

2006 No. 69

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006

<i>Made</i> - - - -	<i>18th January 2006</i>
<i>Laid before Parliament</i>	<i>26th January 2006</i>
<i>Coming into force</i> - -	<i>1st March 2006</i>

The First Secretary of State, in exercise of the powers conferred by sections 22 and 105 of the Local Government Act 2000(a), hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 and shall come into force on 1st March 2006.

(2) These Regulations apply in relation to local authorities in England.

Additional rights of access to documents for members of local authorities

2. In regulation 17 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000(b)—

- (a) in paragraphs (1) and (2), for “(3) and (4)”, substitute “(3) to (4)”; and
- (b) for paragraph (3), substitute—

“(3) Paragraphs (1) and (2) do not require a document to be available for inspection if it appears to the proper officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the 1972 Act (descriptions of exempt information: England)(c).

(a) 2000 c.22. For the application of sections 22 and 105 to Wales, see section 106 of the Local Government Act 2000.
(b) S.I. 2000/3272, to which there are amendments not relevant to these Regulations.
(c) Schedule 12A to the Local Government Act 1972 (c.70) has been substituted by article 4 of, and the Schedule to, S.I. 2006/88 which comes into force on 1st March 2006.

(3A) But paragraphs (1) and (2) do require (despite paragraph (3)) the document to be available for inspection if the information is information of a description for the time being falling within—

- (a) paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- (b) paragraph 6 of Schedule 12A to the 1972 Act.”.

Signed by authority of the First Secretary of State

18th January 2006

Phil Woolas
Minister of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (“the 2000 Regulations”). They are made as a result of changes made by the Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88) (“the 2006 Order”) to Part 5A (access to meetings and documents of certain authorities, committees and sub-committees) of, and Schedule 12A (access to information: exempt information) to, the Local Government Act 1972 (“the 1972 Act”). The 2006 Order comes into force on 1st March 2006.

Part 5A and Schedule 12A make provision in relation to access to meetings and documents of principal councils and certain committees and sub-committees of those councils. In England, principal councils are county councils, district councils and London borough councils (there are some other principal councils which are not relevant for the purposes of these Regulations).

In Part 5A, section 100A(4) (admission to meetings of principal councils) of the 1972 Act permits a principal council to exclude the public from a meeting whenever it is likely that there would otherwise be a disclosure of exempt information to the public. Exempt information is defined in section 100I (exempt information and power to vary Schedule 12A) as the descriptions of information which are, for the purposes of Part 5A, for the time being specified in Schedule 12A to the 1972 Act.

The 2006 Order substitutes a new Schedule 12A for the previous Schedule 12A. Parts 1 to 3 of the new Schedule 12A apply in relation to principal councils in England. In Part 1 of the new Schedule 12A, some of the descriptions of information listed in Part 1 of the previous Schedule 12A are replaced by simpler and clearer descriptions. Similarly, in Part 2 of the new Schedule 12A, some of the previous qualifications are replaced by a public interest test. Consequential amendments are also made to sections 100F (additional rights of access to documents for members of principal councils) and 100I.

Regulation 17 of the 2000 Regulations makes provision in relation to rights of access for members of a local authority to documents in the possession, or under the control, of the executive of that authority. In particular, it sets out the circumstances in which any such document shall be available for inspection by any member of a local authority and, by reference to Part 1 of Schedule 12A to the 1972 Act, the circumstances in which it shall not be made so available. As a consequence of the amendments made by the 2006 Order to Schedule 12A, regulation 2 of these Regulations amends regulation 17 of the 2000 Regulations.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.

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