
STATUTORY INSTRUMENTS

2006 No. 88

The Local Government (Access to Information) (Variation) Order 2006

Additional rights of access to documents for members of principal councils

2.—(1) Section 100F of the 1972 Act (additional rights of access to documents for members of principal councils) is amended as follows.

(2) In subsection (1), for “subsection (2)” substitute “subsections (2) to (2C)”.

(3) For subsection (2) substitute—

“(2) In relation to a principal council in England, subsection (1) above does not require the document to be open to inspection if it appears to the proper officer that it discloses exempt information.”.

(4) After subsection (2) insert—

“(2A) But subsection (1) above does require (despite subsection (2) above) the document to be open to inspection if the information is information of a description for the time being falling within—

(a) paragraph 3 of Schedule 12A to this 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 this Act.

(2B) In subsection (2A) above, “the authority” has the meaning given in paragraph 11(2) of Schedule 12A to this Act.

(2C) In relation to a principal council in Wales, subsection (1) above does not require the document to be open to inspection if it appears to the proper officer that it discloses exempt information of a description falling within any of paragraphs 12 to 18, 21, 23, 24 and 26 of Schedule 12A to this Act.”.

(5) In subsection (3)—

(a) for “The Secretary of State” substitute “The appropriate person”;

(b) for “subsection (2)” substitute “subsections (2) to (2C)”;

(c) for “that subsection refers” substitute “those subsections refer”; and

(d) for “it refers” substitute “those subsections refer”.

(6) After subsection (3) insert—

“(3A) In subsection (3) above “the appropriate person” means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the National Assembly for Wales.”.

(7) In subsection (4), after “subsection (3) above” insert “made by the Secretary of State”.