MALVERN HILLS BILL

HOUSE OF LORDS SELECT COMMITTEE
2024 – 2026 PARLIAMENTARY SESSION

PROMOTER'S BUNDLES OF DOCUMENTS

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Local Government Act 1972

1972 CHAPTER 70

[F1PART VA

ACCESS TO MEETINGS AND DOCUMENTS OF CERTAIN AUTHORITIES, COMMITTEES AND SUB-COMMITTEES.]

Textual Amendments

F1 Pt. 5A (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

Modifications etc. (not altering text)

C1 Pt. 5A power to apply (with modifications) conferred by 2000 c. 22, s. 9GA(7) (as inserted (3.12.2011 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e))

C2 Pt. 5A applied in part (with modifications) by The Standards Committee (England) Regulations 2008 (S.I. 2008/1085), **reg. 8**

C3 Pt. 5A modified by 2000 c. 22, s. 9FA(6)(a) (as inserted (3.12.2011 for specified purposes) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e))

C4 Pt. 5A applied (28.3.2008) by The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907), **art. 20(6)**

C5 Pt. 5A applied (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(8)**

C6 Pt. 5A applied (with modifications) (6.4.2008) by The Town and Country Planning (Mayor of London) Order 2008 (S.I. 2008/580), **art. 9**

C7 Pt. 5A (ss. 100A-100K) modified by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 7**
Pt. 5A (ss. 100A-100K) modified (11.9.1998) by 1998 c. 18, **ss. 10(6)**, 55(2)
Pt. 5A (ss. 100A-100K) modified (E.) (2.4.2001) by S.I. 2001/1299, **reg. 6(10)(a)**
Pt. 5A (ss. 100A-100K) modified (W.) (28.7.2001) by S.I. 2001/2284, **reg. 5(1)(a)**
Pt. 5A (ss. 100A-100K) modified (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), **ss. 24(7)**, 73; S.I. 2005/558, **art. 2(1)**, Sch. 1

C8 Pt. 5A (ss. 100A-100K) extended (6.3.1992) by Local Government Finance Act 1992 (c. 14), **s. 67(4)**
Pt. 5A (ss. 100A-100K) extended (with modifications) (8.5.2000 and 3.7.2000) by 1999 c. 29, **ss. 58**, 61, 65 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b)(c), Sch. Pts. 2, **3**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C22 Pt. 5A applied (25.5.2018) by The West Suffolk (Local Government Changes) Order 2018 (S.I. 2018/639), arts. 1, **17(1) Table**
C23 Pt. 5A applied (25.5.2018) by The East Suffolk (Local Government Changes) Order 2018 (S.I. 2018/640), arts. 1, **17(1) Table**
C24 Pt. 5A applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **21(1)**
C25 Pt. 5A applied (26.5.2018) by The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (S.I. 2018/648), arts. 1, **36(1)**
C26 Pt. 5A applied (26.5.2018) by The Somerset West and Taunton (Local Government Changes) Order 2018 (S.I. 2018/649), arts. 1, **17(1) Table**
C27 Pt. 5A excluded (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **66(9)**
C28 Pt. 5A applied (23.5.2019) by The Buckinghamshire (Structural Changes) Order 2019 (S.I. 2019/957), arts. 1, **15(1)**
C29 Pt. 5A applied (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **17(1)**
C30 Pt. 5A modified (E.) (4.4.2020) by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I. 2020/392), **regs. 1**, 15 (with reg. 2(4))
C31 Pt. 5A applied (18.3.2022) by The Cumbria (Structural Changes) Order 2022 (S.I. 2022/331), arts. 1(1), **18(1)**
C32 Pt. 5A modified (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 1 para. 2(4)** (with s. 247)
C33 Pt. 5A excluded (24.4.2025) by The London Luton Airport Expansion Development Consent Order 2025 (S.I. 2025/463), art. 1, **Sch. 2 para. 21(13)** (with Sch. 8 paras. 36(3), 87)

[F2 100A Admission to meetings of principal councils. E

(1) A meeting of a principal council 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 principal council during 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 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 council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and

(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 principal council may by resolution exclude the public from a meeting during 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 that item there would be disclosure to them of exempt information, as defined in section 100I below.

Changes to legislation: *Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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 12A to this Act, of the exempt information giving rise to the exclusion of the public,

and where such a resolution is passed this section does not require the meeting to be open to the public during proceedings to which the resolution applies.

[F3(5A) Where the public are excluded from a meeting of a principal council in England under subsection (2) or (4), the council may also prevent any person from reporting on the meeting using methods—

(a) which can be used without that person's presence at the meeting, and

(b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.**]**

(6) The following provisions shall apply in relation to a meeting of a principal council, 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 council **[**F4five 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 council shall not have power to exclude members of the public from the meeting; and

(c) **[**F5subject to subsection (7D),**]** while 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 council or not on the telephone, for telephoning the report at their own expense.

(7) **[**F6Subject to subsection (7A)**]** nothing in this section shall require a principal council 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.

[F7(7A) While a meeting of a principal council in England is open to the public, any person attending is to be permitted to report on the meeting.

(7B) Subsection (7A) does not require a principal council in England to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

(7C) A person attending a meeting of a principal council in England for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

(7D) Subsection (7C) applies in place of subsection (6)(c) in the case of a principal council in England.

(7E) Any person who attends a meeting of a principal council in England for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

(7F) Publication and dissemination may take place at the time of the meeting or occur after the meeting.**]**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

[In this section "reporting" means—

F8(9) (a) filming, photographing or making an audio recording of proceedings at a meeting,

(b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or

(c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.**]]**

Extent Information

E1 This version of this provision extends to England only; a separate version has been created for Wales only

Textual Amendments

F2 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F3 S. 100A(5A) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(2)**

F4 Words in s. 110A(6)(a) substituted (E.) (1.10.2002) by The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 (S.I. 2002/715), arts. 1(2), **2**

F5 Words in s. 100A(6)(c) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(3)**

F6 Words in s. 100A(7) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(4)**

F7 S. 100A(7A)-(7F) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(5)**

F8 S. 100A(9) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(6)**

Modifications etc. (not altering text)

C34 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C35 S. 100A applied in part (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(a)**

C36 S. 100A applied in part (13.5.2007) The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), art. 9, **Sch. para. 7(1)(a)**

C37 Ss. 100A-100D extended (with modifications) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(1)**

C38 Ss. 100A-100D applied (with modifications) by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(1)(2)**
S. 100A applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

C39 Ss. 100A-100D applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch. 2 para. 1(1)(2)**

C40 S. 100A 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)(a)**

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C41 S. 100A applied in part (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(a)**

C42 Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)

C43 Pt. 5A modified (W.) (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), ss. 14(8), 178(3);S.I. 2012/1187, art. 2(1)(b)

C44 S. 100A(4) modified (11.5.2001 for specified purposes, 1.1.2003 for E. and otherwise 1.3.2007) by 2001 c. 15, ss. 9, 70(2), Sch. 1 (with ss. 64(9), 65(4)); S.I. 2003/53, **art. 3(a)**; S.I. 2006/1407, art. 2, **Sch. 1 Pt. 2 para. 8**

S. 100A(4) modified (1.3.2007) by National Health Service Act 2006 (c. 41), **ss. 246(2)**, 277(1) (subject to s. 277(2)-(5))

[F9[F2100A Admission to meetings of principal councils. W

(1) **[**F159A meeting of a principal council 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) **[**F160Where a meeting is open to the public,**]** the public shall be excluded from a meeting of a principal council during 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 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 council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and

(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) **[**F161Where a meeting is open to the public,**]** a principal council may by resolution exclude the public from a meeting during 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 that item there would be disclosure to them of exempt information, as defined in section 100I 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 12A to this Act, of the exempt information giving rise to the exclusion of the public,

and where such a resolution is passed **[**F162this section does not require the meeting to be open**][**F162the meeting is not to be open**]** to the public during proceedings to which the resolution applies.

F3**[**(5A) Where the public are excluded from a meeting of a principal council in England under subsection (2) or (4), the council may also prevent any person from reporting on the meeting using methods—

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(a) which can be used without that person's presence at the meeting, and

(b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.**]**

(6) The following provisions shall apply in relation to a meeting of a principal council, that is to say—

(a) **[**F163public notice of the time of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be given by publishing it electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then as soon as reasonably practicable;**]**

[F165(aa) in relation to a principal council in Wales, public notice of the meeting must be given—

(i) in accordance with subsection (6A), and

(ii) by publishing the notice electronically,

at least three clear days 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 council shall not have power to exclude members of the public from the meeting; and

(c) **[**F166**[**F5subject to subsection (7D),**]** while 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 council or not on the telephone, for telephoning the report at their own expense.**]**

[F167(6A) The notice given under subsection (6)(aa) must—

(a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;

(b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;

(c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;

(d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.**]**

(7) **[**F6Subject to subsection (7A)**]** nothing in this section shall require a principal council 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.

[F7(7A) While a meeting of a principal council in England is open to the public, any person attending is to be permitted to report on the meeting.

(7B) Subsection (7A) does not require a principal council in England to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

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(7C) A person attending a meeting of a principal council in England for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

(7D) Subsection (7C) applies in place of subsection (6)(c) in the case of a principal council in England.

(7E) Any person who attends a meeting of a principal council in England for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

(7F) Publication and dissemination may take place at the time of the meeting or occur after the meeting.**]**

(8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

[In this section "reporting" means—

F8(9)
(a) filming, photographing or making an audio recording of proceedings at a meeting,

(b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or

(c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.**]]]**

Extent Information

E4 This version of this provision extends to Wales only; a separate version has been created for England only

Textual Amendments

F2 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F3 S. 100A(5A) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(2)**

F5 Words in s. 100A(6)(c) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(3)**

F6 Words in s. 100A(7) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(4)**

F7 S. 100A(7A)-(7F) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(5)**

F8 S. 100A(9) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(6)**

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F159 S. 100A(1) omitted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(2)(a)** (with reg. 19)

F160 Words in s. 100A(2) inserted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(2)(b)** (with reg. 19)

F161 Words in s. 100A(4) inserted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(2)(b)** (with reg. 19)

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F162 Words in s. 100A(5) substituted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(2)(c)** (with reg. 19)
F163 S. 100A(6)(a) substituted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(2)(d)(i)** (with reg. 19)
F164 Words in s. 100A(6)(a) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 1(a)(i)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c)
F165 S. 100A(6)(aa) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 1(a)(ii)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c)
F166 S. 100A(6)(c) omitted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(2)(d)(ii)** (with reg. 19)
F167 S. 100A(6A) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 1(b)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c)

Modifications etc. (not altering text)

C34 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)
C35 S. 100A applied in part (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(a)**
C37 Ss. 100A-100D extended (with modifications) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(1)**
C38 Ss. 100A-100D applied (with modifications) by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(1)(2)**
S. 100A applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27
C40 S. 100A 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)(a)**
C41 S. 100A applied in part (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(a)**
C42 Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)
C44 S. 100A(4) modified (11.5.2001 for specified purposes, 1.1.2003 for E. and otherwise 1.3.2007) by 2001 c. 15, ss. 9, 70(2), Sch. 1 (with ss. 64(9), 65(4)); S.I. 2003/53, **art. 3(a)**; S.I. 2006/1407, art. 2, **Sch. 1 Pt. 2 para. 8**
S. 100A(4) modified (1.3.2007) by National Health Service Act 2006 (c. 41), **ss. 246(2)**, 277(1) (subject to s. 277(2)-(5))
C79 S. 100A applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(2)** (with reg. 1(3)) (as amended (W.) (1.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(3)(a)

[F9 100B Access to agenda and connected reports. E

(1) Copies of the agenda for a meeting of a principal council 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 council in accordance with subsection (3) below.

(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 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 **[**F10 five clear days**]** before the meeting, except that—

Changes to legislation: *Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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 requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the council.

(4) An item of business may not be considered at a meeting of a principal council 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 **[**F11five 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 12A to this Act, of the exempt information by virtue of which the council are likely to exclude the public during the item to which the report relates.

(6) Where a meeting of a principal council is required by section 100A 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 principal council 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

(c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council 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.**]**

Extent Information

E2 This version of this provision extends to England only; a separate version has been created for Wales only

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F10 Words in s. 100B(3) substituted (E.) (1.10.2002) by The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 (S.I. 2002/715), arts. 1(2), **3(a)**

F11 Words in s. 100B(4)(a) substituted (E.) (1.10.2002) by The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 (S.I. 2002/715), arts. 1(2), **3(b)**

Modifications etc. (not altering text)

C34 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C45 Ss. 100A-100D extended (with modifications) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(1)**

C46 Ss. 100A-100D applied (with modifications) by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(1)(2)**
S. 100B applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

C47 Ss. 100A-100D applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch. 2 para. 1(1)(2)**

C48 Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)

C49 S. 100B applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(3)** (with reg. 1(3))

C50 S. 100B(2) restricted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), **ss. 24(5)(6)**, 73; S.I. 2005/558, **art. 2(1)**, Sch. 1

[F9 100B Access to agenda and connected reports [F168: principal councils in England] . W

(1) Copies of the agenda for a meeting of a principal council [F169 in England] and, subject to subsection (2) below, copies of any report for the meeting shall be [F170 open to inspection by members of the public at the offices of the council] [F170 published electronically] in accordance with subsection (3) below.

(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 [F171 items during which, in his opinion, the meeting is likely not to be open to the public.] [F171—

(a) if the meeting is to be open to the public, items during which, in the proper officer's opinion, the meeting is likely not to be open to the public by virtue of section 100A(2) or (4), or

(b) if the meeting is not to be open to the public other than by virtue of section 100A(2) or (4), items during which, in the proper officer's opinion, it is likely the meeting would not have been open to the public by virtue of section 100A(2) or (4), had section 100A(1) applied.]

(3) Any document which is required by subsection (1) above to be [F172 open to inspection] [F172 published electronically] shall be [F173 so open] [F173 so published] at least three clear days before the meeting, except that—

Changes to legislation: *Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be **[**F174open to inspection from the time the meeting is convened**][**F174published electronically as soon as reasonably practicable**]**, and

(b) **[**F175where an item is added to an agenda which has been published electronically, the item (or the revised agenda), and any report for the meeting relating to the item, must be published electronically when the item is added to the agenda;**]**

but nothing in this subsection requires copies of any agenda, item or report to be **[**F176open to inspection by the public**][**F176published electronically**]** until copies are available to members of the council.

(4) An item of business may not be considered at a meeting of a principal council **[**F177in England**]** unless either—

(a) a copy of the agenda including the item (or a copy of the item) is **[**F178open to inspection by members of the public in pursuance of subsection (1) above for**][**F178published electronically in pursuance of subsection (1) above**]** at least three clear days before the meeting or, where the meeting is convened at shorter notice, **[**F179from the time the meeting is convened**][**F179as soon as reasonably practicable**]**; 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 **[**F180open to inspection by the public**][**F180published electronically**]** 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 12A to this Act, of the exempt information by virtue of which the council are likely**[**F181, or would be likely, by virtue of section 100A(4)**]** to exclude the public during the item to which the report relates.

(6) **[**F182Where a meeting of a principal council **[**F183in England**]** is required by section 100A 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 principal council **[**F184in England**]** 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

(c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council 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.**]]**

Changes to legislation: *Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

C34 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C45 Ss. 100A-100D extended (with modifications) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(1)**

C46 Ss. 100A-100D applied (with modifications) by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(1)(2)**

S. 100B applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

C48 Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)

C49 S. 100B applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(3)** (with reg. 1(3))

C50 S. 100B(2) restricted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), **ss. 24(5)(6)**, 73; S.I. 2005/558, **art. 2(1)**, Sch. 1

[F12 100BA Access to agenda and connected reports: principal councils in Wales

(1) Copies of the agenda for a meeting of a principal council in Wales and copies of any report for the meeting must be published—

(a) electronically, and

(b) in accordance with subsections (3) to (5).

(2) If the proper officer thinks fit, there may be excluded from the copies of reports published under subsection (1) the whole of a report which, or any part which, relates only to items during which, in the officer's opinion, the meeting is likely not to be open to the public.

(3) A document required to be published under subsection (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.

(4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.

(5) Nothing in subsections (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the council.

(6) An item of business may not be considered at a meeting of a principal council in Wales unless either—

(a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or

(b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(7) Where the whole or part of a report is excluded under subsection (2)—

(a) every copy of the report or of the part must be marked “Not for publication”, and

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(b) there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A, of the exempt information by virtue of which the council is likely to exclude the public during the item to which the report relates.

(8) Where a meeting of a principal council in Wales—

(a) is required by section 100A to be open to the public during the proceedings or part of them, and

(b) is not held through remote means only,

there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

(9) There must, 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 principal council in Wales and 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

(c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.

(10) Subsection (2) applies in relation to copies of reports provided under subsection (8) or (9) as it applies in relation to copies of reports published under subsection (1).**]**

Textual Amendments

F12 S. 100BA inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 7** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

Modifications etc. (not altering text)

C51 S. 100BA applied (with mods.) (coming into force in accordance with reg. 1(2) of the amending S.I.) by S.I. 2001/2283, reg. 26 (as amended (W.) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021) (S.I. 2021/356), regs. 1(2), **7(2)** (with regs. 10, 11))

[F9[F14100C Inspection [F13and publication] of minutes and other documents after meetings.

[F15(1) Subsections (2) and (3) apply in relation to a meeting of a principal council held before the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(2) Until the expiration of the period of six years beginning with the date of a meeting of a principal council to which this subsection applies, a copy of the following documents must, so far as reasonably practicable, be supplied on request to a member of the public—

(a) the minutes of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,

(b) where applicable, a summary under subsection (2) of this section as it had effect immediately before the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 came into force,

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(c) the agenda for the meeting, and

(d) so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(3) A principal council may charge a reasonable fee for providing a document under subsection (2).

(4) Subsections (5) to (9) apply in relation to a meeting of a principal council held after the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(5) As soon as reasonably practicable after a meeting of a principal council to which this subsection applies, and in any event before the end of the period of five working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

(a) the names of the members who attended the meeting, and any apologies for absence;

(b) any declarations of interests;

(c) any decisions taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.

(6) The following documents are to be published electronically as soon as reasonably practicable after a meeting of a principal council to which this subsection applies—

(a) the minutes of the meeting, excluding so much of the minutes of 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) the final agenda for the meeting (if not already published electronically under section 100B);

(d) so much of any report for the meeting as does not relate to an item during which the meeting was not open to the public (if not already published electronically under section 100B).

(7) Anything published electronically under this section or section 100B must remain accessible electronically by members of the public.

(8) In subsections (5)(c) and (6)(a) and (d), references to a period when, or during which, a meeting was not open to the public are, if the meeting was not open to the public other than by virtue of section 100A(2) or (4), references to a period when, or during which, in the proper officer's opinion, it is likely the meeting would not have been open to the public by virtue of section 100A(2) or (4), had section 100A(1) applied.

(9) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, a document to be published under subsection (6)(a) 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 must 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.**]**

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Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F13 Words in s. 100C heading inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 8(5)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F14 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F15 S. 100C substituted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(4)** (with reg. 19)

F16 Words in s. 100C(1) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 8(2)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F17 S. 100C(1A)-(1C) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 8(3)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F18 Words in s. 100C(2) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 8(4)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

Modifications etc. (not altering text)

C34 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C52 Ss. 100A-100D extended (with modifications) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(1)**

C53 Ss. 100A-100D applied (with modifications) by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(1)(2)**
S. 100C applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

C54 Ss. 100A-100D applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch. 2 para. 1(1)(2)**

C55 Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)

[F20100D Inspection [F19and publication] of background papers.

[F21[F22](1) Subject, in the case of section 100C(1), to subsection (2) below, if and so long as copies of the whole or part of a report for a meeting of a principal council are required by section 100B(1) or 100C(1) above to be open to inspection by members of the public **[**F23, or are required by section 100BA(1) or 100C(1A) to be published electronically**]** —

(a) those copies shall each include a copy of a list, compiled by the proper officer, of the background papers for the report or the part of the report, F24...

(b) **[**F25in relation to a principal council in England,**]** at least one copy of each of the documents included in that list shall also be open to inspection at the offices of the council.**][**F26, and

(c) in relation to a principal council in Wales, each of the documents included in that list must be published electronically, but if in the opinion of the proper officer it is not reasonably practicable to publish a document included in the list electronically at least one copy of the document must be open to inspection at the offices of the council.**]**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) **[**F27In relation to a principal council in England,**]** Subsection (1) above does not require a copy F28. . . of any document included in the list, to be open to inspection after the expiration of the period of four years beginning with the date of the meeting.

[F29(2A) In relation to a principal council in Wales, copies of documents included in the list must—

(a) where they are published under subsection (1)(c), remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting, and

(b) where they are open to inspection under subsection (1)(c), be open to inspection by members of the public at the offices of the council until the expiration of that period.**]**

(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—

(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 100A above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public **[**F30 or published electronically**]** , 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.**]]**

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F19 Words in s. 100D heading inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(6)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F20 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F21 S. 100D omitted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(5)** (with reg. 19)

F22 S. 100D(1) substituted (1.10.2000 for E., 28.7.2001 for W.) by 2000 c. 22, **ss. 97(1)**, 108(4); S.I. 2000/2187, **art. 3**

F23 Words in s. 100D(1) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(2)(a)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F24 Word in s. 100D(1) omitted (1.5.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(2)(b)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F25 Words in s. 100D(1)(b) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(2)(c)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F26 S. 100D(1)(c) and word inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(2)(d)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F27 Words in s. 100D(2) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(3)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F28 Words in s. 100D(2) repealed (1.10.2000 for E., 28.7.2001 for W.) by 2000 c. 22, ss. 97(2), 107(2), 108(4), **Sch. 6**; S.I. 2000/2187, **art. 3**

F29 S. 100D(2A) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(4)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F30 Words in s. 100D(4)(b) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 9(5)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

Modifications etc. (not altering text)

C34 Ss. 100A-100D applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)

C56 Ss. 100A-100D extended (with modifications) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **s. 2(1)**

C57 Ss. 100A-100D applied (with modifications) by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(1)(2)**
S. 100D applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27
(as amended (W.) (1.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(2)(f) (with **regs. 10**, 11))

C58 Ss. 100A-100D applied (with modifications) (E.) (1.1.2003) by The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch. 2 para. 1(1)(2)**

C59 Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)

[F31 100E Application to committees and sub-committees.

(1) Sections 100A to 100D above shall apply in relation to a committee or sub-committee of a principal council as they apply in relation to a principal council.

[But in section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to a committee F32(1A) which is appointed or established jointly by one or more principal councils in England and one or more principal councils in Wales, or a sub-committee of such a committee.**]**

(2) In the application by virtue of this section of sections 100A to **[**F33100D**][**F33100C**]** above in relation to a committee or sub-committee—

(a) section 100A(6)(*a*) shall be taken to have been complied with if the notice is **[**F34given by posting it at the time there mentioned at the offices of every constituent principal council 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 a council, at those premises**][**F34published electronically on the website of every constituent council**]**;

(b) **[**F35for the purposes of section 100A(6)(*c*), premises belonging to a constituent principal council shall be treated as belonging to the committee or sub-committee; F36...**]**

Changes to legislation: *Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F37(ba) the requirement in sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c) to publish a document electronically is complied with if it is published electronically by every constituent principal council;

(bb) the requirement in sections 100C(1A) and 100D(2A)(a) for a document to remain accessible electronically is complied with if the document remains accessible on the website of every constituent principal council; and**]**

(c) **[**F38for the purposes of sections 100B(1), 100C(1) and 100D(1) **[**F39and (2A)(b)**]**, offices of any constituent principal council shall be treated as offices of the committee or sub-committee.**]**

(3) Any reference in this Part to a committee or sub-committee of a principal council is a reference to—

(a) a committee which is constituted under an enactment specified in section 101(9) below or which is appointed by one or more principal councils under section 102 below; or

(b) a joint committee not falling within paragraph (*a*) above which is appointed or established under any enactment by two or more principal councils and is not a body corporate; or

[F40(bba) a committee in place by virtue of section 107D(3)(c)(ii) of the Local Democracy, Economic Development and Construction Act 2009;

(bbb) a joint committee in place by virtue of section 107E of that Act;**]**

[F41(bb) the Navigation Committee of the Broads Authority; or**]**

(c) a sub-committee appointed or established under any enactment by one or more committees falling within **[**F42paragraphs (a) to (bb)**]** above.

(4) Any reference in this Part to a constituent principal council, in relation to a committee or sub-committee, is a reference—

(a) in the case of a committee, to the principal council, or any of the principal councils, of which it is a committee; and

(b) in the case of a sub-committee, to any principal council which, by virtue of paragraph (*a*) above, is a constituent principal council in relation to the committee, or any of the committees, which established or appointed the sub-committee.**]**

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F31 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F32 S. 100E(1A) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(7)**

F33 Word in s. 100E(2) substituted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(6)(a)** (with reg. 19)

F34 Words in s. 100E(2)(a) substituted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(6)(b)** (with reg. 19)

F35 S. 100E(2)(b) omitted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(6)(c)** (with reg. 19)

F36 Word in s. 100E(2) omitted (1.5.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 13(a)**; S.I. 2021/354, reg. 2(c) (with reg. 3)

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F37 S. 100E(2)(ba)(bb) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 13(b)**; S.I. 2021/354, reg. 2(c) (with reg. 3)

F38 S. 100E(2)(c) omitted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(6)(c)** (with reg. 19)

F39 Words in s. 100E(2)(c) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 13(c)**; S.I. 2021/354, reg. 2(c) (with reg. 3)

F40 S. 100E(3)(bba)(bbb) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 2**

F41 S. 100E(3)(*bb*) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1),ss. 21, 23(2), 27(2), Sch. 6 para. 10(4)

F42 Words substituted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1),ss. 21, 23(2), 27(2), Sch. 6 para. 10(4)

[F43 100EA Inspection of records relating to functions exercisable by members

(1) The **[**F44appropriate authority**]** may by regulations make provision for written records of decisions made or action taken by a member of a local authority, in exercise of a function of the authority by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007 **[**F45or under section 56 of the Local Government (Wales) Measure 2011**]**, to be made and provided to the authority by the member.

(2) Any written record provided to the authority under regulations under subsection (1) shall be open to inspection by members of the public at the offices of the authority for the period of six years beginning with the date on which the decision was made or action was taken.

[In this section "appropriate authority" means—

F46(2A)
(a) in relation to local authorities in England, the Secretary of State;
(b) in relation to local authorities in Wales, the Welsh Ministers.
(c) in subsection (3), after "Parliament" insert " (in the case of regulations made by the Secretary of State) or a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers) ".**]**

(3) A statutory instrument containing regulations under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F43 S. 100EA inserted (12.12.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 237(1)**, 245; S.I. 2008/3110, **art. 2(i)**

F44 Words in s. 100EA(1) substituted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 57(1)(a)(i)**, 178(3); S.I. 2012/1187, art. 2(1)(d)

F45 Words in s. 100EA(1) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 57(1)(a)(ii)**, 178(3); S.I. 2012/1187, art. 2(1)(d)

F46 S. 100EA(2A) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 57(1)(b)**, 178(3); S.I. 2012/1187, art. 2(1)(d)

Changes to legislation: *Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F47 100F Additional rights of access to documents for members of principal councils. E

(1) Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to [F48 subsections (2) to (2C)] below, be open to inspection by any member of the council.

[F49 (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.]

[F50 (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.]

(3) [F51 The appropriate person] may by order amend [F52 subsections (2) to (2C)] above—

(a) by adding to the descriptions of exempt information to which [F53 those subsections refer] for the time being; or

(b) by removing any description of exempt information to which [F54 those subsections refer] for the time being.

[F55 (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.]

(4) Any statutory instrument containing an order under subsection (3) [F56 made by the Secretary of State] 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 principal council are in addition to any other rights he may have apart from this section.]

Extent Information

E3 This version of this provision extends to England only; a separate version has been created for Wales only

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F47 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F48 Words in s. 100F(1) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(2)**

F49 S. 100F(2) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(3)**

F50 S. 100F(2A)(2B)(2C) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(4)**

F51 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(a)**

F52 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(b)**

F53 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(c)**

F54 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(d)**

F55 S. 100F(3A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(6)**

F56 Words in s. 100F(4) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(7)**

Modifications etc. (not altering text)

C60 S. 100F applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

[F9[F12[F168[F47100F Additional rights of access to documents for members of principal councils. W

(1) Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to **[**F185subsections (2) to (2E)**]**) below, **[**F186be open to inspection by**][**F186so far as reasonably practicable be supplied on request to**]** any member of the council.

[F49(2) In relation to a principal council in England, subsection (1) above does not require the document to be **[**F187open to inspection**][**F187supplied**]** if it appears to the proper officer that it discloses exempt information.**]**

[F50(2A) But subsection (1) above does require (despite subsection (2) above) the document to be **[**F187open to inspection**][**F187supplied**]** 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.

[F188(2C) In relation to a principal council in Wales, subsection (1) above does not require the document to be **[**F187open to inspection**][**F187supplied**]** if it appears to the proper officer that it discloses exempt information.**]**

[F189(2D) But subsection (1) above does require (despite subsection (2C) above) the document to be **[**F187open to inspection**][**F187supplied**]** if the information is information of a description for the time being falling within —

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(a) paragraph 14 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 17 of Schedule 12A to this Act.

(2E) In subsection (2D) above, "the authority" has the meaning given in paragraph 22(2) of Schedule 12A to this Act.**]**

(3) **[**F51The appropriate person**]** may by order amend **[**F190subsections (2) to (2E)**]** above—

(a) by adding to the descriptions of exempt information to which **[**F53those subsections refer**]** for the time being; or

(b) by removing any description of exempt information to which **[**F54those subsections refer**]** for the time being.

[In subsection (3) above "the appropriate person" means—

F55(3A) (a) in relation to England, the Secretary of State;

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

(4) Any statutory instrument containing an order under subsection (3) **[**F56made by the Secretary of State**]** 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 principal council are in addition to any other rights he may have apart from this section.**]]]]]**

Extent Information

E6 This version of this provision extends to Wales only; a separate version has been created for England only

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F12 S. 100BA inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 7** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

F47 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F49 S. 100F(2) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(3)**

F50 S. 100F(2A)(2B)(2C) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(4)**

F51 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(a)**

F53 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(c)**

F54 Words in s. 100F(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(5)(d)**

F55 S. 100F(3A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(6)**

F56 Words in s. 100F(4) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88), **art. 2(7)**

F168 Words in s. 100B heading inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 6(3)** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c) (with reg. 3)

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F185 Words in s. 100F(1) substituted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(2)**

F186 Words in s. 100F(1) substituted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(7)(a)** (with reg. 19)

F187 Words in s. 100F substituted (temp.) (W.) (22.4.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), **21(7)(b)** (with reg. 19)

F188 S. 100F(2C) substituted (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(3)**

F189 S. 100F(2D)(2E) inserted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(4)**

F190 Words in s. 100F(3) substituted (W.) (21.4.2007) by The Local Government (Access to Information) (Variation) (Wales) Order 2007 (S.I. 2007/969), **art. 2(5)**

Modifications etc. (not altering text)

C60 S. 100F applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

100G Principal councils to publish additional information.

(1) A principal council shall maintain a register stating—

(a) the name and address of every member of the council for the time being **[**F57together with, in the case of a councillor,**]** the ward or division which he represents; and

(b) the name and address of every member of each committee or sub-committee of the council for the time being.

(2) A principal council shall maintain a list—

(a) specifying those powers of the council which, for the time being, are exercisable from time to time by officers of the council 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 principal council a written summary of the rights—

(a) to attend meetings of a principal council and of committees and sub-committees of a principal council, 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.

(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 council.

[F58(5) But, in relation to a principal council in Wales, the information open to inspection under subsection (4) must not include a member's address included in the register maintained under subsection (1).**]**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F57 Words in s. 100G(1)(a) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 7(2)**

F58 S. 100G(5) inserted (5.5.2022) by The Local Authorities (Amendments Relating to Publication of Information) (Wales) Regulations 2022 (S.I. 2022/412), regs. 1, **2**

Modifications etc. (not altering text)

C61 S. 100G applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

[F59100H Supplemental provisions and offences.

(1) A document directed by **[**F60any provision of this Part to be open to inspection shall be so open at all reasonable hours and—

[F60section 100G to be open to inspection is to be open to inspection at all reasonable hours and without payment**]**.

(2) **[**F61In relation to a principal council in England,**]** Where a document is open to inspection by a person under **[**F62any provision of this Part**][**F62section 100G**]**, the person may, subject to subsection (3) below—

(a) make copies of or extracts from the document, or

(b) 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 for the facility.

[F63(2A) In relation to a principal council in Wales, where a document is open to inspection by a person under any provision of this Part the person may, subject to subsection (3) below—

(a) make copies of the document or parts of the document, or

(b) require the person having custody of the document to provide a copy of the document or of parts of the document,

upon payment of such reasonable fee as may be required for the facility.**]**

(3) **[**F64Subsections (2), (2A) and (6A) do**]** not require or authorise the doing of any such act which infringes the copyright in any work except that, where the owner of the copyright is a principal council, nothing done in pursuance of **[**F65those subsections**]** shall constitute an infringement of the copyright.

[F66(3A) Provisions in this Part which require the publication or supply of documents do 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 principal council, nothing done in pursuance of those provisions shall constitute an infringement of the copyright.**]**

[F67(3A) Provisions in this Part which require the publication of documents by a principal council in Wales do 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 the council, nothing done in pursuance of those provisions constitutes an infringement of the copyright.**]**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) **[**F68If, without reasonable excuse, a person having the custody of a document which is required by section 100B(1) **[**F69, 100C(1) or 100EA(2)**]** above to be open to inspection by the public—

(a) intentionally obstructs any person exercising a right conferred by this Part to inspect, or to make a copy of or extracts from, the document, or

(b) 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**[**F70—

[F70is published electronically or supplied to a member of the public in accordance with this Part,**]**

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 principal council and any meeting of a committee or sub-committee of a principal council; and, for the purposes of that subsection, the "accessible documents"; for a meeting are the following—

(a) any copy of the agenda or of any item included in the agenda for the meeting;

(b) **[**F74any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in section 100B(7)(*b*) **[**F75or 100BA(9)(b)**]** above;**]**

(c) **[**F76any copy of a document relating to such an item which is supplied for the benefit of a newspaper in pursuance of section 100B(7)(*c*) **[**F77or 100BA(9)(c)**]** above;**]**

(d) any copy of the whole or part of a report for the meeting;

(e) **[**F78any copy of the whole or part of any background papers for a report for the meeting, within the meaning of section 100D above.**]**

[F79(f) the note required to be published by a principal council in Wales under section 100C(1C).**]**

[F80(6A) A principal council in Wales must put in place facilities for members of the public who would otherwise not be able to do so, to access—

(a) notices or other documents required to be published electronically under sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c), and

(b) documents required to remain accessible electronically under sections 100C(1A) and 100D(2A)(a).**]**

(7) The rights conferred by this Part to inspect **[**F81or otherwise access**]**, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.**]**

[F82(8) A principal council in Wales must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions relating to the publication, provision and inspection of documents under this Part.**]**

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C63 S. 100H amended by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(a)**

C64 S. 100H applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27 (as amended (W.) (21.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(2)(g))
S. 100H applied (with modifications) (E.) (1.1.2003) by The Commision for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. 2002/3038), reg. 11, **Sch. 2 para. 1(3)**

C65 S. 100H(2)(b) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s.1(4)(b)**

C66 S. 100H(3) modified by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(c)**

C67 S. 100H(5) applied by Community Health Councils (Access to Information) Act 1988 (c. 24, SIF 113:2), **s. 1(4)(d)**

[F83 100I Exempt information and power to vary Schedule 12A.

(1) **[**[F84]In relation to principal councils in England,**]**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 12A to this Act, but subject to any qualifications contained in Part II of that Schedule; and Part III has effect for the **[**[F85]interpretation of Parts 1 to 3 of that Schedule**]**.

[F86](1A) **[** In relation to principal councils in Wales, the descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part 4 of Schedule 12A to this Act, but subject to any qualifications contained in Part 5 of that Schedule; and Part 6 has effect for the interpretation of Parts 4 to 6 of that Schedule.**]**

(2) **[**[F87]The appropriate person**]** may by order vary Schedule 12A 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) **[**[F87]The appropriate person**]** may exercise the power conferred by subsection (2) above by amending any Part of Schedule 12A to this Act, with or without amendment of any other Part.

[F88](3A) **[** In this section "the appropriate person" means—
(a) in relation to England, the Secretary of State;
(b) in relation to Wales, the National Assembly for Wales.**]**

(4) Any statutory instrument containing an order under this section **[**[F89]made by the Secretary of State**]** shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F83 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F84 Words in s. 100I(1) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(2)**

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F85 Words in s. 100I(1) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(2)**

F86 S. 100I(1A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(3)**

F87 Words in s. 100I(2)(3) substituted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(4)**

F88 S. 100I(3A) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(5)**

F89 Words in s. 100I(4) inserted (1.3.2006) by The Local Government (Access to Information) (Variation) Order 2006 (S.I. 2006/88, **art. 3(6)**

Modifications etc. (not altering text)

C68 S. 100I applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(b)**

C69 S. 100I applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27

C70 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C71 S. 100I(1) 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)(b)**

C72 S. 100I(1) 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)(b)**

C73 S. 100I(1) 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(b)**

C74 S. 100I(1) applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(2)** (with reg. 1(3))

C75 S. 100I(2) extended (E.W.) by Health Services Joint Consultative Committees (Access to Information) Act 1986 (c. 24, SIF 113:2), **ss. 2(3)**, 4 and by Community Health Councils (Access to Information) Act 1988 (c. 24,SIF 113:2), **s. 1(5)**

[F90 100J Application to new authorities, Common Council, etc.

(1) Except in this section, [F91 and subject as follows,] any reference in this Part to a principal council includes a reference to—

F92 (a) . . . . . .

(b) a joint authority;

F93 (ba) . . . . . .

F94 (bb) . . . . . .

[F95 (bc) an economic prosperity board;

(bd) a combined authority;]

[F96 (bda) a combined county authority;]

[F97 (be) Transport for London;]

[F98 (bf) a sub-national transport body;]

(c) the Common Council;

[F99 (cc) The Broads Authority;]

[a National Park authority;]

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F100(cd)

(d) a joint board or joint committee falling within subsection (2) below;

F101(e) . . . . . .

F102(eza) . . . . . .

F103(ea) . . . . . .

[F104(f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.**]**

[F105(g) the Homes and Communities Agency so far as it is exercising functions conferred on it in relation to a designated area by virtue of a designation order.**]**

[F106(h) a Mayoral development corporation.**]**

(2) A joint board or joint committee falls within this subsection if—

(a) it is constituted under any enactment as a body corporate; and

(b) it discharges functions of two or more principal councils;

and for the purposes of this subsection any body falling within paragraph (*a*), (*b*)F107...**[**F108, (bc), (bd) or (*c*) of subsection (1) above shall be treated as a principal council.

[F109(2A) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, a reference in this Part to the offices of the council (however expressed)—

(a) is to be treated as a reference to such premises located within the designated area as the Homes and Communities Agency considers appropriate, and

(b) in the application of section 100A(6)(a) above to a case where the meeting is to be held at premises other than those mentioned in paragraph (a) above, includes a reference to those other premises.**]**

[F110(2B) In section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to—

F111(a) . . . . . .

(b) the Common Council other than in its capacity as a local authority or police authority;

(c) a joint board or a joint committee falling within subsection (2) above;

(d) the Homes and Communities Agency; or

(e) a Mayoral development corporation.**]**

(3) In its application by virtue of subsection (1) above in relation to a body falling within paragraph F112. . . , (*b*), F113... F114...**[**F115(bc), (bd),**][**F116(be),**][**F117(bf),**][**F118(cc)**][**F119, **[**F120(cd)**]**, (d)F121... . . . **[**F122, (f)**]** or (h)**]** of that subsection, section 100A (6)(*a*) above shall have effect with the insertion after the word "council" of the words " and, if the meeting is to be held at premises other than those offices, at those premises ".**]**

[F123(3YA) In its application by virtue of subsection (1)(be) above in relation to Transport for London, section 100E(3) has effect as if for paragraph (bb) there were substituted—

"(bb) a committee of Transport for London (with "committee", in relation to Transport for London, here having the same meaning as in Schedule 10 to the Greater London Authority Act 1999); or"**]**

[F124(3ZA) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100E above shall have effect as if—

(a) in subsection (2), paragraph (c) was omitted, and

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(b) in subsection (3), for paragraphs (a) to (c) there were substituted—

"(a) a committee established under paragraph 6(1) of Schedule 1 to the Housing and Regeneration Act 2008 for the purpose of exercising functions conferred on the Homes and Communities Agency in relation to a designated area by virtue of a designation order; or

(b) a sub-committee of such a committee established under paragraph 6(2) of that Schedule to that Act for that purpose."

[F125(3ZAA) In its application by virtue of subsection (1)(h) above in relation to a Mayoral development corporation, section 100E(3) has effect as if for paragraphs (a) to (c) there were substituted—

"(a) a committee which is established under Schedule 21 to the Localism Act 2011 by a principal council, or

(b) a sub-committee established under that Schedule by a committee within paragraph (a)."**]**

(3ZB) In its application by virtue of subsection (1)(g) above in relation to the Homes and Communities Agency, section 100G(1) above shall have effect as if paragraph (a) was omitted.**]**

F126(3A) . . . . . .

(4) In its application by virtue of subsection (1) above, section 100G(1)(*a*) above shall have effect—

(a) in relation to a joint authority F127... **[**F128, **[**F129a sub-national transport body,**]** an economic prosperity board, **[**F130, a combined authority or a combined county authority**]]**F131... **[**F132... , with the substitution for the words **[**F133after "together with"**]** of the words "**[**F134the**]** name or description of the body **[**F135or other person that**]** appointed him "; and

[F136(aa) in relation to the Broads Authority or its Navigation Committee **[**F137or any National Park authority**]**, with the substitution for the words **[**F138 after "together with"**]** of the words "**[**F139the**]** name of the **[**F140person who**]** appointed him "; and**]**

(b) in relation to **[**F141a Mayoral development corporation, or**]** joint board or joint committee falling within subsection (2) above, with the omission of the words **[**F142 after "for the time being"**]**; and

(c) in relation to a **[**F143fire and rescue authority falling within subsection (1)(f) above**]**, with the substitution for the words **[**F144, in the case of a councillor, the**]**"ward or division" of the words " **[**F145the**]**constituent area ".

F146(4A) . . . . . .

[F147(4AA) In its application by virtue of subsection (1)(be) above in relation to Transport for London, section 100G shall have effect—

(a) with the substitution for subsection (1)(a) and (b) of—

"(a) the name of every member of the council for the time being; and

(b) the name of every member of each committee or sub-committee of the council for the time being.", and

(b) with the insertion in subsection (2)(b) after "exercisable" of ", but not an officer by whom such a power is exercisable at least partly as a result of sub-delegation by any officer".**]**

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[References to a principal council in Wales in this Part include—

F148(4AB) (a) a National Park authority for a National Park in Wales;

(b) a fire and rescue authority for an area in Wales;

(c) a joint board or joint committee which falls within subsection (2) and which discharges functions of two or more principal councils in Wales.**]**

F149(4B) **[** In this section "designated area" and "designation order" have the same meanings as in Part 1 of the Housing and Regeneration Act 2008.**]**

F150(5) . . . . . .**]]**

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F90 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F91 Words in s. 100J(1) inserted (6.8.2014) by The Openness of Local Government Bodies Regulations 2014 (S.I. 2014/2095), regs. 1, **4(8)(a)**

F92 Words repealed by Education Reform Act 1988 (c. 40 SIF 41:1),ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I

F93 S. 100J(1)(ba) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(f)(i)**; S.I. 2015/994, art. 6(g)

F94 S. 100J(1)(bb) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 37(2)**; S.I. 2018/227, **reg. 4(c)**

F95 S. 100J(1)(bc)(bd) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 18(a)**; S.I. 2009/3318, **art. 2(c)**

F96 S. 100J(1)(bda) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 30(2)** (with s. 247)

F97 S. 100J(1)(be) inserted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(3)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F98 S. 100J(1)(bf) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 3(a)**

F99 S. 100J(1)(cc) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(5)**

F100 S. 100J(1)(cd) inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(2)(a)** (with ss. 7(6), 115, 117, Sch, 8para. 7)

F101 S. 100J(1)(e) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 104(2)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)

F102 S. 100J(1)(eza) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 104(2)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 27)

F103 S. 100J(1)(ea) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch 6 para. 26(a), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)

F104 S. 100J(1)(f) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 39(2)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F105 S. 100J(1)(g) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 15(2)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F106 S. 100J(1)(h) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(2)**

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F133 Words in s. 100J(4)(a) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(2)(a)**

F134 Word in s. 100J(4)(a) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(2)(b)**

F135 Words in s. 100J(4)(a) substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 9(3)(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3236, art. 4, **Sch.**

F136 S. 100J(4)(aa) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(5)**

F137 Words in s. 100J(4)(aa) inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(2)(c)(i)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

F138 Words in s. 100J(4)(aa) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(3)(a)**

F139 Words in s. 100J(4)(aa) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(3)(b)**

F140 Words in s. 100J(4)(aa) substituted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(2)(c)(ii)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

F141 Words in s. 100J(4)(b) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(5)**

F142 Words in s. 100J(4)(b) substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(4)**

F143 Words in s. 100J(4)(c) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 39(3)**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

F144 Words in s. 100J(4)(c) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(5)(a)**

F145 Word in s. 100J(4)(c) inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 8(5)(b)**

F146 S. 100J(4A) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 37(5)**; S.I. 2018/227, **reg. 4(c)**

F147 S. 100J(4AA) inserted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(6)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F148 S. 100J(4AB) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 14**; S.I. 2021/354, reg. 2(c) (with reg. 3)

F149 S. 100J(4B) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 15(5)**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F150 S. 100J(5) repealed (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 54, 61, Sch. 1 para. 39(4), **Sch. 2**; S.I. 2004/2304, **art. 2(2)** (subject to art. 3); S.I. 2004/2917, **art. 2**

Modifications etc. (not altering text)

C76 S. 100J(1)(b) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(h)**

C77 S. 100J(1)(b) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(h)**

[F151 100K Interpretation and application of Part VA.

(1) In this Part—

"committee or sub-committee of a principal council" shall be construed in accordance with section 100E(3) above**[**F152 (and see **[**F153section 100J(3YA), (3ZA)(b)**][**F154and (3ZAA)**]** above)**]**;

"constituent principal council" shall be construed in accordance with section 100E(4) above;

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"copy", in relation to any document, includes a copy made from a copy;

"exempt information" has the meaning given by section 100I 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 news-papers; and

(b) any organisation which is systematically engaged in collecting news—

(i) for sound or television broadcasts; or

[F155(ii) for inclusion in programmes to be included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;**]**

"principal council" shall be construed in accordance with section 100J above.

[F156(1A) In this Part references to a meeting of a principal council in Wales held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).**]**

(2) Any reference in this Part to a meeting is a reference to a meeting held after 1st April 1986**]**

[F157(3) The Secretary of State may by order amend sections 100A(6)(a) **[**F158and (aa)**]** and 100B(3) and (4)(a) above so as to substitute for each reference to three clear days such greater number of days as may be specified in the order.

F157(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.**]]**

Textual Amendments

F9 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F151 Pt. VA (ss. 100A–100K) inserted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), **s. 1(1)**

F152 Words in s. 100K inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 16**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)

F153 Words in s. 100K(1) substituted (3.5.2012) by Localism Act 2011 (c. 20), **ss. 231(7)**, 240(2); S.I. 2012/1008, art. 3(d) (with arts. 7, 9-11)

F154 Words in s. 100K(1) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 3(6)**

F155 S. 100K(1)(*b*)(ii) substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 16**

F156 S. 100K(1A) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 15**; S.I. 2021/354, reg. 2(c) (with reg. 3)

F157 S. 100K(3)(4) inserted (E.) (1.10.2000) and (W.) (28.7.2001) by 2000 c. 22, **ss. 98(1)**, 108(4); S.I. 2000/2187, **art. 3**

F158 Words in s. 100K(3) inserted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 2** (with Sch. 4 para. 22); S.I. 2021/354, reg. 2(c)

***Changes to legislation:** Local Government Act 1972, Part VA is up to date with all changes known to be in force on or before 18 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

C78 S. 100K applied (with modifications) (W.) (28.7.2001) by S.I. 2001/2283, **regs. 26**, 27 (as amended (W.) (21.5.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356), reg. 7(2)(h))

***Changes to legislation:** Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

[F1SCHEDULE 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)**

C3 Sch. 12A applied (with modifications) (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. Pt. 1**

C4 Sch. 12A applied (with modifications) (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. Pt. 3**

C5 Sch. 12A applied (with modifications) (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. Pt. 2**

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

Modifications etc. (not altering text)

C6 Sch. 12A Pts. 1-3 applied (with modifications) (1.4.2015) by The Local Audit (Auditor Panel) Regulations 2014 (S.I. 2014/3224), regs. 1(1), **9(2)** (with reg. 1(3))

C7 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)

C8 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)**

C9 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)**

C10 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)**

Changes to legislation: *Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

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

Modifications etc. (not altering text)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C12 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)**

C13 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)**

C14 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)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C15 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)**

C16 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)**

C17 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)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C18 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)**

C19 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)**

C20 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.

***Changes to legislation:** Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C21 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)**

C22 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)**

C23 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)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C24 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)**

C25 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)**

C26 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)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C27 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)**

C28 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)**

C29 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)

C30 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)**)

Changes to legislation: *Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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) **[**F2the Companies Acts (as defined in section 2 of the Companies Act 2006)**]**;

(b) the Friendly Societies Act 1974 M1;

(c) the Friendly Societies Act 1992 M2;

[F3(d) the Co-operative and Community Benefit Societies Act 2014;**]**

(e) the Building Societies Act 1986 M3; or

[F4(f) the Charities Act 2011.**]**

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 Sch. 12A para. 8(d) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 24(2)** (with Sch. 5)

F4 Sch. 12A para. 8(f) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 28** (with s. 20(2), Sch. 8)

Modifications etc. (not altering text)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C31 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)**

C32 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)**

C33 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 **[**F5or permission in principle**]** pursuant to regulation 3 of the Town and Country Planning General Regulations 1992 M4.

Textual Amendments

F5 Words in Sch. 12A para. 9 inserted (E.) (27.3.2017) by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 (S.I. 2017/276), regs. 1, **2(2)**

Modifications etc. (not altering text)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C34 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)**

***Changes to legislation:** Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

C35 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)**

C36 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)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C37 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)**

C38 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)**

C39 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 3

INTERPRETATION: ENGLAND

Modifications etc. (not altering text)

C40 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

Changes to legislation: *Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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.

Modifications etc. (not altering text)

C11 Sch. 12A paras. 1-11 applied (with modifications) (5.7.2011) by The South East Lincolnshire Joint Strategic Planning Committee Order 2011 (S.I. 2011/1455), art. 1, **Sch. para. 7(1)(c)**

C41 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)**

C42 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)**

C43 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.

***Changes to legislation:** Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[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)

C44 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**

C45 Sch. 12A Pts. 4-6 applied (with modifications) (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **26**

C46 Sch. 12A Pts. 4-6 applied (with modifications) (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **10**

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.**]**

[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.**

Changes to legislation: *Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

C47 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) **[**F8the Companies Acts (as defined in section 2 of the Companies Act 2006)**]**;

(b) the Friendly Societies Act 1974 M7;

(c) the Friendly Societies Act 1992 M8;

[F9(d) the Co-operative and Community Benefit Societies Act 2014;**]**

(e) the Building Societies Act 1986 M9; or

[F10(f) the Charities Act 2011.**]**

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 Sch. 12A para. 19(d) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 24(3)** (with Sch. 5)

F10 Sch. 12A para. 19(f) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 28** (with s. 20(2), Sch. 8)

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

(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.**]**

***Changes to legislation:** Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F11 PART 6

INTERPRETATION: WALES

Textual Amendments

F11 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)

C48 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;

(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 —

***Changes to legislation:** Local Government Act 1972, SCHEDULE 12A is up to date with all changes known to be in force on or before 19 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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.

Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Subsidiary powers

111 Subsidiary powers of local authorities.

(1) Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

(2) For the purposes of this section, transacting the business of a parish or community meeting or any other parish or community business shall be treated as a function of the parish or community council.

(3) A local authority shall not by virtue of this section raise money, whether by means of rates, precepts or borrowing, or lend money except in accordance with the enactments relating to those matters respectively.

(4) In this section "local authority" includes the Common Council.

Modifications etc. (not altering text)

C1 S. 111 extended by Housing Act 1974 (c. 44), **s. 126(1)**

C2 S. 111 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12**(*a*)

C3 S. 111 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.
S. 111: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.

C4 S. 111 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

Local Government Act 1972

1972 CHAPTER 70

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Documents and notices, etc.

228 Inspection of documents.

[F1(A1) A copy of the minutes of proceedings of a community council must, so far as reasonably practicable, be supplied on request to a local government elector for the area of the council; and a reasonable fee may be charged for providing a copy of the minutes.**]**

(1) The minutes of proceedings of a **[**F2parish F3... council**]** shall be open to the inspection of any local government elector for the area of the **[**F2the council**]** and any such local government elector may make a copy of or extract from the minutes.

(2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.

(3) The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts.

F4(4) . . . . . .

(5) Subject to any provisions to the contrary in any other enactment or instrument, a person interested in any document deposited as mentioned in section 225 above may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of 10p for every such inspection, and of the further sum of 10p for every hour during which such inspection continues after the first hour.

***Changes to legislation:** Local Government Act 1972, Section 228 is up to date with all changes known to be in force on or before 24 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) A document directed by **[**F5any of subsections (1) to (5) of**]** this section to be open to inspection shall be so open at all reasonable hours and, except where otherwise expressly provided, without payment.

(7) If a person having the custody of any such document—

(a) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract,

(b) refuses to give copies or extracts to any person entitled to obtain copies or extracts,

he shall be liable on summary conviction to a fine not exceeding **[**F6level 1 on the standard scale**]**.

[F7(7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority **[**F8, an economic prosperity board, **[**F9, a combined authority or a combined county authority**]]**F10... F11... F12... as if that authority were a local authority and as if, F13..., references to a local government elector for the area of the authority were a reference to a local government elector for the area of the authority were a reference to a local government elector for any local government area in the area for which the authority is established.**]**

F14(7B) . . . . . .

(8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a **[**F15parish council**]**.

[F16(9) In relation to the Broads Authority, the references in this section to a local government elector for the area of the authority shall be construed as references to a local government elector for the area of any of the local authorities mentioned in section 1(3)(a) of the Norfolk and Suffolk Broads Act 1988.**]**

[F17(10) Subsections (2) to (7) apply to a corporate joint committee as they apply to a local authority and, in that application, references to a local government elector for the area of the authority are to be read as references to a local government elector for any local government area in the area specified as the corporate joint committee's area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.**]**

Textual Amendments

F1 S. 228(A1) inserted (W.) (temp.) by virtue of S.I. 2020/442, reg. 24(a) (with reg. 19) (as inserted (21.7.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020 (S.I. 2020/653), regs. 1(2), **3**)

F2 Words substituted by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(2)**(*a*)

F3 Words in s. 228(1) omitted (1.5.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 4 para. 11**; S.I. 2021/354, reg. 2(c) (with reg. 3)

F4 S. 228(4) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**

F5 Words in s. 228(6) inserted (W.) (temp.) by virtue of S.I. 2020/442, reg. 24(c) (with reg. 19) (as inserted (21.7.2020) by virtue of The Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020 (S.I. 2020/653), regs. 1(2), **3**)

F6 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

F7 S. 228(7A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 24**

F8 Words in s. 228(7A) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 27**; S.I. 2009/3318, **art. 2(c)**

Commons Act 2006

2006 CHAPTER 26

PART 3

WORKS

38 Prohibition on works without consent

(1) A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies.

(2) In subsection (1) "restricted works" are—

(a) works which have the effect of preventing or impeding access to or over any land to which this section applies;

(b) works for the resurfacing of land.

(3) The reference to works in subsection (2)(a) includes in particular—

(a) the erection of fencing;

(b) the construction of buildings and other structures;

(c) the digging of ditches and trenches and the building of embankments.

(4) For the purposes of subsection (2)(b) works are for the resurfacing of land if they consist of the laying of concrete, tarmacadam, coated roadstone or similar material on the land (but not if they consist only of the repair of an existing surface of the land made of such material).

(5) This section applies to—

(a) any land registered as common land;

(b) land not so registered which is—

(i) regulated by an Act made under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners; or

(ii) subject to a scheme under the Metropolitan Commons Act 1866 (c. 122) or the Commons Act 1899 (c. 30);

(c) land not falling within paragraph (a) or (b) which is in the New Forest and is subject to rights of common.

(6) The prohibition in subsection (1) does not apply to—

(a) works on any land where those works, or works of a description which includes those works, are carried out under a power conferred in relation to that particular land by or under any enactment;

(b) works on any land where the works are carried out under a power conferred by or under any enactment applying to common land;

(c) works authorised under a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899 without any requirement for any person to consent to the works;

(d) works for the installation of electronic communications apparatus for the purposes of an electronic communications code network.

(7) In subsection (6)(a) the reference to an enactment does not include Part 2 of this Act.

(8) For the purposes of subsection (6)(b), an enactment applies to common land if it is expressed to apply (generally) to—

(a) registered common land;

(b) common land; or

(c) any common or commons, commonable land, land subject to inclosure under any enactment or other land of a similar description.

(9) Subject to the following provisions of this Part, consent given to works under subsection (1) of this section constitutes consent for the purposes of that subsection only.

Modifications etc. (not altering text)

C1 S. 38 excluded (1.10.2007 for E.) by 1971 c. vi, s. 23(2C) (as inserted by Commons Act 2006 (c. 26), ss. 44, 56, **Sch. 4 para. 4(3)**; S.I. 2007/2584, **art. 2**)

C2 S. 38 restricted (E.) (1.10.2007) by The Works on Common Land (Exemptions) (England) Order 2007 (S.I. 2007/2587), **art. 2**, Sch. 1 (subject to arts. 3, 4)

C3 S. 38 excluded by 1971 c. vi s. 23(2C) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 4(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i) (with art. 4(5)))

C4 S. 38(1) modified (coming into force in accordance with s. 13 of the amending Act) by Monken Hadley Common Act 2022 (c. ii), **s. 7(3)** (with s. 8(3))

Commencement Information

I1 S. 38 not in force at Royal Assent see s. 56(1); s. 38 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2** (with art. 3)

I2 S. 38 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(c)** (with art. 4(1)(3))

39 Consent: general

(1) In determining an application for consent under subsection (1) of section 38 in relation to works on land to which that section applies, the appropriate national authority shall have regard to—

(a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);

(b) the interests of the neighbourhood;

(c) the public interest;
(d) any other matter considered to be relevant.

(2) The reference in subsection (1)(c) to the public interest includes the public interest in—
(a) nature conservation;
(b) the conservation of the landscape;
(c) the protection of public rights of access to any area of land; and
(d) the protection of archaeological remains and features of historic interest.

(3) Consent may be given under section 38(1)—
(a) in relation to all or part of the proposed works;
(b) subject to such modifications and conditions relating to the proposed works as the appropriate national authority thinks fit.

(4) In considering the effect in relation to any land of proposed works under this section, the appropriate national authority may consider that effect in conjunction with the effect in relation to that land of any other works for which consent has previously been given under section 38(1) above or section 194 of the Law of Property Act 1925 (c. 20).

(5) Where the appropriate national authority imposes any modification or condition in relation to any consent given under section 38(1), it may on the application of any person carrying out or proposing to carry out works in accordance with the consent vary or revoke that modification or condition.

(6) Regulations may specify a time limit for the making of applications under subsection (5).

(7) Consent may be given under section 38(1) in relation to works which have been commenced or completed; and any consent so given has effect from the time of commencement of the works.

Modifications etc. (not altering text)

C5 S. 39 applied by 1971 c. vi s. 23(2A) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 4(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i) (with art. 4(5)))

C6 S. 39 applied by 1967 c. xxix, Sch. art. 12(2A) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 2(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i))

C7 S. 39 applied (1.3.2019) by Church Property Measure 2018 (No. 8), **ss. 30(3)**, 53(2); S.I. 2019/97, art. 2

Commencement Information

I3 S. 39 not in force at Royal Assent see s. 56(1); s. 39(6) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**; s. 39 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**

I4 S. 39(1)-(5) (7) in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(d)**

I5 S. 39(6) in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 3(b)**

40 Consent: procedure

(1) Regulations may make provision as to the procedure to be followed in the making and determination of applications under sections 38(1) and 39(5).

(2) Regulations under this section may in particular include provision—

(a) as to the steps to be taken by an applicant before submitting an application;

(b) as to the form and content of an application;

(c) as to the procedure to be followed in making an application;

(d) as to the evidence to be supplied in support of an application;

(e) as to the fees payable in relation to an application;

(f) as to the steps to be taken by the appropriate national authority upon receipt of an application;

(g) for the appointment by the appropriate national authority of a person to discharge any (or all) of its functions in relation to the determination of an application;

(h) for the making of representations or objections in relation to an application;

(i) for the holding of a hearing or local inquiry in relation to an application;

(j) for the publication of a determination of an application and the notification of interested persons.

Modifications etc. (not altering text)

C8 S. 40 applied by 1967 c. xxix, Sch. art. 12(2A) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 2(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i))

C9 S. 40 applied by 1967 c. xxix, **Sch. art. 17(2A)** (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 2(6)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i))

C10 S. 40 applied by 1971 c. vi s. 23(2A) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 4(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i) (with art. 4(5)))

C11 S. 40 applied (1.3.2019) by Church Property Measure 2018 (No. 8), **ss. 30(3)**, 53(2); S.I. 2019/97, art. 2

Commencement Information

I6 S. 40 not in force at Royal Assent see s. 56(1); s. 40 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**; s. 40 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**

I7 S. 40 in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 3(c)**

41 Enforcement

(1) Where any works are carried out on land to which section 38 applies in contravention of subsection (1) of that section, any person may apply to the county court [F1]....

(2) On an application under this section the court may make an order—

(a) in any case, for removal of the works and restoration of the land to the condition it was in before the works were carried out;

(b) in a case where consent has been given under section 38(1) but the works have not been carried out in accordance with any term of that consent, for the

works to be carried out in such manner and subject to such conditions as the order may specify.

Textual Amendments

F1 Words in s. 41(1) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 70**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

C12 S. 41 applied (with modifications) (1.10.2007 for E.) by 1967 c. xxix, Sch. art. 12(2B) (as inserted by Commons Act 2006 (c. 26), ss. 44, 56, **Sch. 4 para. 2(3)**; S.I. 2007/2584, **art. 2**)
S. 41 applied (1.10.2007 for E.) by 1971 c. vi, s. 23(2B) (as inserted by Commons Act 2006 (c. 26), ss. 44, 56, **Sch. 4 para. 4(3)**; S.I. 2007/2584, **art. 2**)

C13 S. 41 applied by 1971 c. vi s. 23(2B) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 4(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i) (with art. 4(5)))

C14 S. 41 applied (with modifications) by 1967 c. xxix, Sch. art. 12(2B) (as inserted (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 4 para. 2(3)** (with s. 60); S.I. 2007/2584, art. 2(d)(i); S.I. 2012/739, art. 2(h)(i))

Commencement Information

I8 S. 41 not in force at Royal Assent see s. 56(1); s. 41 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**

I9 S. 41 in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(e)**

42 Schemes

(1) This section applies in relation to works on relevant land where, by virtue of section 38(1), the works may not be carried out without the consent of the appropriate national authority.

(2) In subsection (1) "relevant land" means land which is subject to—

(a) a scheme under the Metropolitan Commons Act 1866 (c. 122) which is in force at the commencement of this section; or

(b) a scheme under the Commons Act 1899 (c. 30) which is in force at the commencement of this section.

(3) Where—

(a) any provision of the scheme referred to in subsection (2) would also prohibit the carrying out of the works, and

(b) the scheme does not allow for any person to consent to the works to be carried out,

the works do not contravene that provision if they are carried out with (and in accordance with the terms of) the consent of the appropriate national authority under section 38(1) and of any owner of the land (if not the person carrying out the works).

(4) Regulations may make provision as to the procedure to be followed in obtaining the consent of an owner under subsection (3) (and may include provision for the consent of an owner to be regarded as having been given where he has not objected within a period of time specified in the regulations).

(5) Where any provision of the scheme referred to in subsection (2) would also prohibit the carrying out of the works without the consent of the appropriate national authority—

(a) consent given under section 38(1) is to be regarded as consent given under the scheme; and

(b) consent may not be sought separately under the scheme.

Commencement Information

I10 S. 42 not in force at Royal Assent see s. 56(1); s. 42(4) in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**; s. 42 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**

I11 S. 42(1)-(3) (5) in force at 1.4.2012 for W. by S.I. 2012/739, **art. 2(f)**

I12 S. 42(4) in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 3(d)**

43 Power to exempt

(1) The appropriate national authority may by order provide that section 38 is not to apply to—

(a) the carrying out by a specified person of specified works on specified land; or

(b) the carrying out by a specified person, or a person of a specified description, of works of a specified description on—

(i) any land; or

(ii) land of a specified description.

(2) The appropriate national authority may only make an order under subsection (1)(a) if it is satisfied that the works specified in the order are necessary or expedient for any of the purposes in subsection (4).

(3) The appropriate national authority may only make an order under subsection (1)(b) if it is satisfied that works of the description specified in the order are likely to be necessary or expedient on any land, or on land of the description specified in the order, for any of the purposes in subsection (4).

(4) The purposes referred to in subsections (2) and (3) are—

(a) use of land by members of the public for the purposes of open-air recreation pursuant to any right of access;

(b) the exercise of rights of common;

(c) nature conservation;

(d) the protection of archaeological remains or features of historic interest;

(e) the use of the land for sporting or recreational purposes.

(5) Where—

(a) any land was at any time before the commencement of this section land to which section 194 of the Law of Property Act 1925 (c. 20) applied, but

(b) at any such time that section ceased to apply to the land by virtue of subsection (3)(a) of that section,

the appropriate national authority may by order provide that section 38 is not to apply to the carrying out of works, or works of a description specified in the order, on that land.

(6) Where any land is the subject of a resolution under section 194(3)(b) of the Law of Property Act 1925 (c. 20) immediately before the commencement of this section, the appropriate national authority may by order provide that section 38 is not to apply to the carrying out of works, or works of a description specified in the order, on that land.

(7) An order under this section may provide that section 38 is not to apply only if the works to which the order relates are carried out in accordance with the terms of the order.

(8) In subsection (1) "specified" means specified in an order under that subsection.

Commencement Information

I13 S. 43 not in force at Royal Assent see s. 56(1); s. 43 in force for certain purposes for W. at 12.8.2007 by S.I. 2007/2386, **art. 2**; s. 43 in force for E. at 1.10.2007 by S.I. 2007/2584, **art. 2**

I14 S. 43 in force at 1.4.2012 for W. in so far as not already in force by S.I. 2012/739, **art. 3(e)**

44 Supplementary

(1) Schedule 4 (which makes supplementary provision relating to works on common land) has effect.

(2) A national authority may for any purpose specified in subsection (3) by order amend—

(a) any local or personal Act passed before this Act which contains provision for that authority to consent to works on land which is common land; and

(b) any Act made under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners which contains provision for that authority to consent to works on land to which the Act applies.

(3) The purposes referred to in subsection (2) are—

(a) that of securing that sections 39 and 40 apply to an application for the consent referred to in paragraph (a) or (b) of subsection (2) as they apply to an application for consent under section 38(1);

(b) that of securing that section 41 applies in relation to the carrying out of works in contravention of the provision referred to in paragraph (a) or (b) of subsection (2) as it applies to works carried out in contravention of section 38(1).

(4) In subsection (2)—

"national authority" means—

(a) the Secretary of State; and

(b) the National Assembly for Wales;

"common land" means—

(a) any land registered as common land; and

(b) any land not so registered which is subject to a scheme under the Metropolitan Commons Act 1866 (c. 122) or the Commons Act 1899 (c. 30).

Commencement Information

I15 S. 44 not in force at Royal Assent, see s. 56(1); s. 44(1) in force for certain purposes for E. at 1.10.2006 by S.I. 2006/2504, **art. 2(f)**; s. 44 in force for certain purposes for W. at 12.8.2007 and

STATUTORY INSTRUMENTS

2007 No. 2587

COMMONS, ENGLAND

The Works on Common Land (Exemptions) (England) Order 2007

Made - - - -	*3rd September 2007*
Laid before Parliament	*7th September 2007*
Coming into force - -	*1st October 2007*

The Secretary of State, in exercise of the powers conferred by sections 43(1)(b), (7) and (8) and 59(1) of the Commons Act 2006(**1**), and being satisfied of the matters specified in section 43(3) of that Act, makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Works on Common Land (Exemptions) (England) Order 2007 and comes into force on 1st October 2007.

(2) This Order applies in relation to England only.

Exemption

2. Section 38 of the Commons Act 2006 (prohibition on works without consent) does not, subject to articles 3 and 4, apply to the carrying out on land registered as common land of any works of a description specified in the second column of the table in Schedule 1, by a person of a description specified in the corresponding entry in the third column of that Table.

Preservation of rights of access

3.—(1) The exemption in article 2 does not apply unless paragraph (2) is complied with.

(2) Where any person or class of persons has a legal right of access to or across the land which the works are to enclose, or to which the works are otherwise to impede access, means of access must be provided which enable that right to continue to be exercised.

Notice of carrying out exempt works

4.—(1) The exemption in article 2 does not apply unless paragraphs (2) and (3) are complied with.

(**1**) 2006 c.26.

(2) A notice in the form of the model notice in Schedule 2 and containing the information indicated in it must be displayed in a prominent place at the site of the works—

(a) in the case of works described in paragraphs 1 to 3 of the table in Schedule 1, from the commencement of the works until they are removed; or

(b) in the case of works described in paragraph 4 of the table in Schedule 1, from the commencement of the works until at least 28 days after their completion.

(3) A copy of the notice displayed under paragraph (2) must be sent to the Secretary of State not later than the commencement of the works.

Interpretation and transitional provision

5.—(1) In this Order—

"moorland" means any area of land shown coloured pink in the three volumes of maps, each entitled "Moorland Map of England 2006" and marked with the number of the volume, dated 13th February 2006, signed on behalf of the Secretary of State for Environment, Food and Rural Affairs and deposited at the offices of the Department for Environment, Food and Rural Affairs at Ergon House, Horseferry Road, London SW1P 2AL;

"register unit" means the whole of an area of land registered as common land pursuant to a single registration;

"section 38 consent" means consent under section 38 of the Commons Act 2006 to carry out restricted works.

(2) References to "land registered as common land" shall be taken, until the commencement of section 1 of the Commons Act 2006 in relation to the area in which any land in question is situated, as references to land so registered under the Commons Registration Act 1965(**2**).

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

3rd September 2007

(**2**) 1965 c.64.

SCHEDULE 1

Article 2

Works exempt from requiring section 38 consent

Paragraph	*Description of works*	*Description of person carrying out works*
1.	The erection of temporary fencing (which may include electric fencing) for a period not exceeding six months, to enclose land for the purpose of restricting the movement of grazing animals which are on the land— (a) in the exercise of a right of common to graze animals; or (b) in the interests of nature conservation. The exemption in respect of works specified in this paragraph only applies if— (a) the area to be enclosed does not, either by itself or cumulatively with any other areas within the same register unit enclosed without section 38 consent by virtue of this paragraph, exceed the lesser of 10 hectares or 10% of the area of the register unit of which it forms part; and (b) no part of the land to be enclosed has, during the period of 6 months immediately before the works are carried out, previously been enclosed without section 38 consent by virtue of this paragraph.	1. The owner of the land. 2. Any person entitled to exercise rights of common over the land. 3. Any other person acting with the written consent of the owner of the land.
2.	The erection of temporary fencing, for a period not exceeding 3 years if the fence is wholly on moorland or 1 year in any other case, to enclose land for the purpose of— (a) carrying out work which facilitates the growth or restoration of vegetation for the benefit of the common land; or (b) protecting the vegetation during a period of such growth or restoration, in so far as such protection is necessary or expedient to enable the growth or restoration to occur. The exemption in respect of works specified in this paragraph only applies if— (a) the area to be enclosed does not, either by itself or cumulatively with any other areas within the same register unit enclosed without section 38 consent by virtue of this paragraph, exceed 1% of the area of the register unit of which it forms part; and (b) no part of the land to be enclosed has, during the period of 1 year immediately before the works are carried out, previously been enclosed without section 38 consent by virtue of this paragraph.	1. The owner of the land. 2. Any person entitled to exercise rights of common over the land. 3. Any other person acting with the written consent of the owner of the land.
3	The erection of temporary fencing, for a period not exceeding 5 years, to enclose land in order to restrict	1. The owner of the land.

	access to it in the interests of nature conservation, where that is required under the terms of a written agreement relating to the management of the land, being— (a) an agreement between the owner of the land and Natural England; or (b) an agreement between the owner of the land and the Secretary of State, entered into before the commencement of this Order. The exemption in respect of works specified in this paragraph only applies if the area to be enclosed does not, either by itself or cumulatively with any other areas within the same register unit enclosed without section 38 consent by virtue of this paragraph, exceed 1% of the area of the register unit of which it forms part.	2. Natural England. 3. Any other person acting with the written consent of the owner of the land.
4.	The installation of a row, not exceeding 200 metres in length, of obstacles (such as bollards or large stones) which, whether by themselves or together with any existing obstructions interrupting the row, are intended to prevent or restrict vehicular access to common land, where the owner reasonably considers that such access would interfere with or be detrimental to— (a) the use of the land by members of the public for the purpose of open-air recreation pursuant to any right of access; (b) the exercise of rights of common; or (c) nature conservation. The exemption in respect of works specified in this paragraph only applies if— (a) no other row of obstacles is installed without section 38 consent by virtue of this paragraph, and remains in place, on land forming part of the same register unit; or (b) the works consist of the extension of an existing row of obstacles which has been installed without section 38 consent by virtue of this paragraph, and the combined length of the existing row and the extension does not exceed 200 metres.	1. The owner of the land. 2. Any other person acting with the written consent of the owner of the land.

SCHEDULE 2 Article 4

Form

Declaration of Exempt Works

Description of works

On ……(Name of Common)

Located in the:

(a) Parish/Town of ……

(b) Borough/District/City of ……

(c) County of ……

I/We* declare that the works described above are exempt from the requirement for consent under section 38 of the Commons Act 2006 by virtue of the provisions of the Works on Common Land (Exemptions) (England) Order 2007 and that these works comply with:

Paragraph 1 (temporary fencing to contain grazing animals) / Paragraph 2 (temporary fencing to facilitate growth of vegetation) / Paragraph 3 (temporary fencing to restrict access in the interests of nature conservation) / Paragraph 4 (regularly spaced obstacles to restrict vehicular access)* ** in Schedule 1 to the Order.

* Delete as appropriate.

** The full terms of the exemptions are set out in Schedule 1 to the Order.

Signed ……

Name (BLOCK letters) ……

Position (if applicable) ……

Organisation (if applicable) ……

Address ……

Telephone number……

Date ……

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in relation to England only, prescribes exemptions to the prohibition in section 38(1) of the Commons Act 2006 on the carrying out, without the consent of the Secretary of State, of any restricted works on land to which that section applies.

Exemptions are prescribed (article 2 and Schedule 1) which, subject to certain conditions, allow specified persons to erect temporary fencing for the purposes of (a) restricting the movement of animals which are grazing on the land, (b) allowing recovery of vegetation, and (c) nature conservation. An exemption is also prescribed for the installation, in certain circumstances, of permanent regularly spaced obstacles (such as bollards or stones) to prevent or restrict vehicular access to common land.

Where works are carried out pursuant to an exemption contained in this Order, there are requirements for a notice to be displayed at the site of the works and for notification to be given to the Secretary of State (article 4 and Schedule 2).

The exemptions only apply in relation to registered common land (article 2), and not in relation to other classes of land to which section 38 applies. Nothing in this Order authorises any person to carry out works which are prohibited by any other enactment or rule of law, nor exempts any person from complying with any other requirement to obtain consent or permission which may exist independently from section 38.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.defra.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART XI

MISCELLANEOUS

Commons and Waste Lands

194 Restrictions on inclosure of commons.

[F1(1) The erection of any building or fence, or the construction of any other work, whereby access to land to which this section applies is prevented or impeded, shall not be lawful unless the consent of the Minister thereto is obtained, and in giving or withholding his consent the Minster shall have regard to the same considerations and shall, if necessary, hold the same inquiries as are directed by the M1Commons Act, 1876, to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

(2) Where any building or fence is erected, or any other work constructed without such consent as is required by this section, the county court within whose jurisdiction the land is situated, shall, on an application being made by the council of any county **[**F2or county borough**]**. . . or district concerned, or by the lord of the manor or any other person interested in the common, have power to make an order for the removal of the work, and the restoration of the land to the condition in which it was before the work was erected or constructed, but any such order shall be subject to the like appeal as an order made under section thirty of the Commons Act, 1876.

(3) This section applies to any land which at the commencement of this Act is subject to rights of common:

Provided that this section shall cease to apply—

(a) to any land over which the rights of common are extinguished under any statutory provision;

(b) to any land over which the rights of common are otherwise extinguished, if the council of the county **[**F2, county borough**][**F3or metropolitan district**]**. . .

Status: *Point in time view as at 06/04/2010. This version of this provision has been superseded.*
Changes to legislation: *Law of Property Act 1925, Section 194 is up to date with all changes known to be in force on or before 02 June 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

in which the land is situated by resolution assent to its exclusion from the operation of this section and the resolution is approved by the Minister.

(4) This section does not apply to any building or fence erected or work constructed if specially authorised by Act of Parliament, or in pursuance of an Act of Parliament or Order having the force of an Act, or if lawfully erected or constructed in connexion with the taking or working of minerals in or under any land to which the section is otherwise applicable, or to any **[**[F4]electronic communications apparatus installed for the purposes of an electronic communications code network.**]]**

Textual Amendments

F1 S. 194 repealed (1.10.2007 for E. and otherwise prosp.) by Commons Act 2006 (c. 26), ss. 44(1), 56, **Sch. 6 Pt. 2** (with s. 60); S.I. 2007/2584, **art. 2(d)(ii)** (with art. 3(5))

F2 Words in s. 194(2)(3)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 7(2)(a)(b)** (with s. 54(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 4, **Sch.2**

F3 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, **Sch. 8 para. 10(5)**

F4 Words in s. 194(4) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 3** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

Modifications etc. (not altering text)

C1 S. 194 applied by Towyn Trewan Common Act 1963 (c. 4), **s. 6(4)**
S. 194 excluded by New Forest Act 1964 (c. 83), **ss. 3(2)(4)(6)**,4(1)
S. 194 saved by Commons Registration Act 1965 (c. 64), **s. 21(1)**
S. 194 applied by Greenham and Crookham Commons Act 2002 (c. i), **s. 35** (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)

C2 Functions of Minister of Agriculture, Fisheries and Food under s. 194 now exercisable by Secretary of State: S.I. 1955/554 (1955 I, p. 1200), 1965/143, 1967/156 and 1970/1681

C3 S. 194: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch.1**

C4 S. 194: functions made exercisable concurrently (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 25(2)(iv)**
S. 194: functions made exercisable concurrently (22.7.2004) by The Chiltern Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 25(2)(iv)**

C5 S. 194(2) amended by Administration of Justice (Appeals) Act 1934 (c. 40), s. 2(1), **Sch. Pt. I**

C6 S. 194(2) extended by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), Sch. 3 para. 38(1)(b), **Sch. 7**; and (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 1(2)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

C7 S. 194(2) modified (1.10.2006 for E. and 6.9.2007 for W.) by Commons Act 2006 (c. 26), ss. 44(1), 56, **Sch. 4 para. 6** (with s. 60); S.I. 2006/2504, **art. 2(f)**; S.I. 2007/2386, **art. 3(n)**

C8 S. 194(4) excluded (28.6.1995) by 1995 c. iii, **s. 21(1)** (with s. 25)

Marginal Citations

M1 1876 c. 56.

Local Government Finance Act 1988

1988 CHAPTER 41

PART IV

PRECEPTS AND LEVIES

Precepts

74 Levies.

(1) In this section "levying body" means any body which—

(a) is established by or under an Act,

(b) apart from section 117 below would have in respect of the financial year beginning in 1990 power (conferred by or under an Act passed before, or in the same session as, this Act) to issue a precept to, make a levy on or have its expenses paid by a county council or charging authority, and

(c) is not a precepting authority F1... **[**F2or combined fire authority**]**.

(2) Whereas a levying body has (by virtue of section 117 below) no such power under the Act concerned in respect of a chargeable financial year, the Secretary of State may make regulations conferring on each levying body power to issue to the council concerned and in accordance with the regulations a levy (to be so called) in respect of any chargeable financial year.

[F3(2A) The reference in subsection (2) above to the council concerned includes a reference to a council to which the functions of the council concerned in relation to the whole or any part of its area have been transferred by or in consequence of an order under section 17 of the Local Government Act 1992 F4**[**F5... or Part 1 of the Local Government and Public Involvement in Health Act 2007**] .]**

(3) The regulations may include provision—

(a) as to when levies are to be issued;

(b) imposing a maximum limit on levies;

(c) as to apportionment where a body issues levies to more than one council;

Changes to legislation: *Local Government Finance Act 1988, Section 74 is up to date with all changes known to be in force on or before 22 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) conferring a power to issue levies by way of substitute for others;

(e) as to the payment (in instalments or otherwise) of amounts in respect of which levies are issued;

(f) conferring a right to interest on anything unpaid.

(4) The regulations may include provision—

[F6(a) that a billing authority making calculations in accordance with section **[**F7 31A or**]** 32 of the Local Government Finance Act 1992 (originally or by way of substitute) may anticipate a levy;

(b) that a county council making calculations in accordance with section **[**F8 42A or**]** 43 of that Act (originally or by way of substitute) may anticipate a levy;**]**

[F9(bb) that the Greater London Authority in making calculations in accordance with sections 85 and 86 of the Greater London Authority Act 1999 (originally or by way of substitute) in the case of any constituent body (within the meaning of those sections), except the **[**F10 Mayor's Office for Policing and Crime**]** (for which separate provision is made), may anticipate a levy;**]**

(c) as to the treatment as special expenses of amounts so anticipated;

(d) as to the treatment of any levy actually issued.

[F11(5) The regulations may include—

(a) provision equivalent to anything in Chapter III or IV of Part I of the Local Government Finance Act 1992 or regulations made under either Chapter (subject to such modifications as the Secretary of State thinks fit);

(b) provision amending or adapting any provision of that Act in consequence of any provision included under subsection (4) above.**]**

(6) In this section "Act" includes a private or local Act.

[F12(7) For the purposes of this section—

(a) a Welsh joint planning board constituted under section 2(1B) of the Town and Country Planning Act 1990; F13. . .

F13(b) . . . . . .

shall be treated as a levying body with respect to which regulations may be made under subsection (2) above.**]**

[F14(8) For the purposes of this section—

(a) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 shall be treated as a levying body with respect to which regulations may be made under subsection (2), and

(b) the reference in that subsection to the council concerned shall be treated as a reference to the combined authority's constituent councils.

F15(9) . . . . . .

(10) Regulations under this section by virtue of subsection (8) may only make provision in relation to the expenses of a combined authority that are reasonably **[**F16 attributable—

(a) to**]** the exercise of its functions relating to transport**][**F17, or

(b) subject to subsection (11), to the exercise of any other functions.**]**

[F18(11) Regulations under this section by virtue of subsection (8) that include provision within subsection (10)(b) may be made only with the consent of—

***Changes to legislation:** Local Government Finance Act 1988, Section 74 is up to date with all changes known to be in force on or before 22 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the constituent councils, and

(b) in the case of regulations in relation to an existing combined authority, the combined authority.

(12) Subsection (11) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of all the constituent councils in certain circumstances).

(13) Regulations under this section by virtue of subsection (8) may not make provision in relation to expenses of a combined authority that are attributable to the exercise of mayoral functions.

(14) In subsections (8) to (13)—

"constituent council" means—

(a) a county council the whole or any part of whose area is within the area of the combined authority, or

(b) a district council whose area is within the area of the combined authority;

"mayoral functions" has the meaning given by section 107G(7) of the Local Democracy, Economic Development and Construction Act 2009.**]**

[[F19](15) For the purposes of this section—

(a) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023 is to be treated as a levying body with respect to which regulations may be made under subsection (2), and

(b) the reference in that subsection to the council concerned shall be treated as a reference to the combined county authority's constituent councils.

(16) Regulations under this section by virtue of subsection (15) may be made only with the consent of—

(a) the constituent councils, and

(b) in the case of regulations in relation to an existing combined county authority, that authority.

(17) Regulations under this section by virtue of subsection (15) may not make provision in relation to expenses of a combined county authority that are attributable to the exercise of mayoral functions.

(18) In subsections (15) to (17)—

"constituent council" has the meaning given by section 10(11) of the Levelling-up and Regeneration Act 2023;

"mayoral function" has the meaning given by section 41(8) of that Act.**]**

Textual Amendments

F1 Words in s. 74(1)(c) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 182(a)**; S.I. 2011/3019, art. 3, Sch. 1

F2 Words in s. 74(1)(c) substituted (1.4.2005) by virtue of Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 305(a)**; S.I. 2005/910, art. 3(y)

F3 S. 74(2A) inserted (28.11.1994) by The Local Government Changes for England (Finance) Regulations 1994 (S.I. 1994/2825), **reg. 5**

F4 Words in s. 74(2A) repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 146(3), 148(5), **Sch. 7 Pt. 4**; S.I. 2009/3318, art. 4(ii)

Local Government Finance Act 1988

1988 CHAPTER 41

PART IX

EXISTING RATES, PRECEPTS AND GRANTS

117 Rates and precepts: abolition.

(1) The [M1]General Rate Act 1967 shall not have effect as regards any time after 31 March 1990.

(2) As regards any time after 31 March 1990 the Common Council shall have no power to make or levy a rate under section 15 or 18 of the [M2]City of London (Union of Parishes) Act 1907, the [M3]City of London (Tithes and Rates) Act 1910 or section 68(1) of the [M4]London Government Act 1963 (general rate, poor rate and St. Botolph tithe rate).

(3) Neither the sub-treasurer of the Inner Temple nor the under-treasurer of the Middle Temple shall have power to make or levy a rate as regards any time after 31 March 1990.

[F1](4) . . . . . .

(5) In subsection (6) below "levying body" means any body which—

(a) is established by or under an Act,

(b) apart from subsection (6) below would have in respect of the financial year beginning in 1990 power (conferred by or under an Act passed before, or in the same session as, this Act) to issue a precept to, make a levy on or have its expenses paid by a county council or charging authority, and

(c) is not a precepting authority [F2]... , **[**[F3]or combined fire authority**]**.

(6) In respect of any chargeable financial year no levying body shall have power under the Act concerned to issue a precept to, make a levy on or have its expenses paid by the council concerned.

(7) In subsections (5) and (6) above "Act" includes a private or local Act.

***Changes to legislation:** Local Government Finance Act 1988, Section 117 is up to date with all changes known to be in force on or before 06 January 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) The Secretary of State may make regulations providing that the preceding provisions of this section shall have effect subject to prescribed savings.

Textual Amendments

F1 S. 117(4) repealed (1.4.1993) by S.I. 1993/616, art. 2, **Sch. 1 Pt. I**

F2 Words in s. 117(5) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 191**; S.I. 2012/2892, art. 2(i)

F3 Words in s. 117(5)(c) substituted (1.4.2005) by virtue of Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 305(b)**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

C1 S. 117 excluded by S.I. 1990/70, **reg. 13**
S. 117 restricted (11.12.1992) by S.I. 1992/2903, **reg. 12**

C2 S. 117(1) excluded by S.I. 1989/440, **art. 6(2)(4)** and S.I. 1990/777, **regs. 3**, 4(1)

C3 S. 117(6) excluded by S.I. 1990/777, **reg. 4(2)**

Marginal Citations

M1 1967 c. 9.

M2 1907 c. cx1.

M3 1910 c. xxx.

M4 1963 c. 33.

STATUTORY INSTRUMENTS

1992 No. 2903

LOCAL GOVERNMENT, ENGLAND AND WALESFINANCE

The Levying Bodies (General) Regulations 1992

Made - - - -	*19th November 1992*
Laid before Parliament	*20th November 1992*
Coming into force - -	*11th December 1992*

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred on them by sections 74, 117(8) and 143(1) and (2) of the Local Government Finance Act 1988(**1**) and section 149 of the Local Government and Housing Act 1989(**2**) and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Levying Bodies (General) Regulations 1992 and shall come into force on 11th December 1992.

(2) In these Regulations—

"the 1988 Act" means the Local Government Finance Act 1988;

"the 1992 Act" means the Local Government Finance Act 1992(**3**);

"levying body" means a levying body (as defined in section 74(1) of the 1988 Act) to which these Regulations apply by virtue of regulation 2;

"relevant Act" in relation to a levying body, means the Act or statutory instrument by which a relevant precepting power was conferred on that body;

"relevant authority", in relation to a levying body, means a county council or billing authority in respect of which a relevant precepting power would have been exercisable; and

"relevant precepting power", in relation to a levying body, means any power under any enactment which that body would have had, apart from section 117 of the 1988 Act, in respect

(**1**) 1988 c. 41. Section 74 was amended by the Local Government Finance Act 1992, Schedule 13, paragraph 72 and section 143(2) was amended by the Local Government and Housing Act 1989, Schedule 5, paragraph 72(2). See section 146(6) of the 1988 Act for the definition of "prescribed".

(**2**) 1989 c. 42.

(**3**) 1990 c. 14.

[DET 4305]

of the financial year beginning in 1990 to issue a precept to, make a levy on, or have its expenses paid by a county council or a billing authority.

Application

2. These Regulations 3 to 11 apply to any levying body (as defined in section 74(1) of the 1988 Act) in respect of which provision is not otherwise made by regulations made (before or after these Regulations) under section 74 of the 1988 Act and in relation to any levy to be issued or anticipated in respect of any financial year beginning on or after 1st April 1993.

Power to issue levies

3.—(1) A levying body may issue to a relevant authority in accordance with these Regulations a levy in respect of any financial year to meet the expenditure of the levying body in respect of which a relevant precepting power would have been exercisable.

(2) When issuing a levy, a levying body must notify the relevant authority whether it or any portion of it relates only to a part of the authority's area and, if it does, which part.

Issue of levies

4.—(1) In this regulation, subject to paragraph (3) below, "the relevant date" means 15th February in the financial year preceding that in respect of which a levy is issued.

(2) A levy must be issued before the relevant date, but it is not invalid merely because it is issued on or after that date.

(3) Where the relevant Act would, apart from section 117 of the 1988 Act, have required the levying body to issue a precept, make a levy or provide an estimate of its expenditure to be paid, before a date which is earlier than the relevant date, that earlier date shall be the relevant date for the purposes of paragraph (2) above.

(4) Paragraph (3) above does not apply—

(a) to a levy issued in respect of the financial year beginning in 1993; or

(b) to levies for amounts which regulation 6 requires to be borne in the relevant proportion.

(5) This regulation does not apply to a substituted levy issued in accordance with regulation 8.

Maximum amount of levies

5.—(1) Where a relevant precepting power was subject to a limit ("the relevant limit") imposed by or under the relevant Act on the whole or part of the amount for which the levying body might issue a precept to, make a levy on, or seek payment from the relevant authority, the whole or such part of the amount of a levy issued by the body under these Regulations by reference to that power shall be subject to the relevant limit.

(2) Where the relevant limit is expressed in terms of the product of a rate of a specified amount in relation to a financial year—

(a) for the purposes of a levy issued in respect of the financial year beginning in 1993, the product of a rate of that amount for that area shall be taken to be the amount ascertained in accordance with regulation 5(2) of the Levying Bodies (General) Regulations 1990(**4**) for the purposes of a levy issued in respect of the financial year beginning in 1992, increased by 3.6 per cent.; and

(**4**) S.I.1990/70, amended by S.I. 1992/697.

(b) for the purposes of a levy issued in respect of any subsequent financial year, the product of a rate of that amount for that area shall be taken to be the amount ascertained in accordance with sub-paragraph (a) above, increased or decreased in proportion to the difference between the retail prices index for September of the financial year preceding that in respect of which the levy is issued and the retail prices index for September 1992.

(3) References in paragraph (2)(b) above to the retail prices index are references to the general index of retail prices (for all items) published by the Department of Employment or, if that index is not published for any month, to any substituted index or index figures published by that Department.

Apportionment

6.—(1) This regulation applies where the relevant Act provides for the amount of precepts, levies or expenses of a levying body to be borne by more than one relevant authority.

(2) Subject to paragraphs (3), (4) and (8) below, where the relevant Act provides for the manner in which the amounts of precepts, levies or expenses are to be apportioned between the relevant authorities, the levying body shall secure that the expenses to be met by levies issued by it under these Regulations by reference to that Act are borne by the relevant authorities in accordance with that provision.

(3) Where the relevant Act provides for the amounts of precepts, levies or expenses to be borne by the relevant authorities in such proportion as those authorities may agree, the levying body shall secure that the expenses to be met by levies issued by it under these Regulations by reference to that Act are borne by the relevant authorities in that agreed proportion or, if no proportion is agreed, in the relevant proportion.

(4) Subject to paragraph (8) below, where the relevant Act provides for the amounts of precepts, levies or expenses to be borne by the relevant authorities in a proportion calculated by reference to population, or the product of a rate, a rateable value or any other factor connected with rating, the levying body shall secure that the expenses to be met by levies issued by it under these Regulations by reference to that Act are borne by the relevant authorities in the relevant proportion.

(5) For the purposes of this regulation, the relevant proportion shall be determined by reference to the council tax base for the financial year in respect of which the levy is issued for the area of each relevant authority or, as the case may be, the part of that area in respect of which the levy is issued.

(6) For the purposes of this regulation and regulation 7(2), the council tax base for an area or part of an area for a financial year is, subject to paragraph (7) below,—

(a) where the levy is issued in respect of the whole of a billing authority's area, the amount calculated by that authority as its council tax base for the year in accordance with the rules for the time being effective (as regards that year) under regulations made under section 33(5) of the 1992 Act;

(b) where the levy is issued in respect of the whole of the area of a county council, the aggregate of the amounts calculated by the billing authorities to which the county council has the power to issue precepts as their council tax bases for the year for their areas in accordance with the rules for the time being effective (as regards that year) under regulations made under section 44(5) of the 1992 Act;

(c) where the levy is issued in respect of part of a billing authority's area, the amount calculated by that authority as its council tax base for the year for that part of its area in accordance with the rules for the time being effective (as regards that year) under regulations made under section 34(4) of the 1992 Act; or

(d) where the levy is issued in respect of part of the area of a county council, the aggregate of the amounts calculated by the billing authorities to which the county council has the power to issue precepts as their council tax bases for the year for their areas, or (as the case may require) for the parts of their areas falling within the part of the area of the county

council to which the levy relates in accordance with the rules for the time being effective (as regards that year) under regulations made under section 45(4) of the 1992 Act.

(7) Where a billing authority has calculated and, where required, notified to a county council within the period prescribed by the Local Authorities (Calculation of Council Tax Base) Regulations 1992(**5**), its council tax base for its area or the part of its area in respect of which the levy is issued for the purposes of item T in section 33(1) or 44(1) of the 1992 Act or item TP in section 34(3) or 45(3) of that Act the council tax base for its area or part of its area shall be the amount so calculated.

(8) A levying body shall secure that the expenses to be met by levies issued by it under these Regulations by reference to the relevant precepting power conferred by section 48 or 88 of the Local Government Act 1985(**6**) are borne by the relevant authorities in a proportion calculated by reference to the total resident population of the area of each relevant authority on 30th June in the financial year beginning two years before the beginning of the financial year in respect of which the levy is issued, as estimated by the Registrar General.

Notification of council tax base

7.—(1) This regulation applies where the expenses to be met by levies are required by regulation 6 to be borne in the relevant proportion, and for the purposes of this regulation, a notifying authority, in relation to a levying body, is a billing authority—

(a) which is a relevant authority; or

(b) to which a county council which is a relevant authority has power to issue a precept.

(2) A notifying authority shall, within the period prescribed in paragraph (3) below, inform a levying body of the council tax base, determined in accordance with paragraphs (6) and (7) of regulation 6, for its area, or (as the case may require) the part or parts of its area, in respect of which a levy will be issued or it anticipates that a levy will be issued in the immediately following financial year.

(3) The period is—

(a) in relation to a levy which will be issued or is anticipated in respect of the financial year beginning on 1st April 1993, the period beginning on the day after these Regulations come into force and ending on 31st January 1993;

(b) in relation to a levy which will be issued or is anticipated in respect of a financial year beginning on or after 1st April 1994, the period beginning on 1st December and ending on 31st January in the preceding financial year.

Substituted levies

8.—(1) Subject to the following provisions of this regulation, a levying body which has issued a levy for a financial year under these Regulations (originally or by way of substitute) may issue a levy in substitution.

(2) A levying body shall not have power to issue a substituted levy unless, in exercise of its relevant precepting power, it could have issued a substituted precept to, made a substituted levy on, or required a substituted amount to be paid in respect of expenses by the relevant authority.

(3) No levy may be issued in substitution if its amount would be greater than the amount of the levy for which it is substituted, except as provided by paragraph (4) below.

(4) The amount of any levy issued in substitution ("the new levy") may be greater than the amount of that for which it is substituted "the old levy") if the old levy has been quashed because of a failure

(**5**) S.I. 1992/612, amended by S.I. 1992/1742.
(**6**) 1985 c. 51. Section 48 was amended by section 105 of the 1992 Act.

to fulfil the requirements of regulation 6, but only so far as the new levy is required to be increased to effect a proper apportionment.

(5) Where a levying body issues a new levy anything paid to it by reference to the old levy shall be treated as paid by reference to the new levy.

(6) But if the amount of the old levy exceeds that of the new levy, the following shall apply as regards anything paid if it would not have been paid had the amount of the old levy been the same as that of the new levy—

(a) it shall be repaid if the relevant authority by whom it was paid so requires;

(b) in any other case it shall (as the levying body determines) either be repaid or be credited against any subsequent liability of the relevant authority in respect of any levy issued by the levying body.

Payment of levies

9.—(1) Where the relevant Act makes provision as to the payment (in instalments or otherwise) of the amount of the precept, levy or expenses to which the relevant precepting power applied, the amount of any levy issued under these Regulations by reference to that power shall be paid by the relevant authority in accordance with that provision.

(2) In any other case, the amount of a levy issued under these Regulations shall be paid in full by the relevant authority in the financial year in respect of which the levy is issued, at such time and in such instalments (if any) as may be agreed between the levying body and the relevant authority or, in default of such agreement, in five equal instalments, payable respectively by the end of April, June, August, October and December in that financial year, provided however that no instalment shall be payable until 30 days after the levy is issued.

(3) References in this regulation to payment of a levy are references to the payment of a levy after the deduction of any amount credited against the liability of the relevant authority in respect of that levy in accordance with regulation 8(6)(b).

Interest on unpaid levies

10.—(1) Where the relevant Act makes provision as to the payment of interest on any amount of a precept, levy or expenses to which the relevant precepting power applies which is not paid by the due date for payment, the relevant authority shall be liable to pay to the levying body interest in accordance with that provision on the amount of a levy issued under these Regulations by reference to that power which remains unpaid after the due date for payment.

(2) Where the relevant Act makes such provision as is mentioned in paragraph (1) above, but does not prescribe the rate of interest payable, interest payable under paragraph (1) shall be simple interest calculated from day to day on the unpaid amount from the due date for payment until the date when payment is made at a rate equivalent to 2 per cent. above the highest base rate quoted from time to time by any of the reference banks.

(3) For the purposes of paragraph (2) above—

(a) the reference banks are the seven largest institutions—

(i) authorised by the Bank of England under the Banking Act 1987(**7**); and

(ii) incorporated in and carrying on a deposit—taking business within the United Kingdom;

which quote a base rate in sterling;

(**7**) 1987 c. 22.

(b) the size of an institution is to be determined by reference to its total consolidated gross assets denominated in sterling, as shown in its audited end-year accounts last published before the period for which interest is payable begins.

(4) In this regulation—

"consolidated gross assets" of an institution is a reference to the gross assets of that institution together with any subsidiary (within the meaning of section 736 of the Companies Act 1985)(**8**); and

"a deposit taking business" has the meaning given in section 6 of the Banking Act 1987 but subject to any order under section 7 of that Act.

Anticipation of levies

11.—(1) In this regulation—

(a) an "authority" means a billing authority or county council; and

(b) a "relevant levying body", in relation to an authority, means a levying body with power under these Regulations to issue a levy to that authority.

(2) An authority making calculations in accordance with section 32 or, as the case may be, section 43 of the 1992 Act ("the calculations"), originally or by way of substitute, for a financial year ("the year") may anticipate a levy to be issued in accordance with these Regulations to it for the year by a relevant levying body in any case where—

(a) such a levy has not been issued by the relevant levying body to the authority at the time the calculations are made; and

(b) the relevant levying body issued a levy for the preceding financial year.

(3) Subject to paragraph (4) below, where, pursuant to paragraph (2) above, the authority anticipates a levy to be issued by a relevant levying body for the year, the amount of the levy so anticipated shall be equal to the authority's estimate, at the time the calculation (or last calculations) are made, of the amount of the levy which it considers likely will be issued to it for the year by the relevant levying body.

(4) Where a levy has previously been anticipated by the authority for the purposes of the calculations for the year, the amount of the levy which may be anticipated by the authority for the purposes of any substitute calculations for the year shall be equal to the amount previously anticipated.

(5) Whether or not an authority making calculations (originally or by way of substitute) for a financial year anticipates a levy to be issued in accordance with these Regulations to it by a relevant levying body—

(a) where the relevant levying body issues such a levy to the authority, the authority shall pay to the relevant levying body a sum equal to the amount of the levy; and

(b) where the relevant levying body does not issue such a levy to the authority, the authority shall not pay any sum to the relevant levying body in respect of such a levy.

Application of section 117 of the 1988 Act

12. Section 117 of the 1988 Act (rates and precepts: abolition) shall not have effect in relation to the power of any body to have its expenses paid by a billing authority conferred by any of the following orders—

(**8**) 1985 c. 6; section 736 was substituted by section 144(1) of the Companies Act 1989 (c. 40).

(a) the Local Government Reorganisation (Debt Administration) (Greater Man chester) Order 1986(**9**);

(b) the Local Government Reorganisation (Debt Administration) (Merseyside) Order 1988(**10**);

(c) the Local Government Reorganisation (Debt Administration) (South York shire) Order 1986(**11**);

(d) the Local Government Reorganisation (Debt Administration) (Tyne and Wear) Order 1986(**12**);

(e) the Local Government Reorganisation (Debt Administration) (West Midlands) Order 1986(**13**);

(f) the Local Government Reorganisation (Debt Administration (West Yorkshire) Order 1986(**14**).

Revocation

13.—(1) Subject to paragraph (2) below, the Levying Bodies (General) Regulations 1990 and the Levying Bodies (General) (Amendment) Regulations 1992(**15**) are hereby revoked.

(2) The Regulations referred to in paragraph (1) above shall continue to have effect in relation to levies issued or anticipated in accordance with those Regulations in respect of a financial year beginning before 1st April 1993.

Michael Howard
18th November 1992 — Secretary of State for the Environment

David Hunt
19th November 1992 — Secretary of State for Wales

(**9**) S.I. 1986/563.
(**10**) S.I. 1988/542.
(**11**) S.I. 1986/437.
(**12**) S.I. 1986/501.
(**13**) S.I. 1986/553, amended by S.I. 1986/1398.
(**14**) S.I. 1986/471.
(**15**) S.I. 1992/697.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations confer a general power on bodies to issue levies to local authorities for the purpose of meeting their expenses in respect of financial years beginning in or after 1993 where, but for section 117 of the Local Government Finance Act 1988, they would have a statutory power to require the authorities to pay those expenses.

The Regulations include provisions as to when levies are to be issued (regulation 4), the maximum amount of certain levies (regulation 5), the apportionment of levies between authorities (regulation 6) and the supply of information to a levying body making an apportionment by reference to the council tax base (regulation 7). The Regulations also make provision as to the issue of substituted levies (regulation 8), and the payment of levies (regulation 9) and interest thereon (regulation 10). Regulation 11 provides for a local authority to anticipate a levy which may be issued to it.

Regulation 12 provides for the continuance of existing arrangements whereby certain metropolitan district councils may recover their expenses in connection with debt administration arising from the abolition of metropolitan county councils.

Regulation 13 revokes the Levying Bodies (General) Regulations 1990 and the Levying Bodies (General) (Amendment) Regulations 1992 subject to a savings provision.

Highways Act 1980

1980 CHAPTER 66

PART V

IMPROVEMENT OF HIGHWAYS

Cattle-grids

82 Provision of cattle-grids and by-passes.

(1) Where, whether on the representations of owners or occupiers of agricultural land or otherwise, and after such consultation with any such owners and occupiers as the highway authority consider requisite, it appears to the highway authority for a highway which consists of or comprises a carriageway expedient so to do for controlling the passage of animals along the highway, the authority may, subject to the provisions of this section and sections 83 to 90 below, provide for the highway, and maintain, a cattle-grid in the highway or partly in the highway and partly in adjoining land.

(2) Where a highway authority provide a cattle-grid under this Act they shall also provide, either by means of a gate or other works on the highway or by means of a by-pass, or partly by one of those means and partly by the other, and maintain, facilities for the passage under proper control of animals and all other traffic that is unable to pass over the cattle-grid and is entitled by law to go along the highway.

(3) Save as provided by subsection (4) below, the powers conferred by the foregoing provisions of this section do not include power to place any part of a cattle-grid in land not forming part of the highway and not belonging to the highway authority, or to provide a by-pass on land not belonging to the highway authority, except in so far as is authorised by any such agreement as is provided for by section 87 below.

(4) Where after complying with the provisions of Schedule 10 to this Act the highway authority determine, as respects any common or waste land not forming part of the highway but adjoining the highway or adjacent thereto, that it is expedient so to do, the authority may place any part of a cattle-grid in, or provide a by-pass on, any of that land notwithstanding that it does not form part of the highway and does not belong to the authority.

Changes to legislation: *Highways Act 1980, Cross Heading: Cattle-grids is up to date with all changes known to be in force on or before 28 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Without prejudice to subsection (3) above, a highway authority shall not provide a by-pass along any part of a highway unless, after complying with the provisions of Schedule 10 to this Act, the authority determine that it is expedient so to do.

(6) In this Act—

"cattle-grid" means a device designed to prevent the passage of animals, or animals of any particular description, but to allow the passage of all or some other traffic, and includes any fence or other works necessary for securing the efficient operation of the said device; and

"by-pass", in relation to a cattle-grid provided for a highway, means a way, over land not comprised within the limits of the highway, for the traffic for which the by-pass is provided, with a public right of way thereover—

(a) for that traffic, or

(b) if any part of the by-pass is provided along an existing highway, for that traffic and for any other traffic entitled to use the highway before the by-pass was provided,

subject in either case to the limitation that there may be placed on the way any such gate or other works as may be necessary for the proper control of all or any of such traffic and the efficient operation of the cattle-grid for use in connection with which the by-pass is provided;

and references in this Act to the provision or maintenance of a by-pass include references to the provision or maintenance of any such gate or other works.

(7) Subject to subsection (8) below, a highway authority may alter or improve—

(a) a cattle-grid or by-pass provided under this Act for a highway for which they are are the highway authority;

(b) any works provided for use in connection with such a cattle-grid or provided for the purposes of such a by-pass.

(8) A highway authority shall not carry out any alteration or improvement under subsection (7) above whereby traffic of a description which before the alteration or improvement could lawfully have gone along the highway (either by passing over the cattle-grid or by going through a gate or along a by-pass provided under subsection (2) above) will be prevented from so going along the highway.

83 Removal of cattle-grids and discontinuance of by-passes.

(1) Where it appears to a highway authority, after such consultation with such owners and such occupiers of agricultural land as the highway authority consider requisite, that a cattle-grid provided under this Act for a highway for which they are the highway authority is no longer required, the authority may remove the cattle-grid and any gate or other works on the highway which have been provided for use in connection with it, making good the site thereof.

(2) Where a by-pass has been provided for use in connection with a cattle-grid and the highway authority remove the cattle-grid they may direct that the by-pass is to be discontinued, and where they give such a direction they may remove all or any of the works provided for the purposes of the by-pass.

(3) If a direction under subsection (2) above so provides, then as from such date as may be specified in the direction the public right of way over the by-pass shall be extinguished.

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(4) Where a by-pass or any part of one has been provided along an existing highway, then—

(a) notwithstanding subsection (3) above, a direction under subsection (2) above shall not extinguish any right of way which existed before the by-pass was provided;

(b) if the cattle-grid for use in connection with which the by-pass was provided is removed, as soon as may be thereafter the highway authority shall (whether or not they direct that the by-pass is to be discontinued, but without prejudice to their power to remove works under subsection (2) above if they do so direct) remove so much of the works provided for the purpose of the by-pass as obstructs the exercise of any right of way existing before the by-pass was provided.

84 Maintenance of cattle-grids and by-passes.

(1) A cattle-grid provided under this Act for a highway, a gate or other works on a highway provided for use in connection with such a cattle-grid, and any works provided for the purposes of a by-pass provided under this Act, are maintainable by the highway authority for the highway.

(2) A by-pass provided under this Act shall, unless and until the highway authority give a direction discontinuing the by-pass, in all cases be a highway which for the purposes of this Act is a highway maintainable at the public expense for which that authority are the highway authority.

85 Exercise of powers by agreement between neighbouring authorities.

(1) Where a highway maintainable at the public expense is intersected, joined or continued by a highway for which the highway authority are an authority other than the highway authority for the first-mentioned highway, the following provisions have effect.

(2) The highway authority for the first mentioned highway ("the first authority") and the other authority ("the second authority") may enter into an agreement as to the exercise by the second authority of that authority's powers under sections 82 and 83 above in relation to the highway for which they are the highway authority; and any such agreement may provide for the first authority to defray the whole or any part of the expenses incurred by the second authority in consequence of the agreement.

(3) The second authority shall not unreasonably refuse to enter into an agreement under this section; and if any question arises as to the terms (including terms as to payments) to be included in such an agreement, or whether the refusal of that authority to enter into such an agreement is unreasonable, the question shall be determined by arbitration.

86 Supersession of gates by cattle-grids.

(1) Where—

(a) any person has the right to install a gate or gates in a highway, and

(b) a highway authority providing or proposing to provide a cattle-grid in the highway under section 82 above determine, after complying with the provisions of Schedule 10 to this Act, that the purpose for which the above-

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mentioned right is exercisable will be adequately achieved by the provision of the cattle-grid,

the right is not exercisable, so long as the cattle-grid is provided, except with the approval of the highway authority, and the highway authority may require that a gate or gates installed in the exercise of the right before the provision of the cattle-grid shall be removed or may themselves remove any such gate or gates.

(2) The highway authority shall on demand repay any expenses reasonably incurred in removing a gate in compliance with a requirement under this section.

(3) Where in pursuance of subsection (1) above a gate has been removed (whether by, or in compliance with a requirement of, the highway authority) and the highway authority subsequently remove the cattle-grid, then, if within 12 months from the date of the removal of the cattle-grid a person reinstalls a gate in the exercise of a right the exercise of which was suspended while the cattle-grid was provided, the highway authority shall on demand repay the expenses reasonably incurred in reinstalling the gate.

(4) No objection shall be made or proceedings brought in respect of the purported exercise by a highway authority of their powers under subsection (1) above as respects a gate or gates on the ground that no right to install the gate or gates existed; but the purported exercise by the authority of their powers under that subsection shall not affect the question whether any such right existed, or prejudice the powers of the highway authority or any other person under any enactment (including an enactment in this Act) or rule of law to protect public rights of way or to prevent or remove obstructions.

87 Agreements for use of land for cattle-grids or by-passes.

(1) A highway authority may, for the purpose of providing, altering or improving a cattle-grid or by-pass under the powers conferred by this Part of this Act, enter into an agreement under this section with persons interested in any land for the use of the land for that purpose; and (without prejudice to the provision of other matters in the agreement) there shall be exercisable by the highway authority and the public such rights over the land as may be specified in the agreement.

(2) An agreement under this section may contain provisions for payment to persons who are parties to it in consideration of the use of the land or otherwise in respect of their entering into the agreement.

(3) The provisions of an agreement under this section bind the interest of any person who is a party to the agreement notwithstanding any devolution of that interest, and also bind any interest of any person which is thereafter created (whether immediately or not) out of that interest; but save as aforesaid an agreement under this section shall not operate so as to prejudice the rights of a person not a party to it or confer upon any other person any right against him.

(4) A tenant for life may enter into an agreement under this section relating to the settled land or any part of it either for consideration or gratuitously, and—

(a) this subsection is to be construed as one with the [M1]Settled Land Act 1925;

(b) that Act **[**[F1]applies**]** as if the power conferred by this subsection had been conferred by that Act; and

(c) for the purposes of section 72 of the [M2]Settled Land Act 1925 (disposition by a tenant for life) and of any other relevant statutory provision, entering into an agreement under this section is to be treated as a disposition.

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F2(5) . . . . . .

[F3(6) Where land is—

(a) **[**F4diocesan glebe land**]**, the Diocesan Board of Finance in which the land is vested, with the consent of the Church Commissioners (unless such consent would not be required under **[**F5section 21 of the Church Property Measure 2018**]** if the transaction were carried out under **[**F6Part 2 of**]** that Measure),

(b) land belonging to an ecclesiastical benefice of the Church of England, the incumbent of the benefice, with the consent of the Diocesan Board of Finance, or

(c) part of the endowment of any other ecclesiastical corporation, the ecclesiastical corporation, with the consent of the Church Commissioners,

may enter into an agreement under this section relating to the land either for consideration or gratuitously and any payment made in respect of such agreement may be applied for purposes for which the proceeds of a sale by agreement of the property would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.**]**

[F7(6A) In subsection (6)—

"Diocesan Board of Finance" has the same meaning as "DBF" in the Church Property Measure 2018;

"diocesan glebe land" has the same meaning as in that Measure.**]**

(7) An agreement under this section is a local land charge.

Textual Amendments

F1 Word in s. 87(4)(b) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para.19** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**.

F2 S. 87(5) omitted (19.5.2025) by virtue of Charities Act 2022 (c. 6), s. 41(4), **Sch. 1 para. 14(2)**; S.I. 2024/265, reg. 4, Sch. 2 para. 3

F3 S. 87(6) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 14, **Sch. 5 para. 22(1)**; {Instrument} dated 11.9.2006 signed by the Archbishops of Canterbury and York

F4 Words in s. 87(6)(a) substituted (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 17(2)(a)**; S.I. 2019/97, art. 2

F5 Words in s. 87(6)(a) substituted (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 17(2)(b)**; S.I. 2019/97, art. 2

F6 Words in s. 87(6)(a) inserted (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 17(2)(c)**; S.I. 2019/97, art. 2

F7 S. 87(6A) inserted (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 17(3)**; S.I. 2019/97, art. 2

Marginal Citations

M1 1925 c. 18.

M2 1925 c. 18.

88 Contributions towards expenditure of highway authorities.

(1) A highway authority may enter into an agreement with a person at whose instance a cattle-grid has been or is to be provided by them under this Act, or any other person

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willing to make a contribution towards expenses of the authority under this Act in connection with a cattle-grid, for the making by that person of such a contribution (whether by a single payment or by periodical payments) of such amount as may be specified in the agreement and either towards all such expenditure of the authority or towards such description of such expenditure as may be so specified.

(2) An agreement under this section may contain such incidental and consequential provisions as appear to the parties to it expedient for the purposes of the agreement, and in particular such an agreement providing for a contribution towards the cost of installing a cattle-grid may provide for repayment of the contribution, to such extent as may be specified in the agreement, in the event of the cattle-grid being removed.

(3) In determining whether or not to provide a cattle-grid, a highway authority shall be entitled to have regard to the extent to which persons who in the opinion of the authority will derive special benefit from the provision of the cattle-grid are willing to enter into agreements under this section.

89 Delegation to certain authorities of functions of Minister.

(1) Subsections (1) to (4) of section 6 above apply, as respects trunk roads, to the functions of the Minister under the foregoing provisions of this Part of this Act relating to cattle-grids, and to his functions under Schedule 10 to this Act in so far as they are conferred on him as highway authority.

(2) Plant or materials belonging to a council to whom functions are delegated under this section may be used by them for the purposes of those functions, subject to the terms of the delegation.

90 Protection of bridges and railways.

(1) A highway authority shall not, in the exercise of functions relating to cattle-grids conferred by this Part of this Act, carry out any work in—

(a) so much of a highway as is carried by a bridge maintainable by a person other than the highway authority or so much of a highway as is comprised within the immediate approaches to such a bridge,

(b) so much of a highway passing under such a bridge as is within 10 feet of any part of the bridge or of the foundations of the bridge, or

(c) so much (if any) of a highway passing above a tunnel provided for the purpose of a railway undertaking of railway undertakers as is within 10 feet of any part of the tunnel,

except with the consent of the person liable to maintain the bridge or of the railway undertakers, as the case may be.

(2) Where consent under this section is withheld the highway authority may refer the matter to the Minister and if, after affording to the highway authority and to the said person, or to the railway undertakers, as the case may be, an opportunity of being heard by a person appointed by the Minister for the purpose, and considering his report, the Minister so directs, the work may be carried out notwithstanding that the consent has been withheld but subject to compliance with any conditions which the Minister may impose.

***Changes to legislation:** Highways Act 1980, SCHEDULE 10 is up to date with all changes known to be in force on or before 29 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 10 Sections 82, 86.

PROCEDURE FOR DETERMINATION BY HIGHWAY AUTHORITY OF CERTAIN QUESTIONS ARISING IN CONNECTION WITH PROVISION OF CATTLE-GRID OR BY-PASS

1 (1) Before determining, under section 82 or 86 of this Act, the question—

(a) whether it is expedient to place any part of a cattle-grid in, or provide a by-pass on, any such land not forming part of a highway and not belonging to the highway authority therefor as is mentioned in section 82(4), or

(b) whether it is expedient to provide a by-pass along any part of a highway, or

(c) whether the purpose for which a right to install gates is exercisable will be adequately achieved by the provision of a cattle-grid,

a highway authority shall comply with the requirements specified in sub-paragraph (2) below.

(2) The requirements referred to in sub-paragraph (1) above are as follows, namely, that the authority shall—

(a) publish in 2 successive weeks in one or more local newspapers circulating in the area where the cattle-grid is to be, or has been, provided a notice—

(i) stating generally the question for determination,

(ii) naming a place within the said area where a copy may be inspected free of charge at all reasonable hours of such plans or other descriptive matter as appear to the highway authority to be requisite for enabling the nature of the question to be understood, and

(iii) specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which and the manner in which representations may be made to the highway authority, and

(b) display a like notice in a prominent position at the place where the cattle-grid is to be or has been provided.

2 If no representation is duly made under paragraph 1 above, or if every representation so made is withdrawn, the highway authority may proceed to determine the question.

3 (1) Where a representation is duly made as aforesaid and not withdrawn, the following provisions have effect.

(2) Where the highway authority is not the Minister, the authority shall forward the representation to the Minister, together with their observations thereon and their proposals, in the light of the representations, for determining the question.

(3) The Minister shall consider any representations received by him (and, where the highway authority is not the Minister, the authority's observations and proposals forwarded to him as aforesaid) and shall either cause a local inquiry to be held or afford to any person by whom a representation has been duly made and not withdrawn and, where the highway authority is not the Minister, to that authority,

Changes to legislation: *Highways Act 1980, SCHEDULE 10 is up to date with all changes known to be in force on or before 29 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(4) After the Minister has considered the report of the person who held the inquiry under sub-paragraph (3) above, or the person appointed under that sub-paragraph, as the case may be,—

(a) the Minister may, where he is the highway authority, proceed to determine the question;

(b) where he is not the highway authority, the authority may determine the question in the affirmative if the Minister consents, but not otherwise, and subject to compliance with any conditions subject to which his consent is given.

(5) Notwithstanding anything in sub-paragraph (3) above, except where a representation is made by a highway authority other than the Minister, the Minister may, if satisfied that in the special circumstances of the case the holding of a local inquiry or the affording to the person making such representation as aforesaid of an opportunity to be heard by a person appointed by the Minister is unnecessary, proceed without compliance in this respect with the provisions of the said sub-paragraph (3).

(6) As soon as may be after the determination of the question, a notice of the determination shall be sent by the Minister to any person by whom a representation has been made under the foregoing provisions of this Schedule.

4 For the purpose of displaying a notice as required by paragraph 1 above, a highway authority may, on the highway or on adjoining land (whether or not belonging to the authority), erect and maintain posts or boards or affix a notice to any building or structure; but the powers conferred by this paragraph shall not be exercised on land off the highway which is occupied, except with the consent of the occupier.

5 In relation to the exercise by a council of functions of the Minister as highway authority delegated to the council under section 89 of this Act, the foregoing provisions of this Schedule apply as if the council, and not the Minister, were the highway authority.

Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Obstruction of highways and streets

147 Power to authorise erection of stiles etc. on footpath or bridleway.

(1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

(a) in the case of a footpath or bridleway which is for the time being maintained by a **[**F1non-metropolitan**]** district council by virtue of section 42 or 50 above, that council and also the highway authority, and

(b) in the case of any other footpath or bridleway, the highway authority.

(2) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

[F2(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.**]**

***Changes to legislation:** Highways Act 1980, Section 147 is up to date with all changes known to be in force on or before 16 December 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.

(4) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.

(5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry **[**F3or for the breeding or keeping of horses.**]**

(6) Nothing in this section prejudices any limitation or condition having effect apart from this section.

Textual Amendments

F1 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 25**

F2 S. 147(2A)(2B) inserted (6.12.2006 for W. for certain purposes, 1.4.2007 for W. in so far as not already in force, 1.10.2007 for E.) by 2000 c. 37, ss. 69(1), 103(3); S.I. 2006/3257, **arts. 2(b)**, 3; S.I. 2007/2595, **art. 2**

F3 Words in s. 147(5) inserted (27.9.2005 for E. and 11.5.2006 for W.) by 2000 c. 37, s. 69(2); S.I. 2005/2459, **art. 2(1)(d)**; S.I. 2006/1279, **art. 2(m)**

Modifications etc. (not altering text)

C1 S. 147: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**