
STATUTORY INSTRUMENTS

1998 No. 633

The Police Act 1997 (Provisions in relation to the NCIS Service Authority) Order 1998

PART C

ACCESS TO MEETINGS AND DOCUMENTS OF THE AUTHORITY AND ITS COMMITTEES

Admission to meetings of the Authority

C1.—(1) A meeting of the Authority shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under paragraph (2) below or by resolution under paragraph (4) below.

(2) The public shall be excluded from a meeting of the Authority 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 paragraph (2) above, “confidential information” means—

- (a) information furnished to the Authority 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) The Authority 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 article C9 below.

(5) A resolution under paragraph (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 2 to this Order, of the exempt information giving rise to the exclusion of the public,

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

(6) The following provisions shall apply in relation to a meeting of the Authority, 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 Authority (and, if the meeting is to be held at premises other than those offices, at those premises) seven 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 Authority shall not have the power to exclude members of the public from the meeting; and
 - (c) 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 Authority or not on the telephone, for telephoning the report at their own expense.
- (7) Nothing in this article shall require the Authority 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.
- (8) This article is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

Access to agenda and connected reports

C2.—(1) Copies of the agenda for a meeting of the Authority and, subject to paragraph (2) below, copies of any report for the meeting shall be open to inspection by members of the public at the offices of the Authority in accordance with paragraph (3) below.

(2) If the proper officer thinks fit, there may be excluded from the copies of reports provided in pursuance of paragraph (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 paragraph (1) above to be open to inspection shall be so open at least three clear days before the meeting, except that—

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

(4) An item of business may not be considered at a meeting of the Authority 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 paragraph (1) above for at least three 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 paragraph (2) above the whole or any part of a report for a meeting is not open to inspection by the public under paragraph (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 2 to this Order, of the exempt information by virtue of which the Authority is likely to exclude the public during the item to which the report relates.

(6) Where a meeting of the Authority is required by article C1 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 paragraph (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 the Authority and, subject to paragraph (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 Authority in connection with the item.

(8) Paragraph (2) above applies in relation to copies of reports provided in pursuance of paragraph (6) or (7) above as it applies in relation to copies of reports provided in pursuance of paragraph (1) above.

Inspection of minutes and other documents after meetings

C3.—(1) After a meeting of the Authority the following documents shall be open to inspection by members of the public at the offices of the Authority until the expiration of the period of six years beginning with the date of the meeting, namely—

- (a) the minutes, or a copy of 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 paragraph (2) below;
- (c) a copy of the agenda for the meeting; and
- (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(2) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, the document open to inspection under paragraph (1)(a) above 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 shall 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.

Inspection of background papers

C4.—(1) Subject, in the case of article C3(1), to paragraph (2) below, if and so long as copies of the whole or part of a report for a meeting of the Authority are required by article C2(1) or C3(1) above to be open to inspection by members of the public—

- (a) copies of a list, compiled by the proper officer, of the background papers for the report of the part of the report, and
- (b) at least one copy of each of the documents included in that list,

shall also be open to their inspection at the offices of the Authority.

(2) Paragraph (1) above does not require a copy of the list, or 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.

(3) Where a copy of any of the background papers for a report is required by paragraph (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 article—
- (a) requires any document which discloses exempt information to be included in the list referred to in paragraph (1) above; or
 - (b) without prejudice to the generality of paragraph (2) of article C1 above, requires or authorises the inclusion in the list of any document which, if open to inspection by the public, would disclose confidential information in breach of the obligation of confidence, within the meaning of that paragraph.
- (5) For the purposes of this article 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.

Application to committees

C5.—(1) Articles C1 to C4 above shall apply in relation to a committee of the Authority as they apply in relation to the Authority.

(2) In the application by virtue of this article of articles C1 to C4 above in relation to a committee—

- (a) article C1(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of the Authority and, in the case of a joint committee the offices of each appointing authority and, if the meeting of the committee to which that article so applies is to be held at premises other than the offices of the Authority or an appointing authority, at those premises;
- (b) for the purposes of article C1(6)(c), premises belonging to the Authority, and in the case of a joint committee the premises of each appointing authority, shall be treated as belonging to the committee; and
- (c) for the purposes of articles C2(1), C3(1) and C4(1), offices of the Authority, and in the case of a joint committee the offices of each appointing authority, shall be treated as offices of the committee.

Additional rights of access to documents for members of the Authority

C6.—(1) Any document which is in the possession or under the control of the Authority and contains material relating to any business to be transacted at a meeting of the Authority or a committee of the Authority shall, subject to paragraph (2) below, be open to inspection by any member of the Authority.

(2) Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 4, 7, 9, 10, 12 and 13 of Part I of Schedule 2 to this Order, paragraph (1) above does not require the document to be open to inspection.

(3) The rights conferred by this article on a member of the Authority are in addition to any other rights he may have apart from this article.

Authority to publish additional information

C7.—(1) The Authority shall maintain a register stating—

- (a) the name and address of every member of the Authority and the name or description of the body or other person that appointed him; and

(b) the name and address of every member of each committee of the Authority for the time being.

(2) The Authority shall maintain a list—

(a) specifying those powers of the Authority which, for the time being, are exercisable from time to time by officers of the Authority in pursuance of arrangements made under this Order 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 paragraph does not require a power to be so 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 the Authority a written summary of the rights—

(a) to attend meetings of the Authority and of committees of the Authority; and

(b) to inspect and copy documents and to be furnished with documents,

which are for the time being conferred by this Order.

(4) The register maintained under subsection (1) above, the list maintained under paragraph (2) above and the summary kept under paragraph (3) above shall be open to inspection by the public at the offices of the Authority.

Supplemental provisions and offences

C8.—(1) A document directed by any provision of this Part to be open to inspection shall be so open at all reasonable hours and—

(a) in the case of a document open to inspection by virtue of article C4(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 paragraph (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.

(3) Paragraph (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 the Authority, nothing done in pursuance of that paragraph shall constitute an infringement of the copyright.

(4) If, without reasonable excuse, a person having the custody of a document which is required by article C2(1) or C3(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 extracts from, the document, or

(b) refuses to furnish copies to any person entitled to obtain them under any provisions 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 paragraph 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 article C2(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) Paragraph (5) above applies to any meeting of the Authority and any meeting of a committee of the Authority; and, for the purposes of that paragraph, 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) any such further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in article C2(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 article C2(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 article C4 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.

Exempt information

C9. 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 2 to this Order, but subject to any qualifications contained in Part II of that Schedule; and Part III has effect for the interpretation of that Schedule.

Interpretation

C10.—(1) In this Part—

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

“exempt information” has the meaning given by article C9 above;

“information” includes an expression of opinion, any recommendations and any decisions taken;

“newspaper” includes—

- (a) a news agency which systematically carries on the business of selling and supplying reports or information to newspapers; and
- (b) any organisation which is systematically engaged in collecting news—
 - (i) for sound or television broadcasts; or
 - (ii) for inclusion in programmes to be included in any programme service (within the meaning of the Broadcasting Act 1996(1) other than a sound or television broadcasting service.

(2) Any reference in this Part to a meeting is a reference to a meeting held after 1st April 1998.