

2006 No. 87

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Relevant Authorities (Standards Committee) (Amendment)
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 53(6) and (12), 55(8) 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 Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 and shall come into force on 1st March 2006.

(2) These Regulations apply in relation to relevant authorities in England(b), other than parish councils, and to police authorities in Wales.

Amendment of the Relevant Authorities (Standards Committee) Regulations 2001

2. In regulation 7 of the Relevant Authorities (Standards Committee) Regulations 2001 (application of the Local Government Act 1972)(c)—

(a) for paragraph (1), substitute—

“(1) Subject to paragraphs (2) to (4), Part 5A of the 1972 Act(d) shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council in England.”; and

(b) for paragraph (4), substitute—

“(4) Where a meeting of a standards committee, or a sub-committee of a standards committee, is convened to consider a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Act, the provisions of Parts 1 to 3 of Schedule 12A to the 1972 Act(e) shall apply as if, after paragraph 7 of that Schedule, the following descriptions of exempt information were inserted—

“7A. Information which is subject to any obligation of confidentiality.

(a) 2000 c. 22.

(b) For the definition of “relevant authority”, see section 49(6) of the Local Government Act 2000.

(c) S.I. 2001/2812; regulation 7 was amended by S.I. 2003/1483 and 2004/2617.

(d) 1972 c. 70. Part 5A was inserted by the Local Government (Access to Information) Act 1985 (c. 43). Relevant amendments have been made to sections 100F and 100I of that Part by articles 2 and 3 of S.I. 2006/88, which comes into force on 1st March 2006.

(e) Schedule 12A has been substituted by article 4 of, and the Schedule to, S.I. 2006/88.

7B. Information which relates in any way to matters concerning national security.

7C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that 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 Relevant Authorities (Standards Committee) Regulations 2001 (“the 2001 Regulations”). They apply to relevant authorities in England, other than parish councils, and to police authorities in Wales.

The 2001 Regulations apply 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”) in relation to meetings of a standards committee, or a sub-committee of a standards committee, of an authority. These Regulations 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 and Schedule 12A which comes into force on 1st March 2006.

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.

As a consequence of these changes, it has been necessary to amend paragraphs (1) and (4) of regulation 7 of the 2001 Regulations. Regulation 7(1) of the 2001 Regulations is amended to provide that, subject to paragraphs (2) to (4) of that regulation, Part 5A of the 1972 Act applies in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority to which these Regulations apply, as it applies to meetings of principal councils in England.

Regulation 7(4) of the 2001 Regulations applies Schedule 12A, with modifications, to certain meetings of a standards committee or sub-committee of a standards committee. The substitution of a new regulation 7(4) is required because Part 1 of the new Schedule 12A contains descriptions of exempt information which include information relating to a particular individual. This means that the modification previously included in regulation 7(4), that provided for “information relating to the personal circumstances of any person” to be exempt information, is no longer necessary. Apart from that modification, the modifications to Schedule 12A made by regulation 7(4), adding other descriptions of information that are not covered by any of the descriptions listed in Part 1 of the new Schedule 12A, are the same modifications as were previously included in relation to the previous Schedule 12A.

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.

STATUTORY INSTRUMENTS

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