



Letchworth Garden City Heritage Foundation Act 1995

1995 CHAPTER ii

12 The Letchworth Commissioner

- (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.
- (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;
 - (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

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- 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;

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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.