
WELSH STATUTORY INSTRUMENTS

2020 No. 442

**The Local Authorities (Coronavirus)
(Meetings) (Wales) Regulations 2020**

PART 4

Modification of public access requirements

21.—(1) Part 5A^{M1} of the 1972 Act has effect as set out in this regulation in relation to a meeting of a local authority to which that Part applies (by virtue of any enactment), held before the end of 30 April 2021.

(2) Section 100A is to be read as if—

- (a) subsection (1) were omitted;
- (b) in each of subsections (2) and (4), at the beginning there were inserted “Where a meeting is open to the public,”;
- (c) in subsection (5) for “this section does not require the meeting to be open” there were substituted “ the meeting is not to be open ”;
- (d) in subsection (6)—

(i) for paragraph (a) there were substituted—

“(a) public 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;”;

(ii) paragraph (c) were omitted.

(3) Section 100B is to be read as if—

- (a) in subsection (1), for “open to inspection by members of the public at the offices of the council” there were substituted “ published electronically ”;
- (b) in subsection (2), for “items during which, in his opinion, the meeting is likely not to be open to the public” there were substituted

“(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.”;

(c) in subsection (3)—

(i) for “open to inspection” there were substituted “ published electronically ”;

- (ii) for “so open” there were substituted “ so published ”;
 - (iii) in paragraph (a), for “open to inspection from the time the meeting is convened” there were substituted “ published electronically as soon as reasonably practicable ”;
 - (iv) for paragraph (b) there were substituted—
 - “(b) where 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;”;
 - (v) for “open to inspection by the public” there were substituted “ published electronically ”;
 - (d) in subsection (4)(a)—
 - (i) for “open to inspection by members of the public in pursuance of subsection (1) above for” there were substituted “ published electronically in pursuance of subsection (1) above ”;
 - (ii) for “from the time the meeting is convened” there were substituted “ as soon as reasonably practicable ”;
 - (e) in subsection (5)—
 - (i) for “open to inspection by the public” there were substituted “ published electronically ”;
 - (ii) in paragraph (b), after “are likely” there were inserted “ , or would be likely, by virtue of section 100A(4) ”;
 - (f) subsections (6) to (8) were omitted.
- (4) Part 5A is to be read as if, for section 100C, there were substituted—

“100C Inspection of minutes and other documents after meetings

(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,
- (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.”

(5) Part 5A is to be read as if section 100D were omitted; but the principal council must retain the background papers for a report for a meeting (within the meaning of that section) for a period of at least four years beginning with the date of the meeting to which they relate.

(6) In section 100E, subsection (2) is to be read as if—

- (a) for “100D” there were substituted “ 100C ”;
- (b) in paragraph (a), for the words from “given by posting it” to the end, there were substituted “ published electronically on the website of every constituent council ”;
- (c) paragraphs (b) and (c) were omitted.

(7) Section 100F is to be read as if—

- (a) in subsection (1), for “be open to inspection by” there were substituted “ so far as reasonably practicable be supplied on request to ”;
- (b) for every other reference to “open to inspection” there were substituted “ supplied ”.

(8) Section 100H is to be read as if—

- (a) in subsection (1), for the words from “any provision of this Part” to the end there were substituted “ section 100G to be open to inspection is to be open to inspection at all reasonable hours and without payment ”;
 - (b) in subsection (2), for “any provision of this Part” there were substituted “ section 100G ”;
 - (c) after subsection (3) there were inserted—
 - “(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.”;
 - (d) subsection (4) were omitted;
 - (e) in subsection (5), for paragraphs (a) and (b) there were substituted “ is published electronically or supplied to a member of the public in accordance with this Part, ”;
 - (f) in subsection (6), paragraphs (b), (c) and (e) were omitted;
 - (g) in subsection (7), after “inspect” there were inserted “ or otherwise access ”.
- (9) Section 100J(3) is to be read as if “, (cd), (d), (f)” were omitted.

Commencement Information

II Reg. 21 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M1 Part 5A was inserted by section 1 of the [Local Government \(Access to Information\) Act 1985 \(c. 43\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, Section 21.