



# Local Government (Access to Information) Act 1985

## 1985 CHAPTER 43

### **2 Access to meetings and documents of local authorities and certain committees and sub-committees in Scotland.**

- (1) After section 50 of the <sup>M1</sup>Local Government (Scotland) Act 1973 there shall be inserted the following—

#### **“PART IIIA**

##### **ACCESS TO MEETINGS AND DOCUMENTS OF LOCAL AUTHORITIES, COMMITTEES AND SUB-COMMITTEES**

#### **50A Admission to meetings of local authorities.**

- (1) A meeting of a local authority shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) below or by resolution under subsection (4) below.
- (2) The public shall be excluded from a meeting of a local authority during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during consideration of that item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- (3) For the purposes of subsection (2) above, “confidential information” means—
- (a) information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and

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- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;  
 and, in either case, the reference to the obligation of confidence is to be construed accordingly.
- (4) A local authority may by resolution exclude the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of that item of business there would be disclosure to them of exempt information, as defined in section 50J below.
- (5) A resolution under subsection (4) above shall—
  - (a) identify the proceedings, or the part of the proceedings, to which it applies; and
  - (b) state the description, in terms of Schedule 7A to this Act, of the exempt information giving rise to the exclusion of the public,
 and where such a resolution is passed this section shall not require a meeting to be open to the public during proceedings to which the resolution applies.
- (6) The following provisions shall apply in relation to a meeting of a local authority, that is to say—
  - (a) public notice of the time and place of the meeting shall be given by posting it at the offices of the authority three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
  - (b) while the meeting is open to the public, the authority shall not have power to exclude members of the public from the meeting; and
  - (c) where the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the authority or not connected to a public telecommunications system, for transmitting the report by means of such a system at their own expense.
- (7) Nothing in this section shall require a local authority to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.
- (8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

### **50B Access to agenda and connected reports.**

- (1) Copies of the agenda for a meeting of a local authority and, subject to subsection (2) below, copies of any report for the meeting shall be open to inspection by members of the public at the offices of the authority in accordance with subsection (3) below.

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- (2) If the proper officer thinks fit, there may be excluded from the copies of reports provided in pursuance of subsection (1) above the whole of any report which, or any part which, relates only to items during consideration of which, in his opinion, the meeting is likely not to be open to the public.
- (3) Any document which is required by subsection (1) above to be open to inspection shall be so open at least three clear days before the meeting, except that—
  - (a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and
  - (b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item shall be open to inspection from the time the item is added to the agenda; but nothing in this subsection or subsection (1) above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the authority.
- (4) An item of business may not be considered at a meeting of a local authority unless either—
  - (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public in pursuance of subsection (1) above for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (5) Where by virtue of subsection (2) above the whole or any part of a report for a meeting is not open to inspection by the public under subsection (1) above—
  - (a) every copy of the report or of the part shall be marked "Not for publication"; and
  - (b) there shall be stated on every copy of the whole or any part of the report the description, in terms of Schedule 7A to this Act, of the exempt information by virtue of which the authority are likely to exclude the public during consideration of the item to which the report relates.
- (6) Where a meeting of a local authority is required by section 50A above to be open to the public during the proceedings or any part of them, there shall be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and, subject to subsection (8) below, of the reports for the meeting.
- (7) There shall, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
  - (a) a copy of the agenda for a meeting of a local authority and, subject to subsection (8) below, a copy of each of the reports for the meeting;
  - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda; and

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- (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the authority in connection with the item.
- (8) Subsection (2) above applies in relation to copies of reports provided in pursuance of subsection (6) or (7) above as it applies in relation to copies of reports provided in pursuance of subsection (1) above.

### **50C Inspection of minutes and other documents after meetings.**

- (1) After a meeting of a local authority the following documents shall be open to inspection by members of the public at the offices of the authority until the expiration of the period of six years beginning with the date of the meeting, namely—
- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of the proceedings during which the meeting was not open to the public as discloses exempt information;
  - (b) where applicable, a summary under subsection (2) below;
  - (c) a copy of the agenda for the meeting; and
  - (d) a copy of so much of any report supplied to members of the authority for the meeting as relates to any item during consideration of which the meeting was open to the public.
- (2) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, the document open to inspection under subsection (1) (a) above does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, the proper officer shall make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.

### **50D Inspection of background papers.**

- (1) Subject, in the case of section 50C(1), to subsection (2) below, if and so long as copies of the whole or part of a report for a meeting of a local authority are required by section 50B(1) or 50C(1) above to be open to inspection by members of the public—
- (a) copies of a list, compiled by the proper officer, of the background papers for the report or the part of the report, and
  - (b) at least one copy of each of the documents included in that list,
- shall also be open to such inspection at the offices of the authority.
- (2) Subsection (1) above does not require a copy of the list, or of any document included in the list, to be open for inspection after expiration of the period of four years beginning with the date of the meeting.
- (3) Where a copy of any of the background papers for a report is required by subsection (1) above to be open to inspection by members of the public, the copy shall be taken for the purposes of this Part to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect the copy.
- (4) Nothing in this section—

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- (a) requires any document which discloses exempt information to be included in the list referred to in subsection (1) above; or
  - (b) without prejudice to the generality of subsection (2) of section 50A above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that subsection.
- (5) For the purposes of this section the background papers for a report are those documents relating to the subject matter of the report which—
- (a) disclose any facts or matters on which, in the opinion of the proper officer, the report or an important part of the report is based, and
  - (b) have, in his opinion, been relied on to a material extent in preparing the report,
- but do not include any published works.

#### **50E Application to committees and sub-committees.**

- (1) Sections 50A to 50D above shall apply in relation to—
- (a) a committee or sub-committee of a local authority, and
  - (b) a committee (not falling within paragraph (a) above) constituted under an enactment specified in section 56(9) below or a sub-committee of such a committee,
- as they apply in relation to a local authority.
- (2) In the application by virtue of this section of sections 50A to 50D above in relation to a committee or sub-committee—
- (a) section 50A(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of every constituent authority and if the meeting of the committee or sub-committee to which that section so applies is to be held at premises other than the offices of such an authority, at those premises; and
  - (b) for the purposes of section 50A(6)(c), premises belonging to a constituent authority shall be treated as belonging to the committee or sub-committee; and
  - (c) for the purposes of sections 50B(1), 50C(1) and 50D(1), offices of any constituent authority shall be treated as offices of the committee or sub-committee.
- (3) Any reference in subsection (2) above to a constituent authority is a reference to a local authority which (whether alone or with one or more other local authorities) appointed the committee or, in the case of a sub-committee, appointed the committee of which that body is a sub-committee.

#### **50F Additional rights of access to documents for members of local authorities.**

- (1) Any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted or proceedings at a meeting of—

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- (a) the authority or of a committee or sub-committee of the authority; or
- (b) a statutory committee appointed by the authority, or any sub-committee of that committee,

shall, subject to subsection (2) below, be open to inspection by any member of the authority and, in the case of a committee or sub-committee, by any other member of the committee or sub-committee.

- (2) Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A to this Act, subsection (1) above does not require the document to be open to inspection.
- (3) The Secretary of State may by order amend subsection (2) above—
  - (a) by adding to the descriptions of exempt information to which that subsection refers for the time being; or
  - (b) by removing any description of exempt information to which it refers for the time being.
- (4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The rights conferred by this section on a member of a local authority are in addition to any other rights he may have apart from this section.

### **50G Local authorities to publish additional information.**

- (1) A local authority shall maintain a register stating—
  - (a) the name and address of each member of the authority for the time being and the electoral division or ward which he represents; and
  - (b) the name and address of every member of each committee or sub-committee of the authority for the time being.
- (2) A local authority shall maintain a list—
  - (a) specifying those powers of the authority which, for the time being, are exercisable from time to time by officers of the authority in pursuance of arrangements made under this Act or any other enactment for their discharge by those officers; and
  - (b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable;

but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months.
- (3) There shall be kept at the offices of every local authority a written summary of the rights—
  - (a) to attend meetings of the authority and of committees and sub-committees of the authority, and
  - (b) to inspect and copy documents and to be furnished with documents, which are for the time being conferred by this Part, Part XI below and such other enactments as the Secretary of State by order specifies.

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- (4) The register maintained under subsection (1) above, the list maintained under subsection (2) above and the summary kept under subsection (3) above shall be open to inspection by the public at the offices of the authority.

#### **50H Supplemental provisions and offences.**

- (1) A document directed by any provision of this Part to be open to inspection shall be so open at all reasonable hours—
- in the case of a document open to inspection by virtue of section 50D(1) above, upon payment of such reasonable fee as may be required for the facility; and
  - in any other case, without payment.
- (2) Where a document is open to inspection by a person under any provision of this Part, the person may, subject to subsection (3) below—
- make copies of or extracts from the document,
  - require the person having custody of the document to supply to him a photographic copy of or of extracts from the document,
- upon payment of such reasonable fee as may be required subject to any provision to the contrary in any other enactment or instrument.
- (3) Subsection (2) above does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is a local authority, nothing done in pursuance of that subsection shall constitute an infringement of the copyright.
- (4) If, without reasonable excuse, a person having the custody of a document which is required by section 50B(1) or 50C(1) above to be open to inspection by the public—
- intentionally obstructs any person exercising a right conferred by this Part to inspect, or to make a copy of or extract from, the document, or
  - refuses to furnish copies to any person entitled to obtain them under any provision of this Part,
- he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (5) Where any accessible document for a meeting to which this subsection applies—
- is supplied to, or open to inspection by, a member of the public, or
  - is supplied for the benefit of any newspaper, in pursuance of section 50B(7) above,
- the publication thereby of any defamatory matter contained in the document shall be privileged unless the publication is proved to be made with malice.
- (6) Subsection (5) above applies to any meeting of a local authority and any meeting of a committee or sub-committee as is mentioned in paragraph (a) or (b) of section 50E(1) above; and for the purposes of that subsection the “accessible documents” for a meeting are the following—
- any copy of the agenda or of an item included in the agenda for the meeting;

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- (b) any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in section 50B(7)(b) above;
  - (c) any copy of a document relating to such an item which is supplied for the benefit of a newspaper in pursuance of section 50B(7)(c) above;
  - (d) any copy of the whole or part of a report for the meeting;
  - (e) any copy of the whole or part of any background papers for a report for the meeting, within the meaning of section 50D above.
- (7) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.

### **50J Exempt information.**

- (1) The descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part I of Schedule 7A to this Act, but subject to any qualifications contained in Part II of that Schedule; and Part III has effect for the interpretation of that Schedule.
- (2) The Secretary of State may by order vary Schedule 7A to this Act by adding to it any description or other provision or by deleting from it or varying any description or other provision for the time being specified or contained in it.
- (3) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **50K Interpretation and application of Part IIIA.**

- (1) In this Part—
  - “copy”, in relation to a document, includes a copy made from a copy;
  - “exempt information” has the meaning given by section 50J above;
  - “information” includes an expression of opinion, any recommendations and any decision taken;
  - “newspaper” includes—
    - (a) a news agency which systematically carries on the business of selling and supplying reports or information to newspapers; and
    - (b) any organisation which is systematically engaged in collecting news—
      - (i) for sound or television broadcasts; or
      - (ii) for programmes to be included in a cable programme service which is or does not require to be licensed.
- (2) References in this Part to a committee or sub-committee, in relation to a local authority, shall be construed in accordance with the following provisions—
  - (a) references to a committee of a local authority are references to a committee appointed under section 57 below by the authority or by two or more local authorities of which one is that authority and references to a sub-committee of a local authority are references to a sub-committee appointed by such a committee under that section; and



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(b) references to a statutory committee appointed by a local authority are references to a committee constituted under an enactment specified in section 56(9) below other than a committee constituted under the enactment specified in paragraph (d) of that section and appointed by the authority or by two or more local authorities of which that authority is one and references to a sub-committee of such a statutory committee shall be construed accordingly.

(3) Any reference in this Part to a meeting is a reference to a meeting commenced after the 1st April 1986.”

(2) After Schedule 7 to the <sup>M2</sup>Local Government (Scotland) Act 1973 there shall be inserted, as Schedule 7A, the Schedule set out in Part II of Schedule 1 to this Act.

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**Marginal Citations**

**M1** 1973 c. 65.

**M2** 1973 c. 65.

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**Commencement Orders yet to be applied to the Local Government (Access to Information) Act 1985**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/2858 art. 3](#) commences (1996 c. 31)