

SCHEDULES

SCHEDULE 1

Sections 1 and 2.

EXEMPT INFORMATION

PART I

SCHEDULE TO BE INSERTED INTO THE LOCAL GOVERNMENT ACT 1972

“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
 - (b) a probation committee appointed under paragraph 2 of Schedule 3 to the Powers of Criminal Courts Act 1973.
- 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.

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- 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 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—
- (a) the Companies Act 1985 ;
 - (b) the Friendly Societies Act 1974 ;
 - (c) the Industrial and Provident Societies Acts 1965 to 1978 ;
 - (d) the Building Societies Act 1962 ; or
 - (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.

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- 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

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 ;
- '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 87(3) of the Town and Country Planning Act 1971, or
 - (d) a nuisance,
- has been, is being or is about to be committed;

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'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

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.
- 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.

Status: This is the original version (as it was originally enacted).

- 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 negotiation* 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
- 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

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

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(d) the Building Societies Act 1962.

- 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 Interpretation

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 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,

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- (c) a breach of planning control, as defined in section 84(2) of the Town and Country Planning (Scotland) Act 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).
- (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 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 subcommittee is 'constituted' by a local authority if the authority is its constituent authority within the meaning of section 50E(3) above."

SCHEDULE 2

Section 3.

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.”

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—

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“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 ;
- (b) any authority or body to which the Public Bodies (Admission to Meetings) Act 1960 applies ; and
- (c) any authority or body to which sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 apply ;

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.”

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.

(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;
- (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 ;

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

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- (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.”

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 (ad) 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)—

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- (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.”

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).