



Local Government (Access to Information) Act 1985

CHAPTER 43

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ELIZABETH II



Local Government (Access to Information) Act 1985

1985 CHAPTER 43

An Act to provide for greater public access to local authority meetings, reports and documents subject to specified confidentiality provisions; to give local authorities duties to publish certain information; and for related purposes. [16th July 1985]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) After section 100 of the Local Government Act 1972 there shall be inserted the following—

“ PART VA

ACCESS TO MEETINGS AND DOCUMENTS OF CERTAIN AUTHORITIES, COMMITTEES AND SUB-COMMITTEES

Admission to meetings of principal councils.

100A.—(1) A meeting of a principal council shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) below or by resolution under subsection (4) below.

(2) The public shall be excluded from a meeting of a principal council during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that

Access to meetings and documents of certain authorities, committees and sub-committees.

1972 c. 70.

item, confidential information would be disclosed to them in breach of the obligation of confidence ; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(3) For the purposes of subsection (2) above, “ confidential information ” means—

- (a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public ; and
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court ;

and, in either case, the reference to the obligation of confidence is to be construed accordingly.

(4) A principal council may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I below.

(5) A resolution under subsection (4) above shall—

- (a) identify the proceedings, or the part of the proceedings, to which it applies, and
- (b) state the description, in terms of Schedule 12A to this Act, of the exempt information giving rise to the exclusion of the public,

and where such a resolution is passed this section does not require the meeting to be open to the public during proceedings to which the resolution applies.

(6) The following provisions shall apply in relation to a meeting of a principal council, that is to say—

- (a) public notice of the time and place of the meeting shall be given by posting it at the offices of the council three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened ;

- (b) while the meeting is open to the public, the council shall not have power to exclude members of the public from the meeting; and
- (c) while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the council or not on the telephone, for telephoning the report at their own expense.

(7) Nothing in this section shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

Access to
agenda and
connected
reports.

100B.—(1) Copies of the agenda for a meeting of a principal council and, subject to subsection (2) below, copies of any report for the meeting shall be open to inspection by members of the public at the offices of the council in accordance with subsection (3) below.

(2) If the proper officer thinks fit, there may be excluded from the copies of reports provided in pursuance of subsection (1) above the whole of any report which, or any part which, relates only to items during which, in his opinion, the meeting is likely not to be open to the public.

(3) Any document which is required by subsection (1) above to be open to inspection shall be so open at least three clear days before the meeting, except that—

- (a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and

(b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item, shall be open to inspection from the time the item is added to the agenda ;

but nothing in this subsection requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the council.

(4) An item of business may not be considered at a meeting of a principal council unless either—

(a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public in pursuance of subsection (1) above for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened ; or

(b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(5) Where by virtue of subsection (2) above the whole or any part of a report for a meeting is not open to inspection by the public under subsection (1) above—

(a) every copy of the report or of the part shall be marked “ Not for publication ” ; and

(b) there shall be stated on every copy of the whole or any part of the report the description, in terms of Schedule 12A to this Act, of the exempt information by virtue of which the council are likely to exclude the public during the item to which the report relates.

(6) Where a meeting of a principal council is required by section 100A above to be open to the public during the proceedings or any part of them, there shall be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and, subject to subsection (8) below, of the reports for the meeting.

(7) There shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—

- (a) a copy of the agenda for a meeting of a principal council and, subject to subsection (8) below, a copy of each of the reports for the meeting ;
- (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda ; and
- (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.

(8) Subsection (2) above applies in relation to copies of reports provided in pursuance of subsection (6) or (7) above as it applies in relation to copies of reports provided in pursuance of subsection (1) above.

Inspection
of minutes
and other
documents
after
meetings.

100C.—(1) After a meeting of a principal council the following documents shall be open to inspection by members of the public at the offices of the council until the expiration of the period of six years beginning with the date of the meeting, namely—

- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information ;
- (b) where applicable, a summary under subsection (2) below ;
- (c) a copy of the agenda for the meeting ; and
- (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(2) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, the document open to inspection under subsection (1)(a) above does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, the proper officer shall make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.

Inspection of
background
papers.

100D.—(1) Subject, in the case of section 100C(1), to subsection (2) below, if and so long as copies of the whole or part of a report for a meeting of a principal council are required by section 100B(1) or 100C(1) above to be open to inspection by members of the public—

(a) copies of a list, compiled by the proper officer, of the background papers for the report or the part of the report, and

(b) at least one copy of each of the documents included in that list,

shall also be open to their inspection at the offices of the council.

(2) Subsection (1) above does not require a copy of the list, or of any document included in the list, to be open to inspection after the expiration of the period of four years beginning with the date of the meeting.

(3) Where a copy of any of the background papers for a report is required by subsection (1) above to be open to inspection by members of the public, the copy shall be taken for the purposes of this Part to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.

(4) Nothing in this section—

(a) requires any document which discloses exempt information to be included in the list referred to in subsection (1) above; or

(b) without prejudice to the generality of subsection (2) of section 100A above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that subsection.

(5) For the purposes of this section the background papers for a report are those documents relating to the subject matter of the report which—

(a) disclose any facts or matters on which, in the opinion of the proper officer, the report or an important part of the report is based, and

(b) have, in his opinion, been relied on to a material extent in preparing the report, but do not include any published works.

Application to committees and sub-committees.

100E.—(1) Sections 100A to 100D above shall apply in relation to a committee or sub-committee of a principal council as they apply in relation to a principal council.

(2) In the application by virtue of this section of sections 100A to 100D above in relation to a committee or sub-committee—

- (a) section 100A(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of every constituent principal council and, if the meeting of the committee or sub-committee to which that section so applies is to be held at premises other than the offices of such a council, at those premises ;
- (b) for the purposes of section 100A(6)(c), premises belonging to a constituent principal council shall be treated as belonging to the committee or sub-committee ; and
- (c) for the purposes of sections 100B(1), 100C(1) and 100D(1), offices of any constituent principal council shall be treated as offices of the committee or sub-committee.

(3) Any reference in this Part to a committee or sub-committee of a principal council is a reference to—

- (a) a committee which is constituted under an enactment specified in section 101(9) below or which is appointed by one or more principal councils under section 102 below ; or
- (b) a joint committee not falling within paragraph (a) above which is appointed or established under any enactment by two or more principal councils and is not a body corporate ; or
- (c) a sub-committee appointed or established under any enactment by one or more committees falling within paragraph (a) or (b) above.

(4) Any reference in this Part to a constituent principal council, in relation to a committee or sub-committee, is a reference—

- (a) in the case of a committee, to the principal council, or any of the principal councils, of which it is a committee ; and
- (b) in the case of a sub-committee, to any principal council which, by virtue of paragraph (a) above, is a constituent principal council in relation to the committee, or any of the committees, which established or appointed the sub-committee.

Additional rights of access to documents for members of principal councils.

100F.—(1) Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to subsection (2) below, be open to inspection by any member of the council.

(2) Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to this Act, subsection (1) above does not require the document to be open to inspection.

(3) The Secretary of State may by order amend subsection (2) above—

- (a) by adding to the descriptions of exempt information to which that subsection refers for the time being ; or
- (b) by removing any description of exempt information to which it refers for the time being.

(4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The rights conferred by this section on a member of a principal council are in addition to any other rights he may have apart from this section.

Principal councils to publish additional information.

100G.—(1) A principal council shall maintain a register stating—

- (a) the name and address of every member of the council for the time being and the ward or division which he represents ; and

(b) the name and address of every member of each committee or sub-committee of the council for the time being.

(2) A principal council shall maintain a list—

(a) specifying those powers of the council which, for the time being, are exercisable from time to time by officers of the council in pursuance of arrangements made under this Act or any other enactment for their discharge by those officers; and

(b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable;

but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months.

(3) There shall be kept at the offices of every principal council a written summary of the rights—

(a) to attend meetings of a principal council and of committees and sub-committees of a principal council, and

(b) to inspect and copy documents and to be furnished with documents,

which are for the time being conferred by this Part, Part XI below and such other enactments as the Secretary of State by order specifies.

(4) The register maintained under subsection (1) above, the list maintained under subsection (2) above and the summary kept under subsection (3) above shall be open to inspection by the public at the offices of the council.

Supplemental provisions and offences.

100H.—(1) A document directed by any provision of this Part to be open to inspection shall be so open at all reasonable hours and—

(a) in the case of a document open to inspection by virtue of section 100D(1) above, upon payment of such reasonable fee as may be required for the facility; and

(b) in any other case, without payment.

(2) Where a document is open to inspection by a person under any provision of this Part, the person may, subject to subsection (3) below—

(a) make copies of or extracts from the document, or

- (b) require the person having custody of the document to supply to him a photographic copy of or of extracts from the document,

upon payment of such reasonable fee as may be required for the facility.

(3) Subsection (2) above does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is a principal council, nothing done in pursuance of that subsection shall constitute an infringement of the copyright.

(4) If, without reasonable excuse, a person having the custody of a document which is required by section 100B(1) or 100C(1) above to be open to inspection by the public—

- (a) intentionally obstructs any person exercising a right conferred by this Part to inspect, or to make a copy of or extracts from, the document, or

- (b) refuses to furnish copies to any person entitled to obtain them under any provision of this Part,

he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(5) Where any accessible document for a meeting to which this subsection applies—

- (a) is supplied to, or open to inspection by, a member of the public, or

- (b) is supplied for the benefit of any newspaper, in pursuance of section 100B(7) above,

the publication thereby of any defamatory matter contained in the document shall be privileged unless the publication is proved to be made with malice.

(6) Subsection (5) above applies to any meeting of a principal council and any meeting of a committee or sub-committee of a principal council; and, for the purposes of that subsection, the “accessible documents” for a meeting are the following—

- (a) any copy of the agenda or of any item included in the agenda for the meeting;

- (b) any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in section 100B(7)(b) above;

- (c) any copy of a document relating to such an item which is supplied for the benefit of a newspaper in pursuance of section 100B(7)(c) above;
- (d) any copy of the whole or part of a report for the meeting;
- (e) any copy of the whole or part of any background papers for a report for the meeting, within the meaning of section 100D above.

(7) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.

Exempt information and power to vary Schedule 12A.

100I.—(1) The descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part I of Schedule 12A to this Act, but subject to any qualifications contained in Part II of that Schedule; and Part III has effect for the interpretation of that Schedule.

(2) The Secretary of State may by order vary Schedule 12A to this Act by adding to it any description or other provision or by deleting from it or varying any description or other provision for the time being specified or contained in it.

(3) The Secretary of State may exercise the power conferred by subsection (2) above by amending any Part of Schedule 12A to this Act, with or without amendment of any other Part.

(4) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Application to new authorities, Common Council, etc.

100J.—(1) Except in this section, any reference in this Part to a principal council includes a reference to—

- (a) the Inner London Education Authority;
- (b) a joint authority;
- (c) the Common Council;
- (d) a joint board or joint committee falling within subsection (2) below;
- (e) a combined police authority which is a body corporate;
- (f) a combined fire authority.

(2) A joint board or joint committee falls within this subsection if—

(a) it is constituted under any enactment as a body corporate; and

(b) it discharges functions of two or more principal councils;

and for the purposes of this subsection any body falling within paragraph (a), (b) or (c) of subsection (1) above shall be treated as a principal council.

(3) In its application by virtue of subsection (1) above in relation to a body falling within paragraph (a), (b), (d), (e) or (f) of that subsection, section 100A(6)(a) above shall have effect with the insertion after the word “council” of the words “(and, if the meeting is to be held at premises other than those offices, at those premises)”.

(4) In its application by virtue of subsection (1) above, section 100G(1)(a) above shall have effect—

(a) in relation to a joint authority or a combined police authority, with the substitution for the words from “ward” onwards of the words “name or description of the body which appointed him”; and

(b) in relation to a joint board or joint committee falling within subsection (2) above, with the omission of the words from “and the ward” onwards; and

(c) in relation to a combined fire authority, with the substitution for the words “ward or division” of the words “constituent area”.

(5) In this section “combined fire authority” means a fire authority constituted by a combination scheme under the Fire Services Act 1947.

1947 c. 41.

Inter-
pretation
and
application
of Part VA.

100K.—(1) In this Part—

“committee or sub-committee of a principal council” shall be construed in accordance with section 100E(3) above;

“constituent principal council” shall be construed in accordance with section 100E(4) above;

“copy”, in relation to any document, includes a copy made from a copy;

“exempt information” has the meaning given by section 100I above;

“ information ” includes an expression of opinion, any recommendations and any decision taken ;

“ newspaper ” includes—

(a) a news agency which systematically carries on the business of selling and supplying reports or information to newspapers ; and

(b) any organisation which is systematically engaged in collecting news—

(i) for sound or television broadcasts ; or

(ii) for programmes to be included in a cable programme service which is or does not require to be licensed ;

“ principal council ” shall be construed in accordance with section 100J above.

(2) Any reference in this Part to a meeting is a reference to a meeting held after 1st April 1986 ”.

(2) After Schedule 12 to the Local Government Act 1972 1972 c. 70. there shall be inserted, as Schedule 12A, the Schedule set out in Part I of Schedule 1 to this Act.

2.—(1) After section 50 of the Local Government (Scotland) Act 1973 there shall be inserted the following—

“ PART IIIA

ACCESS TO MEETINGS AND DOCUMENTS OF LOCAL AUTHORITIES, COMMITTEES AND SUB-COMMITTEES

Admission to meetings of local authorities.

50A.—(1) A meeting of a local authority shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) below or by resolution under subsection (4) below.

Access to meetings and documents of local authorities and certain committees and sub-committees in Scotland. 1973 c. 65.

(2) The public shall be excluded from a meeting of a local authority during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during consideration of that item, confidential information would be disclosed to them in breach of the obligation of confidence ; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(3) For the purposes of subsection (2) above, 'confidential information' means—

(a) information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and

(b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;

and, in either case, the reference to the obligation of confidence is to be construed accordingly.

(4) A local authority may by resolution exclude the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of exempt information, as defined in section 50J below.

(5) A resolution under subsection (4) above shall—

(a) identify the proceedings, or the part of the proceedings, to which it applies; and

(b) state the description, in terms of Schedule 7A to this Act, of the exempt information giving rise to the exclusion of the public,

and where such a resolution is passed this section shall not require a meeting to be open to the public during proceedings to which the resolution applies.

(6) The following provisions shall apply in relation to a meeting of a local authority, that is to say—

(a) public notice of the time and place of the meeting shall be given by posting it at the offices of the authority three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;

(b) while the meeting is open to the public, the authority shall not have power to exclude members of the public from the meeting; and

(c) where the meeting is open to the public, duly accredited representatives of newspapers

attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the authority or not connected to a public telecommunications system, for transmitting the report by means of such a system at their own expense.

(7) Nothing in this section shall require a local authority to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

Access to
agenda and
connected
reports.

50B.—(1) Copies of the agenda for a meeting of a local authority and, subject to subsection (2) below, copies of any report for the meeting shall be open to inspection by members of the public at the offices of the authority in accordance with subsection (3) below.

(2) If the proper officer thinks fit, there may be excluded from the copies of reports provided in pursuance of subsection (1) above the whole of any report which, or any part which, relates only to items during consideration of which, in his opinion, the meeting is likely not to be open to the public.

(3) Any document which is required by subsection (1) above to be open to inspection shall be so open at least three clear days before the meeting, except that—

(a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and

(b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item shall be open to inspection from the time the item is added to the agenda ;

but nothing in this subsection or subsection (1) above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the authority.

(4) An item of business may not be considered at a meeting of a local authority unless either—

(a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public in pursuance of subsection (1) above for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened ; or

(b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(5) Where by virtue of subsection (2) above the whole or any part of a report for a meeting is not open to inspection by the public under subsection (1) above—

(a) every copy of the report or of the part shall be marked 'Not for publication' ; and

(b) there shall be stated on every copy of the whole or any part of the report the description, in terms of Schedule 7A to this Act, of the exempt information by virtue of which the authority are likely to exclude the public during consideration of the item to which the report relates.

(6) Where a meeting of a local authority is required by section 50A above to be open to the public during the proceedings or any part of them, there shall be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and, subject to subsection (8) below, of the reports for the meeting.

(7) There shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—

(a) a copy of the agenda for a meeting of a local authority and, subject to subsection (8) below, a copy of each of the reports for the meeting ;

- (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda ; and
- (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the authority in connection with the item.

(8) Subsection (2) above applies in relation to copies of reports provided in pursuance of subsection (6) or (7) above as it applies in relation to copies of reports provided in pursuance of subsection (1) above.

Inspection of minutes and other documents after meetings.

50C.—(1) After a meeting of a local authority the following documents shall be open to inspection by members of the public at the offices of the authority until the expiration of the period of six years beginning with the date of the meeting, namely—

- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of the proceedings during which the meeting was not open to the public as discloses exempt information ;
- (b) where applicable, a summary under subsection (2) below ;
- (c) a copy of the agenda for the meeting ; and
- (d) a copy of so much of any report supplied to members of the authority for the meeting as relates to any item during consideration of which the meeting was open to the public.

(2) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, the document open to inspection under subsection (1)(a) above does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, the proper officer shall make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.

Inspection of background papers.

50D.—(1) Subject, in the case of section 50C(1), to subsection (2) below, if and so long as copies of the whole or part of a report for a meeting of a local authority are required by section 50B(1) or 50C(1) above to be open to inspection by members of the public—

- (a) copies of a list, compiled by the proper officer, of the background papers for the report or the part of the report, and

(b) at least one copy of each of the documents included in that list,

shall also be open to such inspection at the offices of the authority.

(2) Subsection (1) above does not require a copy of the list, or of any document included in the list, to be open for inspection after expiration of the period of four years beginning with the date of the meeting.

(3) Where a copy of any of the background papers for a report is required by subsection (1) above to be open to inspection by members of the public, the copy shall be taken for the purposes of this Part to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.

(4) Nothing in this section—

(a) requires any document which discloses exempt information to be included in the list referred to in subsection (1) above ; or

(b) without prejudice to the generality of subsection (2) of section 50A above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that subsection.

(5) For the purposes of this section the background papers for a report are those documents relating to the subject matter of the report which—

(a) disclose any facts or matters on which, in the opinion of the proper officer, the report or an important part of the report is based, and

(b) have, in his opinion, been relied on to a material extent in preparing the report, but do not include any published works.

Application
to
committees
and sub-
committees.

50E.—(1) Sections 50A to 50D above shall apply in relation to—

(a) a committee or sub-committee of a local authority, and

- (b) a committee (not falling within paragraph (a) above) constituted under an enactment specified in section 56(9) below or a sub-committee of such a committee,

as they apply in relation to a local authority.

(2) In the application by virtue of this section of sections 50A to 50D above in relation to a committee or sub-committee—

- (a) section 50A(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of every constituent authority and if the meeting of the committee or sub-committee to which that section so applies is to be held at premises other than the offices of such an authority, at those premises ; and
- (b) for the purposes of section 50A(6)(c), premises belonging to a constituent authority shall be treated as belonging to the committee or sub-committee ; and
- (c) for the purposes of sections 50B(1), 50C(1) and 50D(1), offices of any constituent authority shall be treated as offices of the committee or sub-committee.

(3) Any reference in subsection (2) above to a constituent authority is a reference to a local authority which (whether alone or with one or more other local authorities) appointed the committee or, in the case of a sub-committee, appointed the committee of which that body is a sub-committee.

Additional rights of access to documents for members of local authorities.

50F.—(1) Any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted or proceedings at a meeting of—

- (a) the authority or of a committee or sub-committee of the authority ; or
- (b) a statutory committee appointed by the authority, or any sub-committee of that committee,

shall, subject to subsection (2) below, be open to inspection by any member of the authority and, in the case of a committee or sub-committee, by any other member of the committee or sub-committee.

(2) Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A to this Act, subsection (1) above does not require the document to be open to inspection.

(3) The Secretary of State may by order amend subsection (2) above—

- (a) by adding to the descriptions of exempt information to which that subsection refers for the time being ; or
- (b) by removing any description of exempt information to which it refers for the time being.

(4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The rights conferred by this section on a member of a local authority are in addition to any other rights he may have apart from this section.

Local
authorities
to publish
additional
information.

50G.—(1) A local authority shall maintain a register stating—

- (a) the name and address of each member of the authority for the time being and the electoral division or ward which he represents ; and
- (b) the name and address of every member of each committee or sub-committee of the authority for the time being.

(2) A local authority shall maintain a list—

- (a) specifying those powers of the authority which, for the time being, are exercisable from time to time by officers of the authority in pursuance of arrangements made under this Act or any other enactment for their discharge by those officers ; and
- (b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable ;

but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months.

(3) There shall be kept at the offices of every local authority a written summary of the rights—

(a) to attend meetings of the authority and of committees and sub-committees of the authority, and

(b) to inspect and copy documents and to be furnished with documents,

which are for the time being conferred by this Part, Part XI below and such other enactments as the Secretary of State by order specifies.

(4) The register maintained under subsection (1) above, the list maintained under subsection (2) above and the summary kept under subsection (3) above shall be open to inspection by the public at the offices of the authority.

Supplemental provisions and offences.

50H.—(1) A document directed by any provision of this Part to be open to inspection shall be so open at all reasonable hours—

(a) in the case of a document open to inspection by virtue of section 50D(1) above, upon payment of such reasonable fee as may be required for the facility ; and

(b) in any other case, without payment.

(2) Where a document is open to inspection by a person under any provision of this Part, the person may, subject to subsection (3) below—

(a) make copies of or extracts from the document,

(b) require the person having custody of the document to supply to him a photographic copy of or of extracts from the document,

upon payment of such reasonable fee as may be required subject to any provision to the contrary in any other enactment or instrument.

(3) Subsection (2) above does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is a local authority, nothing done in pursuance of that subsection shall constitute an infringement of the copyright.

(4) If, without reasonable excuse, a person having the custody of a document which is required by section 50B(1) or 50C(1) above to be open to inspection by the public—

(a) intentionally obstructs any person exercising a right conferred by this Part to inspect, or

to make a copy of or extract from, the document, or

- (b) refuses to furnish copies to any person entitled to obtain them under any provision of this Part,

he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(5) Where any accessible document for a meeting to which this subsection applies—

- (a) is supplied to, or open to inspection by, a member of the public, or
 (b) is supplied for the benefit of any newspaper, in pursuance of section 50B(7) above,

the publication thereby of any defamatory matter contained in the document shall be privileged unless the publication is proved to be made with malice.

(6) Subsection (5) above applies to any meeting of a local authority and any meeting of a committee or sub-committee as is mentioned in paragraph (a) or (b) of section 50E(1) above ; and for the purposes of that subsection the “ accessible documents ” for a meeting are the following—

- (a) any copy of the agenda or of an item included in the agenda for the meeting ;
 (b) any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in section 50B(7)(b) above ;
 (c) any copy of a document relating to such an item which is supplied for the benefit of a newspaper in pursuance of section 50B(7)(c) above ;
 (d) any copy of the whole or part of a report for the meeting ;
 (e) any copy of the whole or part of any background papers for a report for the meeting, within the meaning of section 50D above.

(7) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.

Exempt information.

50J.—(1) The descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part I of Schedule 7A to this Act, but subject to any qualifications contained in Part II of that Schedule; and Part III has effect for the interpretation of that Schedule.

(2) The Secretary of State may by order vary Schedule 7A to this Act by adding to it any description or other provision or by deleting from it or varying any description or other provision for the time being specified or contained in it.

(3) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation and application of Part IIIA.

50K.—(1) In this Part—

‘copy’, in relation to a document, includes a copy made from a copy;

‘exempt information’ has the meaning given by section 50J above;

‘information’ includes an expression of opinion, any recommendations and any decision taken;

‘newspaper’ includes—

(a) a news agency which systematically carries on the business of selling and supplying reports or information to newspapers; and

(b) any organisation which is systematically engaged in collecting news—

(i) for sound or television broadcasts; or

(ii) for programmes to be included in a cable programme service which is or does not require to be licensed.

(2) References in this Part to a committee or sub-committee, in relation to a local authority, shall be construed in accordance with the following provisions—

(a) references to a committee of a local authority are references to a committee appointed under section 57 below by the authority

or by two or more local authorities of which one is that authority and references to a sub-committee of a local authority are references to a sub-committee appointed by such a committee under that section ; and

- (b) references to a statutory committee appointed by a local authority are references to a committee constituted under an enactment specified in section 56(9) below other than a committee constituted under the enactment specified in paragraph (d) of that section and appointed by the authority or by two or more local authorities of which that authority is one and references to a sub-committee of such a statutory committee shall be construed accordingly.

(3) Any reference in this Part to a meeting is a reference to a meeting commenced after the 1st April 1986.”

1973 c. 65.

(2) After Schedule 7 to the Local Government (Scotland) Act 1973 there shall be inserted, as Schedule 7A, the Schedule set out in Part II of Schedule 1 to this Act.

Consequential amendments and repeals.

3.—(1) The enactments mentioned in Schedule 2 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act.

(2) The enactments mentioned in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Extent.

4. Except for this section and section 3 in so far as it relates to paragraph 3 of Schedule 2, this Act shall not extend to Northern Ireland.

Commencement.

5. This Act shall come into force on 1st April 1986.

Short title.

6. This Act may be cited as the Local Government (Access to Information) Act 1985.

SCHEDULES

SCHEDULE 1

Sections 1 and 2.

EXEMPT INFORMATION

PART I

SCHEDULE TO BE INSERTED INTO THE LOCAL GOVERNMENT ACT 1972 1972 c. 70.

“ SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART I

DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.
2. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officer, former officer or applicant to become an officer appointed by—
 - (a) a magistrates' court committee, within the meaning of section 19 of the Justices of the Peace Act 1979 ; or 1979 c. 55.
 - (b) a probation committee appointed under paragraph 2 of Schedule 3 to the Powers of Criminal Courts Act 1973. 1973 c. 62
3. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
5. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
6. Information relating to the adoption, care, fostering or education of any particular child.
7. Information relating to the financial or business affairs of any particular person (other than the authority).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

SCH. 1

10. The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with—

(a) any legal proceedings by or against the authority, or

(b) the determination of any matter affecting the authority,

(whether, in either case, proceedings have been commenced or are in contemplation).

13. Information which, if disclosed to the public, would reveal that the authority proposes—

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person ; or

(b) to make an order or direction under any enactment.

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

15. The identity of a protected informant.

PART II

QUALIFICATIONS

1. Information relating to a person of a description specified in any of paragraphs 1 to 5 of Part I above is not exempt information by virtue of that paragraph unless it relates to an individual of that description in the capacity indicated by the description.

2. Information falling within paragraph 7 of Part I above is not exempt information by virtue of that paragraph if it is required to be registered under—

1985 c. 6. (a) the Companies Act 1985 ;

1974 c. 46. (b) the Friendly Societies Act 1974 ;

(c) the Industrial and Provident Societies Acts 1965 to 1978 ;

1962 c. 37. (d) the Building Societies Act 1962 ; or

1960 c. 58. (e) the Charities Act 1960.

3. Information falling within paragraph 8 of Part I above is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against other such persons.

4. Information falling within paragraph 9 of Part I above is exempt information if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

5. Information falling within paragraph 11 of Part I above is exempt information if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

6. Information falling within paragraph 13 of Part I above is exempt information if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

PART III

INTERPRETATION

1.—(1) In this Schedule—

‘child’ means a person under the age of eighteen years and any person who has attained that age and—

(a) is registered as a pupil at a school; or

(b) is the subject of a care order, within the meaning of section 20 of the Children and Young Persons Act 1969 c. 54, 1969;

‘disposal’, in relation to property, includes the granting of an interest in or right over it;

‘employee’ means a person employed under a contract of service;

‘financial or business affairs’ includes contemplated, as well as past or current, activities;

‘labour relations matter’ means—

(a) any of the matters specified in paragraphs (a) to (g) of section 29(1) of the Trade Union and Labour Relations Act 1974 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

‘office-holder’, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on

- SCH. 1 which the authority is represented or by any person who holds any such office or is an employee of the authority ;
- ‘protected informant’ means a person giving the authority information which tends to show that—
- (a) a criminal offence,
- (b) a breach of statutory duty,
- 1971 c. 78. (c) a breach of planning control, as defined in section 87(3) of the Town and Country Planning Act 1971, or
- (d) a nuisance,
- has been, is being or is about to be committed ;
- 1980 c. 65. ‘tender for a contract’ includes a written statement prepared by the authority in pursuance of section 9(2) of the Local Government, Planning and Land Act 1980 (estimated cost of carrying out functional work by direct labour).
- (2) Any reference in this Schedule to ‘the authority’ is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—
- (a) in the case of a principal council, to any committee or sub-committee of the council ; and
- (b) in the case of a committee, to—
- (i) any constituent principal council ;
- (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges ; and
- (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above ; and
- (c) in the case of a sub-committee, to—
- (i) the committee, or any of the committees, of which it is a sub-committee ; and
- (ii) any principal council which falls within paragraph (b) above in relation to that committee.”

PART II

1973 c. 65. SCHEDULE TO BE INSERTED INTO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

“SCHEDULE 7A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART I

DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder,

former office-holder or applicant to become an office-holder under, the authority.

SCH. 1

2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

5. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968 c. 49. 1968.

6. Information relating to the financial or business affairs of any particular person (other than the authority).

7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

10. The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with—

(a) any legal proceedings by or against the authority, or

(b) the determination of any matter affecting the authority,

(whether, in either case, proceedings have been commenced or are in contemplation).

13. Information which, if disclosed to the public, would reveal that the authority proposes—

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person ; or

(b) to make an order or direction under any enactment.

SCH. 1

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

15. The identity of a protected informant.

PART II

QUALIFICATIONS

1. Information relating to a person of a description specified in any of paragraphs 1 to 4 of Part I above is not exempt information by virtue of that paragraph unless it relates to a person of that description in the capacity indicated by the description.

2. Information falling within paragraph 6 of Part I above is not exempt information by virtue of that paragraph if it is required to be registered under—

(a) the Companies Act 1985 ;

(b) the Friendly Societies Act 1974 ;

(c) the Industrial and Provident Societies Acts 1965 to 1978 ; or

(d) the Building Societies Act 1962.

1985 c. 6.

1974 c. 46.

1962 c. 37.

3. Information falling within paragraph 8 of Part I above is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

4. Information falling within paragraph 9 of Part I above is exempt information if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

5. Information falling within paragraph 11 of Part I above is exempt information if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

6. Information falling within paragraph 13 of Part I above is exempt information if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

PART III

SCH. 1

INTERPRETATION

1.—(1) In this Schedule—

‘child’ means a person under the age of eighteen years and any person who has attained that age and is in attendance as a pupil at a school ;

‘disposal’ in relation to property, includes the granting of an interest in or right over it ;

‘employee’ means a person employed under a contract of service ;

‘financial or business affairs’ includes contemplated, as well as past or current, activities ;

‘labour relations matter’ means—

(a) any of the matters specified in paragraphs (a) to (g) of section 29(1) of the Trade Union and Labour Relations Act 1974 (matters which may be the subject of a trade dispute, within the meaning of that Act) ; or

(b) any dispute about a matter falling within paragraph (a) above ;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority ;

‘office-holder’, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority ;

‘protected informant’ means a person giving the authority information which tends to show that—

(a) a criminal offence,

(b) a breach of statutory duty,

(c) a breach of planning control, as defined in section 84(2) of the Town and Country Planning (Scotland) Act 1972 c. 52. 1972, or

(d) a nuisance,

has been, is being or is about to be committed ;

‘tender for a contract’ includes a written statement prepared by the authority in pursuance of section 9(2) of the Local Government, Planning and Land Act 1980 (estimated cost of carrying out functional work by direct labour). 1980 c. 65.

(2) Any reference in this Schedule to ‘the authority’ is a reference to the local authority or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the

SCH. 1 question whether information is exempt or not falls to be determined and includes a reference—

(a) in the case of a local authority, to any committee or sub-committee of, or constituted by, the authority ; and

(b) in the case of a committee or sub-committee, to—

(i) any local authority of which it is a committee or sub-committee or by which it is constituted ; and

(ii) any other committee or sub-committee of, or constituted by, that local authority or the committee in question ;

and for the purposes of this sub-paragraph a committee or sub-committee is 'constituted' by a local authority if the authority is its constituent authority within the meaning of section 50E(3) above."

Section 3.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Fire Services Act 1947 (c. 41)

1. In section 8 of the Fire Services Act 1947 (constitution and powers of fire authorities constituted by combination schemes) after subsection (3) there shall be inserted the following subsection—

"(3A) Meetings of a fire authority which is (as well as one which is not) constituted by a combination scheme are open to the public, and documents relating to such meetings are open to inspection by the public, in accordance with the provisions of Part VA of the Local Government Act 1972."

1972 c. 70.

Defamation Act 1952 (c.66)

2.—(1) The Schedule to the Defamation Act 1952 (by virtue of which, among other things, newspaper reports of all proceedings at meetings of local authorities and their committees are privileged unless admission to the meetings is denied to representatives of newspapers and other members of the public) shall be amended as follows.

(2) At the beginning of paragraph 13 (interpretation) there shall be inserted "(1)" and for the definition of "local authority" in that paragraph there shall be substituted the following—

" 'local authority' means—

(a) any principal council, within the meaning of the Local Government Act 1972, any body falling within any paragraph of section 100J(1) of that Act and any local authority, within the meaning of the Local Government (Scotland) Act 1973 ;

1973 c. 65.

(b) any authority or body to which the Public Bodies (Admission to Meetings) Act 1960 applies ; and

1960 c. 67.

(c) any authority or body to which sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 apply ;

1972 c. 9 (N.I.).

and any reference to a committee of a local authority shall be construed in accordance with sub-paragraph (2) below."

(3) After paragraph 13(1) there shall be added the following sub-paragraph— SCH. 2

“(2) Any reference in this Schedule to a committee of a local authority includes a reference—

(a) to any committee or sub-committee in relation to which sections 100A to 100D of the Local Government Act 1972 apply by virtue of section 100E of that Act (whether or not also by virtue of section 100J of that Act); and 1972 c. 70.

(b) to any committee or sub-committee in relation to which sections 50A to 50D of the Local Government (Scotland) Act 1973 apply by virtue of section 50E of that Act.” 1973 c. 65.

Defamation Act (Northern Ireland) 1955 (c.11) (N.I.)

3.—(1) The Schedule to the Defamation Act (Northern Ireland) 1955 (which makes similar provision to the Schedule to the Defamation Act 1952) shall be amended as follows. 1952 c. 66.

(2) At the beginning of paragraph 13 (interpretation) there shall be inserted “(1)” and for the definition of “local authority” in that paragraph there shall be substituted the following—

“‘local authority’ means—

(a) any authority or body to which sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 apply; 1972 c. 9 (N.I.).

(b) any principal council, within the meaning of the Local Government Act 1972, any body falling within any paragraph of section 100J(1) of that Act and any local authority, within the meaning of the Local Government (Scotland) Act 1973;

(c) any authority or body to which the Public Bodies (Admission to Meetings) Act 1960 applies; 1960 c. 67.

and any reference to a committee of a local authority shall be construed in accordance with sub-paragraph (2) below.”

(3) After paragraph 13(1) there shall be added the following sub-paragraph—

“(2) Any reference in this Schedule to a committee of a local authority includes a reference—

(a) to any committee or sub-committee in relation to which sections 100A to 100D of the Local Government Act 1972 apply by virtue of section 100E of that Act (whether or not also by virtue of section 100J of that Act); and

(b) to any committee or sub-committee in relation to which sections 50A to 50D of the Local Government (Scotland) Act 1973 apply by virtue of section 50E of that Act.”

SCH. 2

Public Bodies (Admission to Meetings) Act 1960 (c.67)

4.—(1) The Public Bodies (Admission to Meetings) Act 1960 shall be amended as follows.

(2) In section 1(1), the words “local authority or other” shall be omitted and for the words “an authority or other body” there shall be substituted the words “a body”.

(3) Section 2(2) shall be omitted.

(4) In the Schedule (which defines the bodies to which the Act applies) for paragraph 1(a) there shall be substituted the following paragraph—

“ (a) parish or community councils, the Council of the Isles of Scilly and joint boards or joint committees which discharge functions of any of those bodies (or of any of those bodies and of a principal council, within the meaning of the Local Government Act 1972, or a body falling within paragraph (a), (b) or (c) of section 100J(1) of that Act)”.

(5) In paragraph 1 of the Schedule, paragraphs (aa) and (ab) (as inserted by the Local Government Act 1985) and (d) shall be omitted.

(6) In paragraph 1(h) of the Schedule, for the words “police authorities” there shall be substituted the words “bodies to which sections 100A to 100D of the Local Government Act 1972 apply, whether or not by virtue of section 100E or 100J of that Act”.

(7) In paragraph 2 of the Schedule, paragraphs (a), (b), (c) and (f) shall be omitted.

Police Act 1964 (c.48)

5. In section 3 of the Police Act 1964 (police authorities for combined areas) after subsection (3) there shall be inserted the following subsection—

“ (3A) Meetings of a combined police authority which is (as well as one which is not) a body corporate are open to the public, and documents relating to such meetings are open to inspection by the public, in accordance with the provisions of Part VA of the Local Government Act 1972.”

Local Government Act 1972 (c.70)

6.—(1) In section 100 of the Local Government Act 1972 (which applies the Public Bodies (Admission to Meetings) Act 1960 in relation to all committees of local authorities)—

(a) in subsection (2), the words from “to any committee constituted” to “101(9) below and” shall be omitted; and

(b) at the end of that subsection there shall be added the words “or section 100E(3)(a) or (b) below (whether or not by virtue of section 100J below)”.

(2) In section 228 of that Act (inspection of documents)—

SCH. 2

- (a) in subsection (1), for the words “local authority” there shall be substituted the words “parish or community council” and for the words “the authority” there shall be substituted the words “the council”; and
- (b) in subsection (8) (application to parish meetings) for the words “local authority” there shall be substituted the words “parish council”.

Local Government Finance Act 1982 (c.32)

7. In section 18 of the Local Government Finance Act 1982, in subsection (5) (auditor’s report to be supplied to members and newspapers) after the word “excluded” there shall be inserted “(a)” and at the end of that subsection there shall be added the following words, that is to say—

“or under section 100B(7) of the 1972 Act (which makes similar provision); or

- (b) from the documents open to inspection by members of the public under section 100B(1) of the 1972 Act (agenda and reports open to the public before a meeting);

and Part VA of the 1972 Act shall have effect in relation to the report as if in section 100C(1)(d) of that Act (by virtue of which only so much of a report as relates to proceedings open to the public is open to public inspection after the meeting) the words ‘so much of’ and from ‘as relates’ onwards were omitted.

(6) In subsection (5) above, ‘the 1972 Act’ means the Local Government Act 1972 c. 70.”

SCHEDULE 3

Section 3.

REPEALS

Chapter	Short title	Extent of repeal
8 & 9 Eliz. 2. c. 67.	Public Bodies (Admission to Meetings) Act 1960.	In section 1(1), the words “local authority or other”. Section 2(2). In the Schedule, paragraph 1(aa), (ab) and (d) and paragraph 2(a), (b), (c) and (f).
1972 c. 70.	Local Government Act 1972.	In section 100(2) the words from “to any committee constituted” to “101(9) below and”.
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 44. In section 197, subsection (1).

c. 43 *Local Government (Access to Information) Act 1985*

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