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STATUTORY INSTRUMENTS

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**1986 No. 452**

**The Local Government Reorganisation  
(Miscellaneous Provision) (No. 4) Order 1986**

**Investigation of complaints of maladministration**

8.—(1) This article applies to a complaint (“a transitional complaint”) such as is mentioned in section 26(1) of the Local Government Act 1974, which relates to action (“specified action”) taken by or on behalf of an abolished council in the exercise of their administrative functions before the abolition date.

(2) Subject to paragraph (6), a Local Commissioner may investigate or, as the case may be, continue to investigate a transitional complaint notwithstanding the abolition of the council concerned.

(3) Subject to paragraphs (4) and (5), section 26 to 34 of the 1974 Act shall apply to all investigations conducted by virtue of paragraph (2) as if the specified action had been taken by or on behalf of the relevant authority (“the successor authority”) by whom the administrative functions in question are exercisable on and after the abolition date.

(4) Where the specified action relates exclusively to the exercise of administrative functions in connection with property which on the abolition date vests in a relevant authority other than the successor authority, paragraph (3) shall have effect as if that other relevant authority were the successor authority.

(5) In relation to a transitional complaint made after the abolition date, references in section 26 of the 1974 Act to a member of an authority concerned shall be construed as references to any of the following members—

- (a) a member of a local authority for the area in which the person aggrieved resides;
- (b) in the case of a complaint for which the Inner London Education Authority is the successor authority, a member of that Authority;
- (c) in the case of a complaint for which a joint authority or an authority established under section 10 (waste disposal functions) of the Act is the successor authority, a member of a constituent council of that authority.

(6) Paragraph (2) shall not apply to any transitional complaint for which a relevant authority is the successor authority by virtue of paragraph (4) at any time after the property mentioned in that paragraph ceases to be vested in that authority unless the property in question then vests in another relevant authority.

(7) In this article—

- (a) “relevant authority” means a local authority, a new authority, an authority established under section 10 of the Act, a residuary body and any other person by whom functions of an abolished council are exercisable on and after the abolition date or in whom property of a such a council is vested on that date;
- (b) “action”, “local authority”, “Local Commissioner” and “person aggrieved” have the same meaning as in Part III of the 1974 Act; and
- (c) the reference to an abolished council in paragraph (1) includes a reference to—

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- (i) the members and officers of that council,
- (ii) any person or body of persons acting for the council under section 101 or section 110 of the Local Government Act 1972,
- (iii) any committee mentioned in section 101(9) of the 1972 Act, or
- (iv) any appeal committee constituted in accordance with paragraph 1 of Schedule 2 to the Education Act 1980.