



# Children and Families (Wales) Measure 2010

## 2010 nawm 1

### PART 2

#### CHILD MINDING AND DAY CARE FOR CHILDREN

##### *Inspection*

#### **42 Powers of inspection**

- (1) A person entering premises under section 41 may (subject to any conditions imposed under section 41(3)(b))—
- (a) inspect the premises;
  - (b) inspect, and take copies of—
    - (i) any records kept by the person providing the child minding or day care, and
    - (ii) any other documents containing information relating to its provision;
  - (c) seize and remove any document or other material or thing found there which the authorised person has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement imposed by or under this Part;
  - (d) take measurements and photographs or make recordings;
  - (e) inspect any children being looked after there, and the arrangements made for their welfare;
  - (f) interview in private the person providing the child minding or day care;
  - (g) interview in private any person looking after children, or living or working, on the premises who consents to be interviewed.
- (2) The power in subsection (1)(b) includes—
- (a) power to require any person holding or accountable for documents or records kept on the premises to produce them, and

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*Changes to legislation: There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Section 42. (See end of Document for details)*

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- (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) The powers in paragraphs (b) and (c) of subsection (1) do not include power—
- (a) to require a person to produce any record or document in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or
  - (b) to take copies of such a record or document or to seize and remove it.
- (4) In connection with inspecting any such documents, a person authorised for the purposes of section 41 (subject to any conditions imposed under section 41(3)(b))—
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he or she considers is or has been in use in connection with the documents, and
  - (b) may require a person within subsection (5) to afford him or her such reasonable assistance as may be required for that purpose.
- (5) A person is within this subsection if he or she 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.
- (6) A person entering premises under section 41 (subject to any conditions imposed under section 41(3)(b)) may require any person to afford him or her such facilities and assistance with respect to matters within the person's control as are necessary to enable him or her to exercise powers under section 41 or this section.
- (7) Any person who without reasonable excuse—
- (a) obstructs a person exercising any power under section 41 or this section, or
  - (b) fails to comply with any requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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**Commencement Information**

**II** S. 42 in force at 1.4.2011 by S.I. 2010/2582, art. 2, Sch. 1 (with Schs. 2, 3)

**Changes to legislation:**

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