



Local Government Act 1986

1986 CHAPTER 10

PART II

LOCAL AUTHORITY PUBLICITY

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.
- (2) In determining whether material falls within the prohibition—
 - (a) regard shall be had to whether the material refers to a political party or to persons identified with a political party, and
 - (b) where material is published as part of a campaign, regard shall be had to 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.

3 Other restrictions of existing powers

- (1) In section 142 of the Local Government Act 1972 and section 88 of the 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—

“(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.”;

Status: This is the original version (as it was originally enacted).

- (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 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 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 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

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

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, for the guidance of local authorities in determining whether to incur expenditure 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.

5 Separate account of expenditure on publicity

- (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 Local Government Finance Act 1982 or section 105(1) (d) of the 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.

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- (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.

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—
 - (a) in England and Wales—
 - a county, district or London borough council,
 - the Common Council of the City of London,
 - the Inner London Education Authority,
 - a joint authority established by Part IV of the Local Government Act 1985,
 - the Council of the Isles of Scilly, or
 - a parish or community council;
 - (b) in Scotland, a regional, islands or district council;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 Local Government Act 1972 or section 69 of the 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 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 III A of the Local Government (Scotland) Act 1973 (duty to afford public access to meetings and certain documents).