



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### [<sup>F1</sup>PART IIIA

#### ACCESS TO MEETINGS AND DOCUMENTS OF LOCAL AUTHORITIES, COMMITTEES AND SUB-COMMITTEES

#### [<sup>F1</sup>50H Supplemental provisions and offences.

- (1) A document directed by any provision of this Part to be open to inspection shall be so open at all reasonable hours—
  - (a) in the case of a document open to inspection by virtue of section 50D(1) above, upon payment of such reasonable fee as may be required for the facility; and
  - (b) in any other case, without payment.
- (2) 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 or extracts from the document,
  - (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 subject to any provision to the contrary in any other enactment or instrument.
- (3) Subsection (2) above does 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 local authority, nothing done in pursuance of that subsection shall constitute an infringement of the copyright.
- (4) If, without reasonable excuse, a person having the custody of a document which is required by section 50B(1) or 50C(1) 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 extract from, the document, or
  - (b) refuses to furnish copies to any person entitled to obtain them under any provision of this Part,

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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—
- (a) is supplied to, or open to inspection by, a member of the public, or
  - (b) is supplied for the benefit of any newspaper, in pursuance of section 50B(7) above,
- 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 local authority and any meeting of a committee or sub-committee as is mentioned in paragraph (a) or (b) of section 50E(1) above [<sup>F2</sup>and any meeting of a relevant body or of a committee or sub-committee of such a body]; and for the purposes of that subsection the “accessible documents” for a meeting are the following—
- (a) any copy of the agenda or of an item included in the agenda for the meeting;
  - (b) any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in section 50B(7)(b) above;
  - (c) any copy of a document relating to such an item which is supplied for the benefit of a newspaper in pursuance of section 50B(7)(c) above;
  - (d) any copy of the whole or part of a report for the meeting;
  - (e) any copy of the whole or part of any background papers for a report for the meeting, within the meaning of section 50D above.
- (7) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.]

#### Textual Amendments

- F1** Pt. IIIA (ss. 50A–50K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), **ss. 2(1), 3**
- F2** Words in s. 50H(6) inserted (30.9.1996) by [S.I. 1996/2278](#), **art. 2(4)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)