government (Wales) Measure 2009, Section 26 is up to date with all changes known to be in force on or before 24 July 2023. 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*

- (6) A person is within this subsection if the person is—
- (a) the person by whom or on whose behalf the computer is or has been used; or
  - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) A Welsh improvement authority must provide an inspector with every facility and all information which the inspector may reasonably require for the purposes of the inspection or assessment.
- (8) An inspector must—
- (a) unless in the opinion of the inspector the circumstances are exceptional, give three clear days' notice of any requirement under this section, and
  - (b) if so required, produce documentation which identifies the inspector as a person authorised to impose requirements under this section.
- (9) A person who without reasonable excuse obstructs the exercise of any power conferred by this section or fails to comply with a requirement of an inspector under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) Any expenses incurred by an inspector in proceedings for an offence under subsection (9) alleged to have been committed in relation to an inspection of a Welsh improvement authority are, so far as not recoverable from any other source, recoverable from the authority.
- (11) In this section “inspector” means the Auditor General for Wales, <sup>[F1]</sup>or a person exercising the functions of the Auditor General for Wales by virtue of a delegation made under section 18 of the Public Audit (Wales) Act 2013,], who is carrying out an audit under section 17, an assessment under section 18 or a special inspection.

#### Textual Amendments

**F1** Words in s. 26(11) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 86](#) (with [Sch. 3 para. 3](#)); S.I. 2013/1466, art. 3(1)

#### Modifications etc. (not altering text)

**C1** S. 26 applied (with modifications) by 2004 c. 21, s. 24(4)(5) (as inserted (1.4.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), [Sch. 1 para. 33](#); S.I. 2009/3272, art. 3(1), [Sch. 2](#))

#### Commencement Information

**I1** S. 26 in force at 1.4.2010 by [S.I. 2009/3272](#), art. 3(1), [Sch. 2](#)

**Changes to legislation:**

Local Government (Wales) Measure 2009, Section 26 is up to date with all changes known to be in force on or before 24 July 2023. 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.

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

- Measure repealed by [2021 asc 1 s. 170\(1\)](#)

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- Sch. para. 10 omitted by [2018 anaw 2 Sch. 1 para. 16](#)