



# Local Government Act 1986

## 1986 CHAPTER 10

### PART II

#### LOCAL AUTHORITY PUBLICITY

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

- C1** Pt. II (ss. 2-6) extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 9** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
Pt. II (ss. 2-6) applied (temp. until 1.4.1996) by S.I. 1995/789, art. 2, **Sch. para. 8**  
Pt. II (ss. 2-6) power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (g)(i)**; S.I. 1997/1930, **art. 3(m)**

## 2 Prohibition of political publicity.

(1) A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.

[<sup>F1</sup>(2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—

- (a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;
- (b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.]

(3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.

*Status: Point in time view as at 01/04/2002.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1986, Part II. (See end of Document for details)*

#### Textual Amendments

**F1** S. 2(2) substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), **s. 27(1)**

### [<sup>F2F3</sup>2A Prohibition on promoting homosexuality by teaching or by publishing material.

- (1) A local authority shall not—
  - (a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality;
  - (b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.
- (2) Nothing in subsection (1) above shall be taken to prohibit the doing of anything for the purpose of treating or preventing the spread of disease [<sup>F4</sup>; or
  - <sup>F4</sup>(b) prevent the headteacher or governing body of a maintained school, or a teacher employed by a maintained school, from taking steps to prevent any form of bullying]]
- (3) In any proceedings in connection with the application of this section a court shall draw such inferences as to the intention of the local authority as may reasonably be drawn from the evidence before it.
- (4) In subsection (1)(b) above “maintained school” means,—
  - (a) in England and Wales, [<sup>F5</sup>a maintained school or maintained nursery school, within the meaning of the School Standards and Framework Act 1998]
  - (b) in Scotland, a public school, nursery school or special school, within the meaning of the Education (Scotland) Act 1980.

#### Textual Amendments

**F2** S. 2A inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), **s. 28(1)**

**F3** S. 2A repealed (S.) (29.3.2001) by [2000 asp 7, s. 34](#) (with s. 31); [S.S.I. 2001/113, art. 2\(a\)](#)

**F4** [S. 2A\(2\)\(b\)](#) and word “or” immediately preceding it inserted at the end of subsection (2) (E.W.) (28.9.2000) by [2000 c. 22, ss. 104, 108\(2\)](#)

**F5** Words in [s. 2A\(4\)\(a\)](#) substituted (1.9.1999) by virtue of [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para. 13** (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

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

**C2** [S. 2A\(1\)\(b\)](#) applied (1.11.1996) by [1996 c. 56, ss. 19, 583\(2\)](#), **Sch. 1 para. 5** (with s. 1(4))

### 3 Other restrictions of existing powers.

- (1) In section 142 of the <sup>M1</sup>Local Government Act 1972 and section 88 of the <sup>M2</sup>Local Government (Scotland) Act 1973 (general powers to provide information)—
  - (a) in subsection (1) (power to make information available) after “other authorities” insert “mentioned in subsection (1B) below” and for “as to local government matters affecting the area” substitute “relating to the functions of the authority”;
  - (b) after that subsection insert—

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“(1A) A local authority may arrange for the publication within their area of information as to the services available in the area provided by them or by other authorities mentioned in subsection (1B) below.”;

- (c) in subsection (2)(a) (power to publish certain information) for “on matters relating to local government” substitute “relating to the functions of the authority”.

- (2) After the subsection (1A) inserted by subsection (1) above, in section 142 of the 1972 Act insert—

“(1B) The other authorities referred to above are any other local authority, the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985 and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local or other such authorities.”;

and in section 88 of the 1973 Act insert—

“(1B) The other authorities referred to above are any other local authority and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local authorities.”.

- (3) In section 137 of the <sup>M3</sup>Local Government Act 1972 (power to incur expenditure for purposes not otherwise authorised), after subsection (2B) insert—

“(2C) A local authority may incur expenditure under subsection (1) above on publicity only—

- (a) for the purpose of promoting the economic development of the authority’s area where the publicity is incidental to other activities undertaken or to be undertaken by the authority for that purpose, or  
(b) by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given;

but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

- (2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and

“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.”;

and in section 83 of the <sup>M4</sup>Local Government (Scotland) Act 1973 (which makes corresponding provision for Scotland), after subsection (2B) insert—

“(2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 88 below on information as to the services provided by them under this section, or otherwise relating to their

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functions under this section, as they apply to expenditure incurred under this section.

(2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and

“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.”.

#### Marginal Citations

M1 1972 c. 70.

M2 1973 c. 65.

M3 1972 c. 70.

M4 1973 c. 65.

#### 4 Codes of recommended practice as regards publicity.

- (1) The Secretary of State may issue one or more codes of recommended practice as regards the content, style, distribution and cost of local authority publicity, and such other related matters as he thinks appropriate, <sup>[F6]</sup>; and local authorities shall have regard to the provisions of any such code in coming to any decision on publicity.]
- (2) Codes may deal with different kinds of publicity or different kinds of local authority or the same kind of local authority in different circumstances or different areas.
- (3) The Secretary of State may revise or withdraw a code issued under this section.
- (4) The Secretary of State shall before issuing, revising or withdrawing a code consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (5) A code shall not be issued unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (6) Where the Secretary of State proposes to revise a code he shall lay a draft of the proposed alterations before each House of Parliament and—
  - (a) he shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid (or, if copies are laid before each House of Parliament on different days, with the later of those days), and
  - (b) if within that period either House resolves that the alterations be withdrawn, he shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

In computing the period of 40 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

<sup>[F7]</sup>(7) Subsections (5) and (6) do not apply to a code which applies only to Scottish local authorities and such a code shall not be issued unless a draft of it has been laid before and approved by a resolution of the Scottish Parliament.

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- (8) Where the Scottish Ministers propose to revise such a code as is mentioned in subsection (7), they shall lay a draft of the proposed alterations before the Scottish Parliament and—
- (a) they shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid, and
  - (b) if within that period the Parliament resolves that the alterations be withdrawn, they shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

In computing the period of 40 days no account shall be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.]

#### Textual Amendments

- F6** Words substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\), s. 27\(2\)](#)
- F7** S. 4(7)(8) inserted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 84; S.I. 1998/3178, art. 2](#)

## 5 Separate account of expenditure on publicity. **E+W**

- (1) A local authority shall keep a separate account of their expenditure on publicity.
- (2) Any person interested may at any reasonable time and without payment inspect the account and make copies of it or any part of it.
- (3) A person having custody of the account who intentionally obstructs a person in the exercise of the rights conferred by subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The regulation making power conferred by [<sup>F8</sup>section 27(1)(e) of the Audit Commission Act 1998] or section 105(1) (d) of the <sup>M5</sup>Local Government (Scotland) Act 1973 (power to make provision as to exercise of right of inspection and as to informing persons of those rights) applies to the right of inspection conferred by subsection (2).
- (5) The Secretary of State may by order provide that subsection (1) does not apply to publicity or expenditure of a prescribed description.
- (6) Before making an order the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (7) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F8** Words in s. 5(4) substituted (E.W.) (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\), Sch. 3 para. 12](#)

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

- C3** S. 5(1) excluded (E.W.) by [S.I. 1987/2004](#), [arts. 3–7](#)  
S. 5(1) applied (with modifications) (4.6.1996) by [S.I. 1996/1243](#), [art. 18](#), [Sch. 5 Pt. I para. 3](#)

#### Marginal Citations

- M5** 1973 c. 65.

## 5 Separate account of expenditure on publicity. **S**

- (1) A local authority shall keep a separate account of their expenditure on publicity.
- (2) Any person interested may at any reasonable time and without payment inspect the account and make copies of it or any part of it.
- (3) A person having custody of the account who intentionally obstructs a person in the exercise of the rights conferred by subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The regulation making power conferred by section 23(1) (e) of the <sup>M11</sup>Local Government Finance Act 1982 or section 105(1) (d) of the <sup>M12</sup>Local Government (Scotland) Act 1973 (power to make provision as to exercise of right of inspection and as to informing persons of those rights) applies to the right of inspection conferred by subsection (2).
- (5) The Secretary of State may by order provide that subsection (1) does not apply to publicity or expenditure of a prescribed description.
- (6) Before making an order the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (7) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

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

- C6** S. 5(1) excluded (S.) by [S.I. 1988/332](#), [arts. 3–7](#)

#### Marginal Citations

- M11** 1982 c. 32.  
**M12** 1973 c. 65.

## 6 Interpretation and application of Part II.

- (1) References in this Part to local authorities and to publicity, and related expressions, shall be construed in accordance with the following provisions.
- (2) “Local authority” means—

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- (a) in England and Wales—
- a county, district or London borough council,
  - the Common Council of the City of London
  - [<sup>F9</sup>the Broads Authority (except in section 3),]
  - [<sup>F10</sup>a police authority established under [<sup>F11</sup>section 3 of the Police Act 1996]]
  - [<sup>F12</sup>the Metropolitan Police Authority,]
  - <sup>F13</sup>  
...
  - <sup>F14</sup>  
...
  - a joint authority established by Part IV of the <sup>M6</sup>Local Government Act 1985,
  - [<sup>F15</sup>the London Fire and Emergency Planning Authority,]
  - the Council of the Isles of Scilly, or
  - a parish or community council;
- (b) in Scotland, a [<sup>F16</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- and includes any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more such authorities.
- (3) This Part applies to the Common Council of the City of London as local authority, police authority or port health authority.
- (4) “Publicity”, “publish” and “publication” refer to any communication, in whatever form, addressed to the public at large or to a section of the public.
- (5) This Part applies to any such publicity expressly or impliedly authorised by any statutory provision, including—
- section 111 of the <sup>M7</sup>Local Government Act 1972 or section 69 of the <sup>M8</sup>Local Government (Scotland) Act 1973 (general subsidiary powers of local authorities),
  - section 141 of the Local Government Act 1972 or section 87 of the Local Government (Scotland) Act 1973 (research and collection of information), and
  - section 145(1)(a) of the Local Government Act 1972 or section 16(1)(a) of the <sup>M9</sup>Local Government and Planning (Scotland) Act 1982 (provision of entertainments, etc.).
- (6) Nothing in this Part shall be construed as applying to anything done by a local authority in the discharge of their duties under Part VA of the Local Government Act 1972 or Part IIIA of the Local Government (Scotland) Act 1973 (duty to afford public access to meetings and certain documents).
- [<sup>F17</sup>(7) Nothing in this Part shall be construed as applying to anything done by a person in the discharge of any duties under regulations made under section 22 of the Local Government Act 2000 (access to information etc.) <sup>M10</sup>.]

#### Textual Amendments

- F9** Words inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 27](#)
- F10** Words in s. 6(2)(a) inserted (1.10.1994) by [1994 c. 29, s. 43](#), [Sch. 4 Pt. I para. 29](#); [S.I. 1994/2025](#), [art. 6\(2\)\(e\)\(g\)](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Local Government Act 1986, Part II. (See end of Document for details)*

- F11** Words in s. 6(2)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(y)**
- F12** Words in s. 6(2)(a) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 54** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F13** Words in s. 6(2)(a) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 2 para. 41, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(m)**
- F14** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F15** Words in s. 6(2)(a) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 45** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F16** Words in s. 6(2)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 145**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F17** S. 6(7) inserted (E.) (11.7.2001) by S.I. 2001/2237, arts. 2(g), 15 and (W.) (1.4.2002) by S.I. 2002/808, **art. 14**

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

- C4** S. 6(2) extended (E.W.) by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 8(q)**
- C5** S. 6(2) amended (E.W.) by S.I. 1989/1815, art. 2, **Sch. 1 para. 6(e)**

#### **Marginal Citations**

- M6** 1985 c. 51.
- M7** 1972 c. 70.
- M8** 1973 c. 65.
- M9** 1982 c. 43.
- M10** See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (S.I. 2000/3272).



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