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SCHEDULES

[^{F1}SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

Textual Amendments

- F1** Sch. 12A substituted (1.3.2006) by [The Local Government \(Access to Information\) \(Variation\) Order 2006 \(S.I. 2006/88\)](#), art. 4, **Sch.**

Modifications etc. (not altering text)

- C1** Sch. 12A applied (with modifications) (6.4.2008) by [The Town and Country Planning \(Mayor of London\) Order 2008 \(S.I. 2008/580\)](#), art. 9
- C2** Sch. 12A applied (with modifications) (8.5.2008) by [The Standards Committee \(England\) Regulations 2008 \(S.I. 2008/1085\)](#), reg. 8(6)

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

Modifications etc. (not altering text)

- C3** Sch. 12A Pts. 1-3 applied (with modifications) by [S.I. 2001/2812](#), reg. 7(4) (as substituted (1.3.2006) by [S.I. 2006/87](#), reg. 2(b))

- 1 Information relating to any individual.

Modifications etc. (not altering text)

- C4** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C5** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C6** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

- 2 Information which is likely to reveal the identity of an individual.

Modifications etc. (not altering text)

- C7** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C8** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**

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- C9** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Modifications etc. (not altering text)

- C10** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C11** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C12** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Modifications etc. (not altering text)

- C13** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C14** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C15** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Modifications etc. (not altering text)

- C16** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C17** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C18** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

- 6 Information which reveals that the authority proposes—
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.

Modifications etc. (not altering text)

- C19** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**

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- C20** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C21** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Modifications etc. (not altering text)

- C22** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C23** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C24** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

PART 2

QUALIFICATIONS: ENGLAND

Modifications etc. (not altering text)

- C25** Sch. 12A Pts. 1-3 applied (with modifications) by [S.I. 2001/2812, reg. 7\(4\)](#) (as substituted (1.3.2006) by [S.I. 2006/87, reg. 2\(b\)](#))

8 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

- (a) [^{F2}the Companies Acts (as defined in section 2 of the Companies Act 2006)]^{F3};
- (b) the Friendly Societies Act 1974 ^{M1};
- (c) the Friendly Societies Act 1992 ^{M2};
- (d) the Industrial and Provident Societies Acts 1965 to 1978 ^{F4};
- (e) the Building Societies Act 1986 ^{M3}; or
- (f) the Charities Act 1993 ^{F5}.

Textual Amendments

- F2** Words in Sch. 12A para. 8(a) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), arts. 1(3)(a), 10(1), **Sch. 4 para. 32**
- F3** 1985 c. 6.
- F4** 1965 c. 12, 1967 c. 48, 1975 c. 41 and 1978 c. 34.
- F5** 1993 c. 10.

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Modifications etc. (not altering text)

- C26** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C27** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C28** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

Marginal Citations

- M1** 1974 c. 46.
M2 1992 c. 40.
M3 1986 c. 53.

- 9 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992^{M4}.

Modifications etc. (not altering text)

- C29** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C30** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C31** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

Marginal Citations

- M4** [S.I. 1992/1492](#).

- 10 Information which—
- (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,
- is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Modifications etc. (not altering text)

- C32** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C33** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C34** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

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PART 3

INTERPRETATION: ENGLAND

Modifications etc. (not altering text)

C35 Sch. 12A Pts. 1-3 applied (with modifications) by [S.I. 2001/2812, reg. 7\(4\)](#) (as substituted (1.3.2006) by [S.I. 2006/87, reg. 2\(b\)](#))

- 11 (1) In Parts 1 and 2 and this Part of this Schedule—
- “employee” means a person employed under a contract of service;
 - “financial or business affairs” includes contemplated, as well as past or current, activities;
 - “labour relations matter” means—
 - (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992^{M5}(matters which may be the subject of a trade dispute, within the meaning of that Act); or
 - (b) any dispute about a matter falling within paragraph (a) above;
- and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;
- “office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;
- “registered” in relation to information required to be registered under the Building Societies Act 1986^{M6}, means recorded in the public file of any building society (within the meaning of that Act).
- (2) Any reference in Parts 1 and 2 and this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—
- (a) in the case of a principal council, to any committee or sub-committee of the council; and
 - (b) in the case of a committee, to—
 - (i) any constituent principal council;
 - (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
 - (c) in the case of a sub-committee, to—
 - (i) the committee, or any of the committees, of which it is a sub-committee; and
 - (ii) any principal council which falls within paragraph (b) above in relation to that committee.

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Modifications etc. (not altering text)

- C36** Sch. 12A paras. 1-11 applied (E.) (13.6.2007) by [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\)](#), art. 9, **Sch. para. 7(1)(c)**
- C37** Sch. 12A paras. 1-11 applied (with modifications) (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), art. 9, **Sch. para. 7(1)(c)**
- C38** Sch. 12A paras. 1-11 applied (with modifications) (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), art. 9, **Sch. para. 7(c)**

Marginal Citations

- M5** 1992 c. 52.
M6 1986 c. 53.

[^{F6} PART 4

DESCRIPTIONS OF EXEMPT INFORMATION: WALES

Textual Amendments

- F6** Sch. 12A Pts. 4-6 substituted (W.) (21.4.2007) by [The Local Government \(Access to Information\) \(Variation\) \(Wales\) Order 2007 \(S.I. 2007/969\)](#), art. 3, **Sch.**

Modifications etc. (not altering text)

- C39** Sch. 12A Pts. 4-6 applied (with modifications) (W.) (21.4.2007) by [The Local Authorities \(Executive Arrangements\) \(Decisions, Documents and Meetings\) and the Standards Committees \(Wales\) \(Amendment\) Regulations 2007 \(S.I. 2007/951\)](#), **reg. 4**

- 12 Information relating to a particular individual.
- 13 Information which is likely to reveal the identity of an individual.
- 14 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 15 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 16 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 17 Information which reveals that the authority proposes —
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 18 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

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[^{F7} PART 5

QUALIFICATIONS: WALES

Textual Amendments

F7 Sch. 12A Pts. 4-6 substituted (W.) (21.4.2007) by [The Local Government \(Access to Information\) \(Variation\) \(Wales\) Order 2007 \(S.I. 2007/969\)](#), art. 3, **Sch.**

Modifications etc. (not altering text)

C40 Sch. 12A Pts. 4-6 applied (with modifications) (W.) (21.4.2007) by [The Local Authorities \(Executive Arrangements\) \(Decisions, Documents and Meetings\) and the Standards Committees \(Wales\) \(Amendment\) Regulations 2007 \(S.I. 2007/951\)](#), **reg. 4**

19 Information falling within paragraph 14 above is not exempt information by virtue of that paragraph if it is required to be registered under —

- (a) [^{F8}the Companies Acts (as defined in section 2 of the Companies Act 2006)]^{F9};
- (b) the Friendly Societies Act 1974 ^{M7};
- (c) the Friendly Societies Act 1992 ^{M8};
- (d) the Industrial and Provident Societies Acts 1965 to 1978 ^{F10};
- (e) the Building Societies Act 1986 ^{M9}; or
- (f) the Charities Act 1993 ^{F11}.

Textual Amendments

F8 Words in Sch. 12A para. 19(a) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), **arts. 1(3)(a)** 10(1), {Sch. 4 para. 32}

F9 1985 c. 6.

F10 1965 c. 12, 1967 c. 48, 1975 c. 41 and 1978 c. 34.

F11 1993 c. 10.

Marginal Citations

M7 1974 c. 46.

M8 1992 c. 40.

M9 1986 c. 53.

20 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992 ^{M10}.

Marginal Citations

M10 [S.I. 1992/1492](#).

21 Information which —

- (a) falls within any of paragraphs 12 to 15, 17 and 18 above; and

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(b) is not prevented from being exempt by virtue of paragraph 19 or 20 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.]

[^{F12} PART 6

INTERPRETATION: WALES

Textual Amendments

F12 Sch. 12A Pts. 4-6 substituted (W.) (21.4.2007) by [The Local Government \(Access to Information\) \(Variation\) \(Wales\) Order 2007 \(S.I. 2007/969\)](#), art. 3, **Sch.**

Modifications etc. (not altering text)

C41 Sch. 12A Pts. 4-6 applied (with modifications) (W.) (21.4.2007) by [The Local Authorities \(Executive Arrangements\) \(Decisions, Documents and Meetings\) and the Standards Committees \(Wales\) \(Amendment\) Regulations 2007 \(S.I. 2007/951\)](#), **reg. 4**

- 22 (1) In Parts 4 and 5 and this Part of this Schedule —
- “employee” means a person employed under a contract of service;
 - “financial or business affairs” includes contemplated, as well as past or current, activities;
 - “labour relations matter” means —
 - (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ^{M11} (matters which may be the subject of a trade dispute, within the meaning of that Act); or
 - (b) any dispute about a matter falling within paragraph (a) above;
- and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;
- “office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;
- “registered” in relation to information required to be registered under the Building Societies Act 1986 ^{M12}, means recorded in the public file of any building society (within the meaning of that Act).
- (2) Any reference in Parts 4 and 5 and this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference —
- (a) in the case of a principal council, to any committee or sub-committee of the council; and
 - (b) in the case of a committee, to —
 - (i) any constituent principal council;

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- (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
- (c) in the case of a sub-committee, to —
 - (i) the committee, or any of the committees, of which it is a sub-committee; and
 - (ii) any principal council which falls within paragraph (b) above in relation to that committee.]]

Marginal Citations

M11 1992 c. 52.

M12 1986 c. 53.

Status:

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Changes to legislation:

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