



# Local Government Act 1986

## 1986 CHAPTER 10

### PART II

#### LOCAL AUTHORITY PUBLICITY

##### Modifications etc. (not altering text)

- C1** Pt. II modified (E.W.) (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 1, **33**
- C2** Pt. II modified (E.W.) (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, **33**
- C3** Pt. II applied (with modifications) (E.W.) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, **Sch. Pts. 2, 3**
- C4** Pt. II (ss. 2-6) extended (E.W.) (19.9.1995) by [1995 c. 25, ss. 65\(7\), 125\(2\)](#), **Sch. 8 para. 9** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
Pt. II (ss. 2-6) applied (temp. until 1.4.1996) by [S.I. 1995/789](#), art. 2, **Sch. para. 8**  
Pt. II (ss. 2-6) power to apply conferred (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), **Sch. 4 para. (g)(i)**; [S.I. 1997/1930](#), **art. 3(m)**

## 2 Prohibition of political publicity.

- (1) A local authority shall not publish<sup>[F1]</sup>, or arrange for the publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party.
- [F2](2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—
- (a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;

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- (b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.]
- (3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.

**Textual Amendments**

**F1** Words in s. 2(1) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 349(3), 411(2)** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), Sch. 1 (with art. 11)

**F2** S. 2(2) substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), **s. 27(1)**

**[<sup>F3</sup> 2A Prohibition on promoting homosexuality by teaching or by publishing material.**  
<sup>F4F5</sup> .....]

**Textual Amendments**

**F3** S. 2A inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), **s. 28(1)**

**F4** S. 2A repealed (S.) (29.3.2001) by [2000 asp 7](#), **s. 34** (with s. 31); [S.S.I. 2001/113](#), **art. 2(a)**

**F5** S. 2A repealed (E.W.) (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), **ss. 122, 128(2)(d)(f)(i), Sch. 8 Pt. 1**

**3 Other restrictions of existing powers.**

- (1) In section 142 of the <sup>M1</sup>Local Government Act 1972 and section 88 of the <sup>M2</sup>Local Government (Scotland) Act 1973 (general powers to provide information)—
  - (a) in subsection (1) (power to make information available) after “other authorities” insert “mentioned in subsection (1B) below” and for “as to local government matters affecting the area” substitute “relating to the functions of the authority”;
  - (b) after that subsection insert—
 

“(1A) A local authority may arrange for the publication within their area of information as to the services available in the area provided by them or by other authorities mentioned in subsection (1B) below.”;
  - (c) in subsection (2)(a) (power to publish certain information) for “on matters relating to local government” substitute “relating to the functions of the authority”.
- (2) After the subsection (1A) inserted by subsection (1) above, in section 142 of the 1972 Act insert—
 

“(1B) The other authorities referred to above are any other local authority, the Inner London Education Authority, a joint authority established by Part IV of the Local Government Act 1985 and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local or other such authorities.”;

and in section 88 of the 1973 Act insert—

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“(1B) The other authorities referred to above are any other local authority and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local authorities.”.

(3) In section 137 of the <sup>M3</sup>Local Government Act 1972 (power to incur expenditure for purposes not otherwise authorised), after subsection (2B) insert—

“(2C) A local authority may incur expenditure under subsection (1) above on publicity only—

- (a) for the purpose of promoting the economic development of the authority’s area where the publicity is incidental to other activities undertaken or to be undertaken by the authority for that purpose, or
- (b) by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given;

but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

(2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and

“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.”;

and in section 83 of the <sup>M4</sup>Local Government (Scotland) Act 1973 (which makes corresponding provision for Scotland), after subsection (2B) insert—

“(2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 88 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

(2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and

“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.”.

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**Marginal Citations**

**M1** 1972 c. 70.

**M2** 1973 c. 65.

**M3** 1972 c. 70.

**M4** 1973 c. 65.

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#### 4 Codes of recommended practice as regards publicity.

- (1) The Secretary of State may issue one or more codes of recommended practice as regards the content, style, distribution and cost of local authority publicity, and such other related matters as he thinks appropriate, [<sup>F6</sup>; and local authorities shall have regard to the provisions of any such code in coming to any decision on publicity.]
- (2) Codes may deal with different kinds of publicity or different kinds of local authority or the same kind of local authority in different circumstances or different areas.
- (3) The Secretary of State may revise or withdraw a code issued under this section.
- (4) The Secretary of State shall before issuing, revising or withdrawing a code consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (5) A code shall not be issued unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (6) Where the Secretary of State proposes to revise a code he shall lay a draft of the proposed alterations before each House of Parliament and—
  - (a) he shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid (or, if copies are laid before each House of Parliament on different days, with the later of those days), and
  - (b) if within that period either House resolves that the alterations be withdrawn, he shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

In computing the period of 40 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- [<sup>F7</sup>(7) Subsections (5) and (6) do not apply to a code which applies only to Scottish local authorities and such a code shall not be issued unless a draft of it has been laid before and approved by a resolution of the Scottish Parliament.
- (8) Where the Scottish Ministers propose to revise such a code as is mentioned in subsection (7), they shall lay a draft of the proposed alterations before the Scottish Parliament and—
    - (a) they shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid, and
    - (b) if within that period the Parliament resolves that the alterations be withdrawn, they shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

In computing the period of 40 days no account shall be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.]

#### Textual Amendments

**F6** Words substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\), s. 27\(2\)](#)

**F7** S. 4(7)(8) inserted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 84; S.I. 1998/3178, art. 2](#)

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#### **[<sup>F8</sup>4A Power to direct compliance with code**

- (1) The Secretary of State may direct one or more specified local authorities in England to comply with a code issued under section 4 that applies to that authority or those authorities.
- (2) A direction may require compliance with—
  - (a) one or more specified provisions of a code, or
  - (b) all of the provisions of a specified code.
- (3) A direction may—
  - (a) specify the steps that an authority to which it is given must take to comply with it;
  - (b) specify the time within which such an authority must comply with it.
- (4) The Secretary of State may give a direction to an authority whether or not the Secretary of State thinks that the authority is complying with the code to which it relates.
- (5) Before giving a direction to an authority, the Secretary of State must give the authority notice in writing of the proposed direction.
- (6) The Secretary of State may not give a direction to an authority before the end of the period of 14 days beginning with the day on which notice under subsection (5) was given to it.
- (7) The authority may make written representations to the Secretary of State about the proposed direction within that period.
- (8) The Secretary of State may modify or withdraw a direction under this section by notice in writing to the authority or authorities to which it was given.
- (9) Subsections (5) to (7) apply to the modification or withdrawal of a direction as they apply to the giving of a direction, but as if—
  - (a) the reference to the proposed direction were to the proposed modification or proposal to withdraw the direction, and
  - (b) subsection (6) permitted the Secretary of State to withdraw the direction before the end of the 14 day period with the agreement of the authorities to which it applies.
- (10) In this section “ specified ” means specified in a direction under this section.

#### **Textual Amendments**

**F8** Ss. 4A, 4B inserted (E.W.) (30.3.2014) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), **ss. 39(1), 49(2)**

#### **4B Power to make order requiring compliance with code**

- (1) The Secretary of State may by order made by statutory instrument impose a duty on all local authorities in England, or all local authorities in England of a specified description, to comply with a code issued under section 4 that applies to those authorities.
- (2) An order under this section may impose a duty to comply with—

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- (a) one or more specified provisions of a code, or
  - (b) all of the provisions of a specified code.
- (3) An order under this section may—
- (a) specify the steps that an authority to which the duty applies must take to comply with it;
  - (b) specify the time within which such an authority must comply with the duty.
- (4) The Secretary of State may make an order under this section which applies to an authority whether or not the Secretary of State thinks that the authority is complying with the code to which the order relates.
- (5) An order under this section—
- (a) may make different provision for different cases or classes of case, including different provision for different descriptions of local authority;
  - (b) may make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (6) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section “ specified ” means specified in an order under this section. ]

#### Textual Amendments

**F8** Ss. 4A, 4B inserted (E.W.) (30.3.2014) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), **ss. 39(1), 49(2)**

## 5 Separate account of expenditure on publicity. **E+W**

- (1) A local authority shall keep a separate account of their expenditure on publicity.
- (2) Any person interested may at any reasonable time and without payment inspect the account and make copies of it or any part of it.
- (3) A person having custody of the account who intentionally obstructs a person in the exercise of the rights conferred by subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The regulation making power conferred by [<sup>F9</sup>section 32(1)(e) of the Local Audit and Accountability Act 2014][<sup>F10</sup>section 39(1)(e) of the Public Audit (Wales) Act 2004] or section 105(1) (d) of the <sup>M5</sup>Local Government (Scotland) Act 1973 (power to make provision as to exercise of right of inspection and as to informing persons of those rights) applies to the right of inspection conferred by subsection (2).
- (5) The Secretary of State may by order provide that subsection (1) does not apply to publicity or expenditure of a prescribed description.
- (6) Before making an order the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.

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- (7) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F9** Words in s. 5(4) substituted (E.W.) (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 15](#); [S.I. 2015/841](#), art. 3(x)
- F10** Words in s. 5(4) inserted (E.W.) (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, [Sch. 2 para. 6](#); [S.I. 2005/558](#), art. 2, [Sch. 1](#)

#### Modifications etc. (not altering text)

- C5** S. 5(1) excluded (E.W.) by [S.I. 1987/2004](#), [arts. 3–7](#)  
S. 5(1) applied (with modifications) (4.6.1996) by [S.I. 1996/1243](#), art. 18, [Sch. 5 Pt. I para. 3](#)

#### Marginal Citations

- M5** 1973 c. 65.

## 5 Separate account of expenditure on publicity. **S**

- (1) A local authority shall keep a separate account of their expenditure on publicity.
- (2) Any person interested may at any reasonable time and without payment inspect the account and make copies of it or any part of it.
- (3) A person having custody of the account who intentionally obstructs a person in the exercise of the rights conferred by subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The regulation making power conferred by section 23(1) (e) of the <sup>M11</sup>Local Government Finance Act 1982 or section 105(1) (d) of the <sup>M12</sup>Local Government (Scotland) Act 1973 (power to make provision as to exercise of right of inspection and as to informing persons of those rights) applies to the right of inspection conferred by subsection (2).
- (5) The Secretary of State may by order provide that subsection (1) does not apply to publicity or expenditure of a prescribed description.
- (6) Before making an order the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (7) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

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#### Modifications etc. (not altering text)

C8 S. 5(1) excluded (S.) by S.I. 1988/332, arts. 3–7

#### Marginal Citations

M11 1982 c. 32.

M12 1973 c. 65.

## 6 Interpretation and application of Part II.

- (1) References in this Part to local authorities and to publicity, and related expressions, shall be construed in accordance with the following provisions.
- (2) “Local authority” means—
  - (a) in England and Wales—
    - a county, district or London borough council,
    - the Common Council of the City of London
    - [<sup>F11</sup>the Broads Authority (except in section 3),]
    - [<sup>F12</sup>a police and crime commissioner,
    - the Mayor's Office for Policing and Crime]
    - <sup>F13</sup> . . . .
    - <sup>F14</sup> . . . .
    - a joint authority established by Part IV of the <sup>M6</sup>Local Government Act 1985,
    - [<sup>F15</sup>an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
    - a combined authority established under section 103 of that Act,]
    - [<sup>F16</sup>the London Fire and Emergency Planning Authority,]
    - the Council of the Isles of Scilly, or
    - a parish or community council;
  - (b) in Scotland, a [<sup>F17</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

and includes any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more such authorities.
- (3) This Part applies to the Common Council of the City of London as local authority, police authority or port health authority.
- (4) “Publicity”, “publish” and “publication” refer to any communication, in whatever form, addressed to the public at large or to a section of the public.
- (5) This Part applies to any such publicity expressly or impliedly authorised by any statutory provision, including—
  - section 111 of the <sup>M7</sup>Local Government Act 1972 or section 69 of the <sup>M8</sup>Local Government (Scotland) Act 1973 (general subsidiary powers of local authorities),
  - section 141 of the Local Government Act 1972 or section 87 of the Local Government (Scotland) Act 1973 (research and collection of information), and
  - section 145(1)(a) of the Local Government Act 1972 or section 16(1)(a) of the <sup>M9</sup>Local Government and Planning (Scotland) Act 1982 (provision of entertainments, etc.).



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(6) Nothing in this Part shall be construed as applying to anything done by a local authority in the discharge of their duties under Part VA of the Local Government Act 1972 or Part IIIA of the Local Government (Scotland) Act 1973 (duty to afford public access to meetings and certain documents).

[<sup>F18</sup>(7) Nothing in this Part shall be construed as applying to anything done by a person in the discharge of any duties under regulations made under section 22 of the Local Government Act 2000 (access to information etc. )<sup>M10</sup> . ]

#### Textual Amendments

- F11** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 27**
- F12** Words in s. 6(2)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 173**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 50)
- F13** Words in s. 6(2)(a) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 2 para. 41, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(m)**
- F14** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F15** Words in s. 6(2)(a) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 71(2)**; S.I. 2009/3318, art. 2(c)
- F16** Words in s. 6(2)(a) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 45** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F17** Words in s. 6(2)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 145**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F18** S. 6(7) inserted (E.) (11.7.2001) by S.I. 2001/2237, arts. 2(g), 15 and (W.) (1.4.2002) by S.I. 2002/808, **art. 14**

#### Modifications etc. (not altering text)

- C6** S. 6(2) extended (E.W.) by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 8(q)**
- C7** S. 6(2) amended (E.W.) by S.I. 1989/1815, art. 2, **Sch. 1 para. 6(e)**

#### Marginal Citations

- M6** 1985 c. 51.
- M7** 1972 c. 70.
- M8** 1973 c. 65.
- M9** 1982 c. 43.
- M10** See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (S.I. 2000/3272).

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