



Greater London Authority Act 1999

1999 CHAPTER 29

PART II

GENERAL FUNCTIONS AND PROCEDURE

Attendance of witnesses and production of documents

61 Power to require attendance at Assembly meetings

- (1) Subject to section 63 below, the Assembly may require any person to whom subsection (2), (3), (4) or (5) below applies—
 - (a) to attend proceedings of the Assembly for the purpose of giving evidence, or
 - (b) to produce to the Assembly documents in his possession or under his control.
- (2) This subsection applies to—
 - (a) any person who is a member of staff of the Authority, or of any functional body, to whom sections 1 to 3 of the Local Government and Housing Act 1989 apply,
 - (b) any person who is the chairman of, or a member of, any functional body, and
 - (c) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been the chairman of, or a member of, any functional body.
- (3) This subsection applies to—
 - (a) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above had a contractual relationship with the Authority, and
 - (b) any person who is a member of, or a member of staff of, a body which has within the three years prior to the date of the requirement to be imposed under subsection (1) above had such a relationship.
- (4) This subsection applies to—

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- (a) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above received a grant from the Authority, and
 - (b) any person who is a member of, or a member of staff of, a body which has within the three years prior to the date of the requirement to be imposed under subsection (1) above received such a grant.
- (5) This subsection applies to—
- (a) any person who is an Assembly member,
 - (b) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been an Assembly member, and
 - (c) any person who has within the three years prior to the date of the requirement to be imposed under subsection (1) above been the Mayor.
- (6) A requirement imposed under subsection (1) above on a person falling within subsection (2) above—
- (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with matters in relation to which statutory functions are exercisable by the Authority or any functional body, and
 - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to those matters.
- (7) A requirement imposed under subsection (1) above on a person falling within subsection (3) above—
- (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the contractual relationship with the Authority, and
 - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to that contractual relationship.
- (8) A requirement imposed under subsection (1) above on a person falling within subsection (4) above—
- (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the grant received from the Authority, and
 - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to that grant.
- (9) A requirement imposed under subsection (1) above on a person falling within subsection (5) above—
- (a) if imposed under paragraph (a) of subsection (1) above, is to attend to give evidence in connection with the exercise by the person attending of the functions of the Authority, and
 - (b) if imposed under paragraph (b) of subsection (1) above, is to produce documents which relate to the exercise of those functions by that person.
- (10) Nothing in this section shall require a person appointed under section 67(1) or (2) below to—
- (a) give any evidence, or
 - (b) produce any documents,
- which disclose advice given by that person to the Mayor.
- (11) Nothing in this section shall require a person who is—

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- (a) a member of a functional body, or
 - (b) a member of staff of a functional body,
- to give any evidence, or produce any document, which discloses advice given to the Mayor by that person or, except as provided by subsection (12) below, by that functional body.
- (12) Subsection (11) above does not relieve a person from a requirement to give any evidence, or produce any document, which discloses advice given to the Mayor by—
- (a) the Metropolitan Police Authority, or
 - (b) the London Fire and Emergency Planning Authority,
- if or to the extent that the advice falls within subsection (13) below.
- (13) Advice given to the Mayor by a functional body falls within this subsection if it has been disclosed—
- (a) at a meeting of, or of a committee or sub-committee of, the functional body at a time when the meeting was open to members of the public by virtue of Part VA of the Local Government Act 1972 (access to meetings and documents); or
 - (b) in a document which has been open to inspection by members of the public by virtue of that Part of that Act.
- (14) For the purposes of this section and sections 62 to 65 below—
- (a) “document” means anything in which information is recorded in any form (and references to producing a document are to the production of the information in it in a visible and legible form, including the production of a copy of the document or an extract of the relevant part of the document),
 - (b) any reference to a member of staff of a body includes a reference to an officer or employee of that body, and
 - (c) any reference to proceedings is a reference to proceedings at a meeting.

62 Procedure for requiring attendance

- (1) The powers of the Assembly under section 61(1) above may be exercised by and for the purposes of an ordinary committee of the Assembly, if the committee is expressly authorised to exercise those powers by the standing orders or by the Assembly, but may not be exercised by any individual Assembly member or by any member of staff of the Authority.
- (2) Except in the case of a committee which is authorised by standing orders to exercise the powers of the Assembly under section 61(1) above, section 54 above shall not apply in relation to—
- (a) the Assembly’s function of deciding to exercise its powers under section 61(1) above; or
 - (b) the Assembly’s function under subsection (1) above of authorising a committee to exercise those powers.
- (3) In order to impose a requirement on a person under section 61(1) above the head of the Authority’s paid service must give him notice specifying—
- (a) the time and place at which he is to attend and the matters about which he is to be required to give evidence, or
 - (b) the documents, or types of documents, which he is to produce, the date by which he is to produce them and the matters to which the document or documents relate.

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- (4) Where a requirement under section 61(1) above is imposed on a person to attend proceedings or produce documents on behalf of a body, the notice required to be given to him under subsection (3) above must also specify that body.
- (5) A notice required by subsection (3) above to be given to a person must be given at least two weeks before the day on which the proceedings are to take place, or by which the documents are to be produced, unless he waives this right.
- (6) A notice required by subsection (3) above to be given to a person shall be taken to have been given to him if it is sent by registered post or the recorded delivery service and—
 - (a) if he is a member of staff of the Authority or the chairman of, a member of, or a member of staff of a functional body, it is sent to his normal place of work,
 - (b) if he is a person required to attend proceedings or produce documents on behalf of a body, it is sent to the registered or principal office of the body,
 - (c) if he is any other individual, it is sent to his usual or last known address, or
 - (d) in the case of any person, where that person has given an address for service of the notice, it is sent to that address.

63 Restriction of information

The Secretary of State may by order—

- (a) prescribe categories of information which a person who is required under subsection (1)(a) of section 61 above to attend proceedings of the Assembly may refuse to give, or
- (b) prescribe categories of documents which a person who is required under subsection (1)(b) of that section to produce documents may refuse to produce.

64 Failure to attend proceedings etc

- (1) A person to whom a notice under section 62(3) above has been given is guilty of an offence if he—
 - (a) refuses or fails, without reasonable excuse, to attend proceedings as required by the notice,
 - (b) refuses to answer any question which is properly put to him when attending any proceedings as required by the notice,
 - (c) refuses or fails, without reasonable excuse, to produce any document required by the notice to be produced by him, or
 - (d) intentionally alters, suppresses, conceals or destroys any document required by the notice to be produced by him.
- (2) A person guilty of an offence under subsection (1) above is liable on summary conviction to—
 - (a) a fine not exceeding level 5 on the standard scale, or
 - (b) imprisonment for a term not exceeding three months.
- (3) A person is not obliged by section 61 above to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

65 Proceedings under section 61(1): openness

- (1) In its application by virtue of section 58 above, Part VA of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), so far as relating to any proceedings under section 61(1) above (“the evidentiary proceedings”), shall have effect with the following additional modifications.
- (2) In section 100B (access to agenda and connected reports) any reference to a report for a meeting includes a reference to any document (other than the agenda) supplied before, and for the purposes of, the evidentiary proceedings (a “relevant document”).
- (3) If a report or relevant document is supplied less than three clear days before the evidentiary proceedings, copies of the report or document shall be open to inspection by the public under subsection (1) of that section from the time such copies are available to Assembly members, notwithstanding anything in subsection (3) of section 100B.
- (4) In section 100C (inspection of minutes and other documents after meetings)—
 - (a) any reference to the minutes of a meeting shall be taken to include a reference to a transcript or other record of evidence given in the course of the evidentiary proceedings; and
 - (b) any reference to a report for the meeting includes a reference to a relevant document.
- (5) In section 100D (inspection of background papers) any reference in subsections (1) to (4) to background papers for a report (or part of a report) shall be taken as a reference to any additional documents supplied by a witness.
- (6) In this section, “additional documents supplied by a witness” means documents supplied, whether before, during or after the evidentiary proceedings,—
 - (a) by a person attending to give evidence at the proceedings, and
 - (b) for the use of Assembly members in connection with the proceedings,but does not include any document which is a relevant document.
- (7) In section 100F (additional rights of access for members) subsections (2) to (4) shall not have effect in relation to documents which contain material relating to any business to be transacted at the evidentiary proceedings.
- (8) In section 100H (supplemental provisions and offences) in subsection (6), in the definition of “accessible documents”—
 - (a) the reference in paragraph (d) to a report for the meeting includes a reference to a relevant document; and
 - (b) the reference in paragraph (e) to background papers for a report for a meeting shall be taken as a reference to any additional documents supplied by a witness.