

1988 No. 332 (S.32)

LOCAL GOVERNMENT, SCOTLAND

**The Local Authorities (Publicity Account) (Exemption)
(Scotland) Order 1988**

Made - - - - - *23rd February 1988*

Laid before Parliament *7th March 1988*

Coming into force *1st April 1988*

The Secretary of State, having consulted such associations of local authorities as appear to him to be concerned and those local authorities with whom consultation appears to be desirable, in exercise of the powers conferred on him by section 5(5) of the Local Government Act 1986(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Authorities (Publicity Account) (Exemption) (Scotland) Order 1988, and shall come into force on 1st April 1988.

(2) This Order applies to Scotland.

2. In this Order—

“educational establishment” and “pupil” have the same meanings as in section 135(1) of the Education (Scotland) Act 1980(b);

“section 5(1)” means section 5(1) of the Local Government Act 1986.

Expenditure on staff and equipment

3. Section 5(1) does not apply—

(a) to expenditure arising from the employment by a local authority of any person who is wholly or mainly engaged on duties relating to publicity which is exempted from the requirement to account in pursuance of article 7 below; or

(b) to expenditure arising from the employment by a local authority of any person who is not engaged wholly or mainly on duties relating to publicity; or

(c) to expenditure which is attributable to the purchase, hire, distribution, operation or maintenance of office equipment or supplies, and which either—

(i) constitutes, or forms part of, an item of account relating exclusively to equipment and supplies which are wholly or mainly for use on publicity which is exempted from the requirement to account in pursuance of article 7 below, or

(ii) constitutes, or forms part of, an item of account relating exclusively to equipment and supplies which are not wholly or mainly for use on publicity.

(a) 1986 c.10.
(b) 1980 c.44.

Expenditure by way of assistance to other persons

4. Section 5(1) does not apply to expenditure by way of financial or other assistance given to another person to enable that person to carry out an activity which does not consist wholly or mainly of publicity.

Expenditure incidental to works

5. Section 5(1) does not apply to expenditure incurred where—

- (a) a person has a contract to carry out works or provide services for or on behalf of a local authority (not being works or services which consist wholly or mainly of publicity), and
- (b) the authority makes a payment to that person for publicity which is incidental to those works or services.

Annual expenditure of less than £3,000

6. Section 5(1) does not apply to expenditure incurred in any financial year where—

- (a) a local authority resolves before the commencement of that year not to spend more than £3,000 on publicity; and
- (b) that limit is not exceeded by the authority in the course of that year.

Exemption of certain descriptions of publicity

7. Section 5(1) does not apply to any publicity within one or more of the descriptions in the Schedule hereto except where that publicity—

- (a) forms part of a campaign; or
- (b) is a newspaper or periodical published by or on behalf of the local authority; or
- (c) is a press notice issued by such an authority; or
- (d) entails expenditure which—
 - (i) is by way of financial or other assistance to another person to enable that person to carry out an activity which consists wholly or mainly of publicity; or
 - (ii) is concerned with the recruitment of staff.

New St Andrew's House, Edinburgh
23rd February 1988

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

DESCRIPTIONS OF EXEMPT PUBLICITY

1. Any notice, advertisement, plan or other document where a specific obligation to publish it is imposed on the local authority by or under any enactment.
2. Invitations to tender, or publicity connected with the manner in which tenders are invited.
3. Publicity promoting the use, or informing the public about the availability for use, of any building, amenity or facility which is wholly or partly provided or maintained by the local authority.
4. A guidebook, programme, or admission ticket to any such building, amenity or facility.
5. Publicity which has been approved by or on behalf of a chief officer of police for the area of the local authority, and which is issued for one or more of the following purposes—
 - (a) to further human safety;
 - (b) to protect property;
 - (c) to assist in the prevention or detection of crime;
 - (d) to assist in the maintenance of law and order;
 - (e) to discourage the commission of offences.
6. Publicity which is issued for one or more of the following purposes—
 - (a) to increase public awareness of the dangers of fire (either generally or in relation to specific fire hazards); or
 - (b) to give practical information or advice on fire prevention, or on action to be taken in the event of fire.
7. A traffic sign required or permitted by or under Part V or VI of the Road Traffic Regulation Act 1984(a), or a guide post or direction notice erected or maintained along a public right of way pursuant to section 46 of the Countryside (Scotland) Act 1967(b).
8. Practical information or advice about road traffic conditions.
9. A name or number given or assigned to a building or buildings, street, way or place, and where a record of names and numbers is maintained, any information supplied as to the content of that record.
10. Publicity which is addressed to prospective tenants, tenants or former tenants of houses or other heritable property owned or managed by the local authority, and which relates exclusively to one or more of the following matters—
 - (a) the rent payable for a house or other heritable property;
 - (b) the terms of a tenancy or lease;
 - (c) consultation with tenants on a matter of housing management or management of other heritable property;
 - (d) the exercise by tenants of rights conferred by Part III and section 216 of the Housing (Scotland) Act 1987(c);
 - (e) repairing obligations at common law or under paragraphs 3 to 5 of Schedule 10 to the Housing (Scotland) Act 1987.
11. Publicity which is issued in the course of the normal management and running of an educational establishment and which consists of—
 - (a) information about courses or advisory services offered by that establishment; or
 - (b) publicity produced by its pupils; or
 - (c) a communication from any employee of an education authority or a member of a school or college council to—
 - (i) any of its pupils;
 - (ii) any of its former pupils;
 - (iii) prospective pupils or any class of prospective pupils;

(a) 1984 c.27.

(b) 1967 c.86; section 46 was relevantly amended by the Roads (Scotland) Act 1984 (c.54), Schedule 9, paragraph 60(2).

(c) 1987 c.26.

(iv) the parents, guardians or persons having custody of persons described in (i), (ii) and (iii).

12. Publicity designed to assist users or potential users to locate, make use of, or otherwise benefit from social work services provided by the local authority.

13. Information about arrangements for the collection of waste.

14. Communications to current or former employees of the local authority about any matter arising out of their employment.

15. Communications to beneficiaries or potential beneficiaries of a superannuation fund administered by the local authority about any matter arising out of entitlement to benefits.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 5(1) of the Local Government Act 1986, which is brought into force on 1st April 1988 by the Local Government Act 1986 (Commencement) Order 1987 (S.I. 1987/2003), requires a local authority to keep a separate account of its expenditure on publicity. This Order, which applies to Scotland, provides that section 5(1) shall not apply to expenditure and publicity of certain descriptions.

Article 3 exempts certain expenditure on staff, equipment and supplies, and article 4 exempts expenditure by way of assistance to another person or body for activities which do not consist wholly or mainly of publicity.

Article 5 exempts certain expenditure on publicity on cases where a person is contracted to carry out works to provide services by or on behalf of a local authority.

Article 6 is concerned with expenditure on publicity amounting to less than £3,000 in any financial year.

Article 7 exempts publicity of a wide-ranging series of classes set out in the Schedule, except in so far as it involves publicity or expenditure of a type mentioned in the article itself.

85p net

ISBN 0 11 086332 1