



# Local Government (Records) Act 1962

1962 CHAPTER 56 10 and 11 Eliz 2

An Act to amend the law relating to the functions of local authorities with respect to records in written or other form. [1st August 1962]

## Modifications etc. (not altering text)

- C1** Act amended by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(b)**
- C2** Act extended (5.7.1994) by [1994 c. 19](#), s. 39, **Sch. 13 para. 20(c)**(with s. 54(5)(7), 55(7), Sch. 17 paras. 22(1), 23(2))  
Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C3** Act applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1777), **art. 21(1)**
- C4** Act applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1778), **art. 21(1)**

## Commencement Information

- I1** Act wholly in force at 1.10.1962, see s. 9(3).

## 1 Power to promote adequate use of records.

- (1) A local authority may do all such things as appear to it necessary or expedient for enabling adequate use to be made of records under its control, and in relation to such records may in particular—
- make provision for enabling persons, with or without charge and subject to such conditions as the authority may determine, to inspect the records and to make or obtain copies thereof;
  - prepare, or procure or assist in the preparation of, indexes and guides to and calendars and summaries of the records;
  - publish, or procure or assist in the publication of, the records or any index or guide to or calendar or summary of the records;
  - hold exhibitions of the records and arrange for the delivery of explanatory lectures, with or without charging for admission to such exhibitions or lectures;

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- (e) direct that the records be temporarily entrusted to other persons for exhibition or study.
- (2) Nothing in subsection (1) above shall be taken to authorise the doing of any act which infringes copyright or contravenes conditions subject to which records are under the control of a local authority.

## 2 Acquisition and deposit of records.

- (1) A local authority to which this subsection applies may—
- by agreement acquire by way of purchase records which, or (in the case of a collection) the majority of which, appear to the authority to be of local interest;
  - accept the gift of records which, or (in the case of a collection) the majority of which, appear to the authority to be of general or local interest.
- (2) A local authority to which this subsection applies may accept the deposit of records—
- which appear to the authority to be of general or local interest; or
  - which are the subject of an arrangement made under subsection (4) below.
- (3) A local authority may accept the deposit of records authorised to be deposited with it by any enactment other than this section.
- (4) A local authority other than a parish council or parish meeting may arrange to deposit any records under its control with an authority to which subsections (1) and (2) above apply or, if <sup>F1</sup>the Secretary of State] consents, with any other person.
- (5) Where by virtue of this section records are under the control of a local authority in relation to which a provision of the following sections applies, namely, <sup>F2</sup>section two hundred and twenty four of the <sup>M1</sup>Local Government Act 1972], . . . <sup>F3</sup>(which sections regulate the custody of certain records) that provision shall apply as respects those records notwithstanding that apart from this subsection it would not so apply.
- <sup>F4</sup>(6) Subsections (1) and (2) above apply to the council of every country, <sup>F5</sup>county borough, metropolitan district or London borough <sup>F6</sup>[to the Common Council of the City of London,]<sup>F7</sup>to a police authority established under section 3 of the Police Act 1964,], . . . <sup>F8</sup>, to a joint authority established by Part IV of the Local Government Act 1985 <sup>F9</sup>[, to an authority established under section 10 of that Act (waste regulation and disposal authorities)]and to the council of any non-metropolitan district specified in an order made in that behalf by the Secretary of State.]
- <sup>F10</sup>(7) In the application of this section to the Common Council of the City of London 'local interest' shall be construed as if the area of the Council included the whole of Greater London.]

### Textual Amendments

- F1** Words substituted by virtue of S.I. 1965/319, **arts. 2(1), 10(1)** Sch. I Pt. I and 1970/1681, arts. 2(1), 6(3)
- F2** Words substituted by virtue of **Local Government Act 1972 (c. 70), s. 272(2)**
- F3** Words repealed by **London Government Act 1963 (c. 33), Sch. 18 Pt. II**
- F4** **S. 2(6)** substituted by **Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 16, Sch. 8 para. 22(1)**
- F5** **S. 2(6)**: by **1994 c. 19 s. 66(6)**, Sch. 16 para. 20(1)(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); **S.I. 1996/396, art. 4, Sch. 2** it is provided (1.4.1996) that words be inserted after “county,”
- F6** Words in **s. 2(6)** inserted by **S.I. 1986/148, art. 18(2)(a)**

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- F7** Words in s. 2(6) inserted (1.4.1995) by 1994 c. 29, s. 43, **Sch. 4**, Pt. I, para. 1; S.I. 1994/3262, art. 4, **Sch.**
- F8** Words in s. 2(6) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13**
- F9** Words in s. 2(6) inserted by S.I. 1990/1765, **art. 4(1)(a)**
- F10** S. 2(7) inserted by S.I. 1986/148, **art. 18(2)(b)**

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

- C5** Reference to parish council or parish meeting to be construed (W.) as reference to community council: **Local Government Act 1972 (c. 70)** s. 179(4)(b)

**Marginal Citations**

- M1** 1972 c. 70.

**3** ..... **F11**

**Textual Amendments**

- F11** S. 3 repealed by **Local Government Act 1972 (c. 70)**, **Sch. 30**

**4 Financial.**

- (1) A local authority may contribute a sum equal to the whole or a part of any such expenses as the following, that is to say—
  - (a) as respects records under the authority’s control, expenses which have been incurred by any person in doing, by arrangement with the authority, anything relating to the records which the authority itself was empowered to do;
  - (b) as respects records not under the authority’s control, being records which in the opinion of the authority are nevertheless of local interest,—
    - (i) expenses which have been incurred by any person in doing any such thing relating to the records as the authority is empowered by subsection (1) of section one above to do in relation to records under its control;
    - (ii) expenses which have been incurred by any person in looking after the records in a case where the authority are of opinion that reasonable provision is made for enabling persons to inspect and make copies of them.

(2) . . . **F12**

**Textual Amendments**

- F12** S. 4(2) repealed by **Statute Law (Repeals) Act 1975 (c. 10)**, **Sch. Pt. VIII**

**5 Modification of local Acts.**

Where at the commencement of this Act there is in force—

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- (a) in a county borough a local Act the Bill for which was promoted by the council of the borough, or
- (b) in a county or county district a local Act the Bill for which was promoted either by the council of the county or by the council of the county district,
- and the said local Act contains provisions appearing to [<sup>F13</sup>the Secretary of State] either to be inconsistent with any of the provisions of this Act, or to be redundant having regard to any of the provisions of this Act, [<sup>F13</sup>the Secretary of State] on the application of the council by which the said Bill was promoted may by order make such alterations, whether by amendment or repeal, in the local Act as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be.

#### Textual Amendments

**F13** Words substituted by virtue of S.I. 1965/319, arts. 2(1), 10(1) Sch. I Pt. I and 1970/1681, arts. 2(1), 6(3)

## 6 Orders by Minister.

- (1) Any power to make orders conferred by this Act shall be exercisable by statutory instrument; and any instrument containing an order made under section five thereof shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any order made under subsection (6) of section two of this Act may be varied or revoked by a subsequent order made thereunder.

## 7 Minor amendments.

- (1) Subsection (4) of section one hundred and forty-four A of the <sup>M2</sup>Law of Property Act 1922, and subsection (2) of section thirty-six of the <sup>M3</sup>Tithe Act 1936 (which respectively empower the Master of the Rolls to direct the transfer to the Public Record Office, or to a public library or museum or historical or antiquarian society, of manorial documents and copies of instruments of apportionment) shall apply in relation to a local authority as they apply in relation to a public library and the governing body of a public library.
- (2) . . . <sup>F14</sup>

#### Textual Amendments

**F14** S. 7(2) repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. XII

#### Marginal Citations

**M2** 1922 c. 16.

**M3** 1936 c. 43.

## 8 Interpretation.

- (1) In this Act—

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“local authority” means the council of a county, <sup>F15</sup>county borough, . . . <sup>F16</sup><sup>F17</sup>London borough] or county district, <sup>F18</sup>the Broads Authority]<sup>F19</sup>the Common Council of the City of London]<sup>F20</sup>, a police authority established under section 3 of the Police Act 1964,<sup>F21</sup> . . . <sup>F22</sup>, or a joint authority established by Part IV of the Local Government Act 1985 <sup>F23</sup>or an authority established under section 10 of that Act (waste regulation and disposal authorities),], . . . <sup>F24</sup>or a parish council or parish meeting, or the Council of the Isles of Scilly;

“records” means materials in written or other form setting out facts or events or otherwise recording information.

- (2) For the purposes of this Act records shall be treated as being under the control of a local authority if they are in the possession of the authority by virtue of section two of this Act or otherwise, or if the authority has power to give directions as to their custody.

#### Textual Amendments

- F15** Words in s. 8(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16**, para. 20(2)(with s. 54(5)(7), Sch. 17, paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F16** Words repealed by **Local Government Act 1972** (c. 70), **Sch. 30**
- F17** Words substituted by **London Government Act 1963** (c. 33), **Sch. 17 para. 27(b)**
- F18** Words in s. 8(1) inserted by **Norfolk and Suffolk Broads Act 1988** (c. 4, SIF 81:1), ss. 21, 27(2), **Sch. 6 para. 4**
- F19** Words in s. 8(1) inserted by S.I. 1986/148, **art. 18(2)(c)**
- F20** Words in s. 8(1) inserted (1.4.1995) by 1994 c. 29, s. 43, **Sch. 4**, Pt. I, para. 2; S.I. 1996/3262, art. 4, **Sch.**
- F21** Words in s. 8(1) inserted by **Local Government Act 1985** (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 39(b)**
- F22** Words in s. 8(1) repealed by **Education Reform Act 1988** (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13**
- F23** Words in s. 8(1) inserted by S.I. 1990/1765, **art. 4(1)(b)**
- F24** Words in s. 8(1) repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102(3), **Sch. 17**

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

- C6** Reference to parish council or parish meeting to be construed (W.) as reference to community council: **Local Government Act 1972** (c. 70), s. 179(4)(b)

## 9 Short title, saving, commencement and extent.

- (1) This Act may be cited as the Local Government (Records) Act 1962.
- (2) Save as otherwise expressly provided by this Act, the provisions thereof are without prejudice to any provision relating to records made by or under any other Act (including a local Act) or Measure.
- (3) This Act shall come into operation on the expiration of the period of two months beginning with the date of its passing.
- (4) This Act shall not extend to Scotland or Northern Ireland.

**Status:**

Point in time view as at 01/04/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Records) Act 1962.