

SCHEDULE TWO

Regulation 11

Access to meetings and documents

PART 1

Access to meetings and documents

1.—(1) Sections 100A to 100D of the Local Government Act 1972 (“the 1972 Act”)(1) (admission to meetings of principal councils, access to agenda and connected reports, inspection of minutes and other documents after meetings, access to meetings and documents of certain authorities) shall apply to the Commission as they apply to a principal council within the meaning of Part VA of the 1972 Act, but subject to the following modifications, namely—

- (a) the proper officer for the purposes of sections 100B, 100C and 100D shall be a member or employee of the Commission appointed for the purpose by the Commission; and
- (b) the reference in section 100C(1) to the period of six years shall be construed as a reference to the period of four years and the reference in section 100D(2) to the period of four years shall be construed as a reference to the period of two years.

(2) Sections 100A to 100D of the 1972 Act shall apply also in relation to a committee or sub-committee of the Commission as they apply to a principal council within the meaning of Part VA of that Act but subject to paragraph (1)(a) and (b) and to the following further modifications, namely—

- (a) where the meeting of the committee or sub-committee is to be held at premises other than the offices of the Commission, section 100A(6)(a) shall be taken to have been complied with if the notice is given by posting it at those premises;
- (b) for the purposes of section 100A(6)(c), premises belonging to the Commission shall be treated as belonging to the committee or sub-committee;
- (c) for the purposes of sections 100B(1), 100C(1) and 100D(1), offices of the Commission shall be treated as offices of the committee or sub-committee.

(3) Section 100H of the 1972 Act (supplemental provisions and offences) shall apply to the Commission subject to the following modifications—

- (a) any reference to any provision of Part VA of that Act or to any right conferred by that Part includes a reference to any such provision as it applies by virtue of this Part of this Schedule or, as the case may be, to any right conferred by Part VA of the 1972 Act as it so applies;
- (b) in subsection (2)(b) the reference to supplying a copy shall be construed as supplying a copy before the end of the period of three days beginning with the day on which the copy is requested;
- (c) in subsections (3) and (5) the references to a principal council shall be construed as references to the Commission;
- (d) subsection (5) shall apply to any meeting of a committee or sub-committee of the Commission.

(4) Subject to paragraph 5, Schedule 12A to the 1972 Act (exempt information) shall apply to the Commission as it applies to the principal council and thus the definition of “the authority” in paragraph 2 of Part III shall be construed as though the references in that definition to the principal council were references to the Commission.

(1) 1972 c. 70. Section 100A was amended by S.I. 2002/715, article 2; section 100B was amended by S.I. 2002/715, article 3(a) and (b); section 100D was amended by the Local Government Act 2000 (c. 22), section 97(1), (2), 107 and Schedule 6.

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- (5) The application of Schedule 12A is subject to the following modifications—
- (a) Part I shall apply as though—
- (i) in paragraph 1 (information concerning employees of the authority) after the words “the authority” there were inserted “or any Strategic Health Authority(2), National Health Service Trust(3) or Primary Care Trust(4)”;
 - (ii) paragraphs 2, 2A, 3, 5, 6 and 13 were omitted; and
 - (iii) after paragraph 6 there were inserted the following paragraphs—
- “6A.** Information relating to the physical or mental health of any particular person.
- 6B.** Information relating to—
- (a) any particular person who is or was included in a list of persons undertaking to provide services under Part II of the National Health Service Act 1977 or is an applicant for inclusion in such a list; or
 - (b) any particular person who is or was providing services, or has made a request to become a person providing services under section 28C of the 1977 Act; or
 - (c) any particular person who is or was performing personal medical services or personal dental services in accordance with arrangements under section 28C of the 1977 Act; or
 - (d) any particular employee, former employee or applicant to become an employee of a person referred to in paragraphs (a), (b) or (c).”.
- (b) Part II shall apply as though—
- (i) in paragraph 1 after the words “paragraphs 1 to 5” there were inserted “or 6B”; and
 - (ii) paragraph 7 were omitted.

PART 2

Access to information relating to members of the Commission

2.—(1) The Commission shall maintain a register containing the name and address of every member of the Commission and of every committee appointed by the Commission.

- (2) A written summary of the rights—
- (a) to attend meetings of the Commission and its committees, and
 - (b) to inspect and copy, and be furnished with, documents relating to the Commission or its committees,

which are for the time being conferred by virtue of Part 1 shall be kept at the offices of the Commission.

(3) The register maintained by the Commission under paragraph (1) and the summary kept by it under paragraph (2) shall be open to inspection by the public at all reasonable hours and without payment at the offices of the Commission, and any person may, on payment of such reasonable fee as the Commission may determine—

(2) See section 8 of the 1977 Act (as substituted by section 1(2) of the Act).

(3) See section 5 of the 1990 Act (as amended by sections 13(1)(a), (10) and 65(2) and Schedule 5 of the 1999 Act).

(4) See section 16A of the 1977 Act (as inserted by section 2(1) of the 1999 Act and as substituted by section 2(1) and (2) of the Act).

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- (a) make copies of or extracts from any such register or summary kept by it; and
- (b) require the Commission to supply him, before the end of the period of three days beginning with the day on which the request is made, with a photographic copy of, or extracts from, any such register or summary.