



Letchworth Garden City Heritage Foundation Act 1995

CHAPTER ii

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Objects of Heritage Foundation.
4. Transfer of undertaking.
5. Continuance of undertaking.
6. Contracts of employment.
7. Dissolution of Corporation.
8. Final accounts of Corporation.
9. Books, etc., to remain evidence.
10. Saving of agreements, etc.
11. Pending actions not to abate.
12. The Letchworth Commissioner.
13. Repeal.
14. Costs of Act.

SCHEDULES:

- Schedule 1—Objects of Heritage Foundation.
- Schedule 2—The Letchworth Commissioner—
 - Part I—Administrative provisions.
 - Part II—Procedure.
 - Part III—Matters not subject to investigation.

ELIZABETH II**1995 CHAPTER ii**

An Act to provide for the dissolution of Letchworth Garden City Corporation and the vesting of their undertaking in a society registered under the Industrial and Provident Societies Act 1965; to repeal the Letchworth Garden City Corporation Act 1962; and for connected purposes. [1st May 1995]

WHEREAS —

(1) Letchworth Garden City Corporation (hereinafter called “the Corporation”) were constituted as a corporation being a public authority by the Letchworth Garden City Corporation Act 1962:

1962 c. xxxix.

(2) It would be of public and local advantage to transfer the undertaking of the Corporation to an industrial and provident society registered under the Industrial and Provident Societies Act 1965 which is not a public authority and which is charitable and thereupon to dissolve the Corporation and repeal the Letchworth Garden City Corporation Act 1962:

1965 c. 12.

(3) The Corporation have secured the approval of the Registrar of Friendly Societies of proposed rules for such a society which it is intended should be registered with the name “Letchworth Garden City Heritage Foundation” (hereinafter called “the Heritage Foundation”):

(4) It is expedient that other provisions of this Act be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- Short title. 1. This Act may be cited as the Letchworth Garden City Heritage Foundation Act 1995.
- Interpretation. 2. In this Act, unless otherwise expressly provided or the context otherwise requires—
 “the appointed day” means such day as the Corporation may appoint for the purposes of section 4 (1) of this Act;
 “the Corporation” means Letchworth Garden City Corporation;
 “the Heritage Foundation” means the industrial and provident society to be registered under the Industrial and Provident Societies Act 1965 with the name Letchworth Garden City Heritage Foundation;
 “the undertaking” means the undertaking of the Corporation.
- 1965 c. 12.
- Objects of Heritage Foundation. 3. The only objects of the Heritage Foundation shall be those specified in Schedule 1 to this Act.
- Transfer of undertaking. 4.—(1) On such day as the Corporation may appoint, the undertaking shall vest in the Heritage Foundation by virtue of this section including—
 (a) all that property vested in the Corporation which immediately before the appointed day was held by them for the purposes of the undertaking;
 (b) subject to section 13 (Repeal) of this Act, all rights, liabilities and obligations of the Corporation subsisting immediately before the appointed day for the purposes of the undertaking.
 (2) The Corporation shall give not less than 28 days' notice of the appointed day by advertisement in the London Gazette and in at least one local newspaper circulating in the Letchworth area.
- Continuance of undertaking. 5. In carrying on the undertaking transferred by section 4 (Transfer of undertaking) of this Act the Heritage Foundation shall have regard to the maintenance of that undertaking as an entity in accordance with the principles upon which the Letchworth Garden City was founded.
- Contracts of employment. 6. Subsection (1) (b) of section 4 (Transfer of undertaking) and section 10 (Saving of agreements, etc.) of this Act shall apply to a contract for the employment of any person by the Corporation; and employment with the Corporation and the Heritage Foundation under any such contract shall be deemed for all purposes to be a single continuing employment.
- Dissolution of Corporation. 7. On the appointed day the Corporation shall be dissolved.
- Final accounts of Corporation. 8.—(1) The accounts of the Corporation shall be made up to the appointed day and shall be audited by an auditor appointed by the Corporation, being a person eligible for appointment as a company auditor by virtue of section 25 of the Companies Act 1989.
- 1989 c. 40.

(2) The Heritage Foundation shall send copies of the final accounts of the Corporation and the auditor's report thereon to the North Hertfordshire District Council.

(3) The auditor's fee shall be payable by the Heritage Foundation.

(4) Any sum certified by the auditor to be due from any person to the Corporation shall be paid to the Heritage Foundation.

9. All books and documents which, if this Act had not been passed, would have been evidence in respect of any matter for or against the Corporation shall be admissible in respect of that matter for or against the Heritage Foundation.

Books, etc., to remain evidence.

10. All sales, conveyances, leases, grants, assurances, deeds, contracts, bonds, agreements, notices and demands affecting the undertaking and in force immediately before the appointed day shall on and from that day be as binding and of as full force and effect in every respect and may be enforced as fully and effectively against or in favour of the Heritage Foundation as if the Heritage Foundation were a party thereto or bound thereby or entitled to the benefit thereof.

Saving of agreements, etc.

11. Any action, arbitration or proceeding and any cause of action, arbitration or proceeding pending or existing immediately before the appointed day by or against or in favour of the Corporation in relation to the undertaking shall not abate or be discontinued or be in anywise prejudicially affected by the transfer to the Heritage Foundation of the undertaking or by anything in this Act, but it may be continued, prosecuted and enforced by, against or in favour of the Heritage Foundation as and when it might have been continued, prosecuted and enforced by, against or in favour of the Corporation if this Act had not been passed, but not further or otherwise.

Pending actions not to abate.

12.—(1) For the purpose of conducting independent investigations in accordance with this section there shall be a commissioner to be known as the Letchworth Commissioner.

The Letchworth Commissioner.

(2) Appointments to the office of Letchworth Commissioner shall be made, and removals from that office may be made, by the President of The Law Society.

(3) (a) Subject to the provisions of this section, where a written complaint is made by or on behalf of a member of the public who claims to have sustained injustice in consequence of maladministration in connection with action taken by or on behalf of the Heritage Foundation, being action taken in the exercise of administrative functions of the Heritage Foundation, the Letchworth Commissioner may investigate that complaint.

(b) The Letchworth Commissioner shall not conduct an investigation under this section in respect of—

- (i) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any enactment;
- (ii) any action in respect of which the person aggrieved has or had a right of appeal to a Minister of the Crown;
- (iii) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law;

c. ii Letchworth Garden City Heritage Foundation Act 1995

- (iv) any action which in the opinion of the Letchworth Commissioner affects all or most of the inhabitants of Letchworth Garden City; or
- (v) without prejudice to the preceding provisions of this section, any such action or matter as is described in Part III of Schedule 2 to this Act:

Provided that, notwithstanding sub-paragraphs (i), (ii) and (iii) above, the Letchworth Commissioner may conduct an investigation notwithstanding the existence of any right or remedy there mentioned if satisfied that in the particular circumstances it is not reasonable to expect the person aggrieved to resort or have resorted to it.

(c) A complaint shall not be entertained under this section unless it is made in writing to the Letchworth Commissioner specifying the action alleged to constitute maladministration within twelve months from the day on which the person aggrieved first had notice of the matters alleged in the complaint, but the Letchworth Commissioner may conduct an investigation pursuant to a complaint not made within that period if he considers that it is reasonable to do so.

(4) (a) A complaint under this section may be made by any individual, or by any body of persons whether incorporated or not, not being—

- (i) a local authority or other authority or body constituted for purposes of the public service or of local government, or for the purposes of carrying on under national ownership any industry or undertaking or part of an industry or undertaking;
- (ii) any other authority or body whose members are appointed by Her Majesty or any Minister of the Crown or government department, or whose revenues consist wholly or mainly of moneys provided by Parliament.

(b) Where the person by whom a complaint might have been made under this section has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or by some body or individual suitable to represent him; but except as aforesaid a complaint shall not be entertained under this section unless made by the person aggrieved himself.

(5) Before proceeding to investigate a complaint, the Letchworth Commissioner shall satisfy himself that the complaint has been brought, by or on behalf of the person aggrieved, to the notice of the Heritage Foundation and that the Heritage Foundation have been afforded a reasonable opportunity to investigate, and reply to, the complaint.

(6) In determining whether to initiate, continue or discontinue an investigation, the Letchworth Commissioner shall, subject to the preceding provisions of this section, act at discretion; and any question whether a complaint is duly made under this section shall be determined by the Letchworth Commissioner.

(7) It is hereby declared that nothing in this section authorises or requires the Letchworth Commissioner to question the merits of a decision taken without maladministration by the Heritage Foundation in the exercise of a discretion vested in them.

(8) Schedule 2 to this Act, which makes further provision concerning the Letchworth Commissioner and his functions, shall have effect.

(9) In this section and Schedule 2 to this Act, unless the context otherwise requires—

“action” includes failure to act, and other expressions connoting action shall be construed accordingly;

“Letchworth Garden City” has the same meaning as in Schedule 1 to this Act;

“person aggrieved” means the person who claims or is alleged to have sustained any such injustice as is mentioned in subsection (3) (a) above;

“tribunal” includes the person constituting a tribunal consisting of one person;

and any reference to the Heritage Foundation includes a reference to the Governors and officers of the Heritage Foundation; and references to a person aggrieved include references to his personal representatives.

13. On the appointed day the Letchworth Garden City Corporation Act 1962 shall be repealed.

Repeal.
1962 c. xxxix.

14. The costs, charges and expenses preliminary to, and of and incidental to, the preparing and passing of this Act shall be paid by the Corporation and may in whole or in part be defrayed out of revenue.

Costs of Act.

SCHEDULES

Section 3.

SCHEDULE 1

OBJECTS OF HERITAGE FOUNDATION

1. To carry on for the benefit of the local community of Letchworth Garden City ("the local community") the industry, business or trade of—

- (a) promoting the preservation of buildings and other environmental features of beauty or historic interest within Letchworth Garden City;
- (b) providing or assisting in the provision of facilities for the recreation or other leisure activity of the local community in the interests of social welfare with the object of improving their conditions of life;
- (c) promoting the advancement of education and learning within Letchworth Garden City;
- (d) promoting the relief of poverty and sickness within Letchworth Garden City;
- (e) supporting any charitable organisation having an office or branch in Letchworth Garden City; and
- (f) promoting any other charitable purposes for the benefit of the local community.

2. In this Schedule—

"Letchworth Garden City" means the whole of the estate and undertaking from time to time owned or managed by the Corporation or by the Heritage Foundation together with the environs thereof; and for this purpose "environs" means the full extent of any ecclesiastical parish in which the Corporation or the Foundation from time to time own or manage land provided that such parish includes, adjoins or is adjacent to the town of Letchworth;

"local community" means persons living or working or whose families are living or working temporarily or permanently within Letchworth Garden City and persons visiting Letchworth Garden City.

Section 12.

SCHEDULE 2

THE LETCHWORTH COMMISSIONER

PART I

ADMINISTRATIVE PROVISIONS

Appointment and disqualifications

1. The Letchworth Commissioner shall be appointed for a term of five years and may not be appointed for more than two terms.

2. The Letchworth Commissioner may not be relieved of office save at his own request or on grounds of incapacity or misbehaviour and shall in any case vacate office on completing the year of service in which he attains the age of seventy years.

3. A person shall be disqualified for being appointed as, or for being, the Letchworth Commissioner if he is or has been —

SCH. 2
—cont.

- (a) a Governor of the Heritage Foundation;
- (b) an officer or employee of the Heritage Foundation;
- (c) a resident of Letchworth Garden City;
- (d) engaged in carrying on any trade or business in Letchworth Garden City, or employed in such a trade or business, provided in either case that he is or was for that purpose actually in occupation of, or employed at, premises in Letchworth Garden City; or
- (e) interested in any contract with the Heritage Foundation either in his own behalf or as a member of any company, local authority or other body.

4. Any person appointed to be the Letchworth Commissioner shall be disqualified for being a Governor or officer of the Heritage Foundation.

Remuneration, etc.

5. The Heritage Foundation shall pay to or in respect of the Letchworth Commissioner such amounts by way of remuneration, pensions, allowances or gratuities, or by way of provision for any such benefits, as they may determine.

Staff and accommodation

6. The Heritage Foundation shall in addition pay the reasonable out of pocket expenses of the Letchworth Commissioner incurred in the provision of staff and accommodation.

PART II

PROCEDURE

7.—(1) Where the Letchworth Commissioner proposes to conduct an investigation he shall afford to the Heritage Foundation, and to any person who is alleged to have taken or authorised the action complained of, an opportunity to comment on any allegations contained in the complaint.

(2) Every such investigation shall be conducted in private, but except as aforesaid the procedure for conducting an investigation shall be such as the Letchworth Commissioner considers appropriate in the circumstances of the case; and (without prejudice to that generality) the Letchworth Commissioner may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit, and may determine whether any person may be represented (by counsel or solicitor or otherwise) in the investigation.

(3) The Letchworth Commissioner may, if he thinks fit, require the Heritage Foundation to pay to the person by whom the complaint was made, and to any other person who attends or furnishes information for the purposes of an investigation conducted by the Letchworth Commissioner —

- (a) in respect of the expenses properly incurred by them,
- (b) by way of compensation for the loss of their time,

such reasonable sums as may be agreed between the Heritage Foundation and the person to whom the payment is to be made or, in default of such agreement, as may be determined by the Letchworth Commissioner.

SCH. 2
—cont.

(4) The conduct of an investigation under this Act shall not affect any action taken by the Heritage Foundation, or any power or duty of the Heritage Foundation to take further action with respect to any matters subject to the investigation.

8.—(1) The Letchworth Commissioner may for the purposes of any investigation conducted by him require any Governor or officer of the Heritage Foundation, or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation, to furnish any such information or produce any such documents.

(2) For the purposes of any such investigation the Letchworth Commissioner shall have the same powers as the High Court in respect of the attendance and examination of witnesses, and in respect of the production of documents.

(3) The Letchworth Commissioner may, under sub-paragraph (1) above, require any person to furnish information concerning communications between the Heritage Foundation and any Government department, or to produce any correspondence or other documents forming part of any such written communications.

(4) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in Her Majesty's service, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information in accordance with sub-paragraph (3) above; and where that sub-paragraph applies the Crown shall not be entitled to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(5) Nothing in sub-paragraph (1) or sub-paragraph (3) above affects—

1967 c. 13.

(a) the restriction, imposed by section 11 (2) of the Parliamentary Commissioner Act 1967, on the disclosure of information by the Parliamentary Commissioner or his officers; or

1977 c. 49.

(b) the restriction, imposed by paragraph 16 of Schedule 13 to the National Health Service Act 1977, on the disclosure of information by the Health Service Commissioner for England or the Health Service Commissioner for Wales, or by their officers.

(6) Subject to sub-paragraph (4) above no person shall be compelled for the purposes of an investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the High Court.

(7) To assist him in any investigation the Letchworth Commissioner may obtain advice from any person who in his opinion is qualified to give it and may require the Heritage Foundation to pay to any such person such fees or allowances as the Letchworth Commissioner may determine.

(8) If any person without lawful excuse obstructs the Letchworth Commissioner in the performance of his functions under this Act, or any member of his staff assisting in the performance of those functions, or is guilty of any act or omission in relation to an investigation under this Act which, if that investigation were a proceeding in the High Court, would constitute contempt of court, the Letchworth Commissioner may certify the offence to the High Court.

(9) Where an offence is so certified, the High Court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any

statement that may be offered in defence, deal with him in any manner in which the High Court could deal with him if he had committed the like offence in relation to the High Court.

(10) Nothing in sub-paragraph (8) above shall be construed as applying to the taking of any such action as is mentioned in paragraph 7 (4) above.

9.—(1) Whenever the Letchworth Commissioner conducts an investigation, or decides not to conduct an investigation, he shall send a report of the results of the investigation, or as the case may be a statement of his reasons for not conducting an investigation —

- (a) to the complainant, and
- (b) to the Heritage Foundation.

(2) The report shall not —

- (a) mention the name of any person other than the Heritage Foundation, or
- (b) contain any particulars which, in the opinion of the Letchworth Commissioner, are likely to identify any person other than the Heritage Foundation and can be omitted without impairing the effectiveness of the report,

unless, after taking into account the public interest as well as the interests of the complainant and of persons other than the complainant, the Letchworth Commissioner considers it necessary to mention the name of that person or to include in the report any such particulars.

(3) Subject to the provisions of sub-paragraph (7) below, the Heritage Foundation shall for a period of three weeks make copies of the report available for inspection by the public without charge at all reasonable hours at their offices; and any person shall be entitled to take copies of, or extracts from, the report when so made available.

(4) Subject to sub-paragraph (7) below, the Heritage Foundation shall supply a copy of the report to any person on request if he pays such charge as the Heritage Foundation may reasonably require.

(5) Not later than two weeks after the report is received by the Heritage Foundation, they shall give public notice, by advertisement in newspapers and such other ways as appear to them appropriate, that copies of the report will be available as provided by sub-paragraphs (3) and (4) above, and shall specify the date, being a date not more than one week after public notice is first given, from which the period of three weeks will begin.

(6) If a person having the custody of a report made available for inspection as provided by sub-paragraph (3) above intentionally obstructs any person seeking to inspect the report, or to make a copy of, or extract from, the report, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) The Letchworth Commissioner may, if he thinks fit after taking into account the public interest as well as the interests of the complainant and of persons other than the complainant, direct that a report specified in the direction shall not be subject to the provisions of sub-paragraphs (3), (4) and (5) above.

10.—(1) Whenever the Letchworth Commissioner reports that injustice has been caused to a person aggrieved in consequence of maladministration it shall be the duty of the Heritage Foundation to consider the report and, within the period of three months beginning with the date on which they

SCH. 2
—cont.

received the report, or such longer period as the Letchworth Commissioner may agree in writing, to notify the Letchworth Commissioner of the action which the Heritage Foundation have taken or propose to take.

(2) If the Letchworth Commissioner —

- (a) does not receive the notification required by sub-paragraph (1) above within the period allowed by or under that sub-paragraph, or
- (b) is not satisfied with the action which the Heritage Foundation have taken or propose to take, or
- (c) does not within a period of three months beginning with the end of the period so allowed, or such longer period as the Letchworth Commissioner may agree in writing, receive confirmation from the Heritage Foundation that they have taken action, as proposed, to the satisfaction of the Letchworth Commissioner,

he shall make a further report setting out those facts and making recommendations.

(3) Those recommendations are such recommendations as the Letchworth Commissioner thinks fit to make with respect to action which, in his opinion, the Heritage Foundation should take to remedy the injustice to the person aggrieved and to prevent similar injustice being caused in the future.

(4) Paragraph 9 above, with any necessary modifications, and sub-paragraph (1) above shall apply to a report under sub-paragraph (2) above as they apply to a report under that paragraph.

(5) If the Letchworth Commissioner —

- (a) does not receive the notification required by sub-paragraph (1) above (as applied by sub-paragraph (4) above) within the period allowed by or under that sub-paragraph or is satisfied before the period allowed by that sub-paragraph has expired that the Heritage Foundation have decided to take no action, or
- (b) is not satisfied with the action which the Heritage Foundation have taken or propose to take, or
- (c) does not within a period of three months beginning with the end of the period allowed by or under sub-paragraph (1) above (as applied by sub-paragraph (4) above) or such longer period as the Letchworth Commissioner may agree in writing, receive confirmation from the Heritage Foundation that they have taken action, as proposed, to the satisfaction of the Letchworth Commissioner,

he may, by notice to the Heritage Foundation, require them to arrange for a statement to be published in accordance with sub-paragraphs (6) and (7) below.

(6) The statement referred to in sub-paragraph (5) above is a statement, in such form as the Heritage Foundation and the Letchworth Commissioner may agree, consisting of —

- (a) details of any action recommended by the Letchworth Commissioner in his further report which the Heritage Foundation have not taken;
- (b) such supporting material as the Letchworth Commissioner may require; and

- (c) if the Heritage Foundation so require, a statement of the reasons for their having taken no action on, or not the action recommended in, the report.

SCH. 2
—cont.

- (7) The requirements for the publication of the statement are that —
- (a) publication shall be in any two editions within a fortnight of a newspaper circulating in the area of Letchworth Garden City agreed with the Letchworth Commissioner or, in default of agreement, nominated by him; and
- (b) publication in the first such edition shall be arranged for the earliest practicable date.
- (8) If the Heritage Foundation —
- (a) fail to arrange for the publication of the statement in accordance with sub-paragraphs (6) and (7) above, or
- (b) are unable, within the period of one month beginning with the date on which they received the notice under sub-paragraph (5) above, or such longer period as the Letchworth Commissioner may agree in writing, to agree with the Letchworth Commissioner the form of the statement to be published,

the Letchworth Commissioner shall arrange for such a statement as is mentioned in sub-paragraph (6) above to be published in any two editions within a fortnight of a newspaper circulating within Letchworth Garden City.

- (9) The Heritage Foundation shall reimburse the Letchworth Commissioner any reasonable expenses incurred by him in performing his duty under sub-paragraph (8) above.

11. Where on consideration of any report by the Letchworth Commissioner it appears to the Heritage Foundation that a payment should be made to, or some other payment should be provided for, a person who has suffered injustice in consequence of maladministration to which the report relates, the Heritage Foundation may (notwithstanding anything in the Rules of the Heritage Foundation) incur such expenditure as appears to the Board of Management of the Heritage Foundation to be appropriate in making such a payment or providing such a benefit.

12. —(1) Any power of the Heritage Foundation to have their functions discharged by any person or body of persons acting for them shall, as respects the consideration of a further report of the Letchworth Commissioner under paragraph 10 (2) above, be subject to the restriction that, if it is proposed that the Heritage Foundation should take no action on, or not the action recommended in, the report, consideration of the report shall be referred to the Heritage Foundation.

(2) If when considering a further report of the Letchworth Commissioner under paragraph 10 (2) above the Heritage Foundation take into consideration a report by a person or body with an interest in the Letchworth Commissioner's report, they shall not conclude their consideration of the Letchworth Commissioner's report without also having taken into consideration a report by a person or body with no interest in the Letchworth Commissioner's report.

(3) No Governor of the Heritage Foundation shall vote on any question with respect to a report or further report by the Letchworth Commissioner in which he is named and criticised by the Letchworth Commissioner.

SCH. 2
—cont.

(4) Subsection (9) of section 12 (The Letchworth Commissioner) of this Act does not apply to this paragraph.

13.—(1) For the purposes of the law of defamation the following shall be absolutely privileged:—

- (a) the publication of any matter in communications between a Governor or officer of the Heritage Foundation and the Letchworth Commissioner for the purposes of this Act;
- (b) the publication of any matter by the Letchworth Commissioner in communicating with a complainant for the purposes of this Act;
- (c) the publication of any matter in preparing, making and sending a report or statement in accordance with paragraph 9 or paragraph 10 above, or, subject to paragraph 9 (7) above, in making a report available to the public or in supplying a copy under paragraph 9 (4) above;
- (d) the publication of any matter by inclusion in a statement published in accordance with sub-paragraphs (5) to (8) of paragraph 10 above.

(2) Information obtained by the Letchworth Commissioner in the course of or for the purposes of an investigation under this Act shall not be disclosed except—

- (a) for the purposes of the investigation and of any report to be made under paragraph 9 or paragraph 10 above;
- (b) for the purposes of any proceedings for an offence under the Official Secrets Acts 1911 to 1989 alleged to have been committed in respect of information obtained, under this Act, by the Letchworth Commissioner or for an offence of perjury alleged to have been committed in the course of an investigation under this Act or for the purposes of an inquiry with a view to the taking of such proceedings; or
- (c) for the purpose of any proceedings under paragraph 8 (9) above;

and the Letchworth Commissioner shall not be called upon to give evidence in any proceedings (other than proceedings within sub-paragraph (b) or (c) above) of matters coming to his knowledge in the course of an investigation under this Act.

(3) A Minister of the Crown may give notice in writing to the Letchworth Commissioner with respect to any document or information specified in the notice, or any class of documents or information so specified, that in the opinion of the Minister the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest; and where such a notice is given nothing in this Act shall be construed as authorising or requiring the Letchworth Commissioner to communicate to any other person, or for any purpose, any document or information specified in the notice, or any document or information of a class so specified.

(4) Nothing in sub-paragraph (3) above shall affect the obligations imposed by paragraph 8 (4) and (5) above.

(5) Where information is disclosed in accordance with paragraph 8 (3) above, being information which is derived from a communication from a government department, and which has not been made public, the Letchworth Commissioner shall not without the written consent of an

officer of the government department make a report which includes all or any of that information unless he has given the department not less than one month's notice in writing of his intention.

SCH. 2
—cont.

(6) The provisions of this paragraph shall apply to the Commissioners of Customs and Excise and Commissioners of Inland Revenue as they apply to a Minister of the Crown.

PART III

MATTERS NOT SUBJECT TO INVESTIGATION

14. The actions and matters in respect of which the Letchworth Commissioner shall not conduct an investigation are any actions or matters of the following descriptions:—

- (a) The commencement or conduct of civil or criminal proceedings before any court of law.
- (b) (i) Action taken in matters relating to contractual or other commercial transactions of the Heritage Foundation or any subsidiary of the Heritage Foundation within the meaning of section 736 of the Companies Act 1985, including transactions falling within sub-paragraph (ii) below but excluding transactions falling within sub-paragraph (iii) below.
- (ii) The transactions mentioned in sub-paragraph (i) above as included in the matters which, by virtue of that sub-paragraph, are not subject to investigation are all transactions of the Heritage Foundation or any company in which the Heritage Foundation have an interest relating to the operation of public passenger transport, the provision of recreation or entertainment, the provision and operation of industrial establishments or the carrying on of any trade.
- (iii) The transactions mentioned in sub-paragraph (i) above as not included in those matters are transactions for or relating to the acquisition or disposal of land.
- (c) Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters.

1985 c. 6.

© Crown Copyright 1995
Applications for reproduction should be made to HMSO
LONDON: PUBLISHED BY HMSO

ISBN 0-10-510295-4



9 780105 102953