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WELSH STATUTORY INSTRUMENTS

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**2004 No. 905**

**Community Health Councils Regulations 2004**

**PART IV**

**Entry and inspection of premises**

**20.**—(1) Subject to the following paragraphs of this regulation, persons authorised in writing by a Council may at any reasonable time enter and inspect premises owned or controlled by:—

- (a) Local Health Boards;
- (b) NHS Trusts ;
- (c) local authorities;
- (d) Primary Care Trusts
- (e) persons providing services under Part 2 of the Act or under arrangements under section 28 C of that Act;
- (f) persons providing piloted services under pilot schemes established under section 28 of the 2001 Act, or providing services under an LPS scheme established under Schedule 8A to the Act,
- (g) persons providing primary medical services or primary dental services under Part 1 of the Act; or
- (h) persons who own or control premises where services as mentioned in (e), (f) or (g) are provided.

(2) Each person authorised by a Council under paragraph (1) shall be furnished with written evidence of his or her authority and on applying for entry to any premises referred to in paragraph (1) for the purposes specified in that paragraph shall, if so requested by the owner or occupier of those premises or a person acting on either of their behalf, produce that evidence.

(3) A person authorised by a Council under paragraph (1) shall not, save where a Council is of the opinion that it is expedient in the interests of the health service or because of a risk to the safety or welfare of patients or staff, demand admission to any premises referred to in that paragraph as of right unless the person or body which owns or controls the premises has been given reasonable notice of the intended entry

(4) A person authorised by a Council under paragraph (1) may not enter any premises or part of premises used as residential accommodation —

- (a) for persons employed by any of the bodies referred to in paragraphs 4(a) to (d); or
- (b) by persons referred to in paragraphs 4(e) to (g),

without first having obtained the consent of those persons.

(5) In exercising rights of entry and inspection under this regulation, a Council shall have regard to the need to safeguard patients' safety, privacy and dignity, and to any advice or guidance issued by the Assembly and shall, when it is practicable to do so, co-operate with any other body exercising similar rights pursuant to any enactment.