
STATUTORY INSTRUMENTS

1994 No. 867

The Local Government Changes for England Regulations 1994

PART 3

SHADOW AUTHORITIES

Application of Part

9. This Part applies where the order establishing an authority (“the authority”) includes provision for a phase as a shadow authority, and any reference to the 1983 Act is a reference to the local government elections provisions of the Representation of the People Act 1983⁽¹⁾ and the relevant electoral rules made pursuant to section 36 of that Act⁽²⁾.

Elections for the shadow authority

10.—(1) The returning officer for the election of the council for the shadow authority shall be—

- (a) the returning officer appointed under section 35 of the 1983 Act for the local government area for which the elections are held; or
- (b) where there is no such officer or more than one such officer for the area in question, the officer specified or the person named in the order to so act.

(2) Elections for councillors of a shadow authority shall be conducted in accordance with the 1983 Act.

(3) The elected councillors shall retire four days after the next ordinary day of election of councillors.

(4) The returning officer shall convene, and make all necessary arrangements for, the first meeting of the shadow authority, which shall be held on the establishment date.

Functions and powers of the shadow authority

11.—(1) Between the establishment date and the reorganisation date, the authority shall be a shadow authority, and shall have only the function and powers described in this regulation.

(2) The shadow authority shall take all such practicable steps as are necessary or expedient—

- (a) to commence and sustain the running of the authority as a shadow authority for the duration of the shadow period;
- (b) to prepare the authority for the assumption, as a newly-established authority, of local government functions and full local authority powers on the reorganisation date;
- (c) to prepare any budgets or plans required by the newly-established authority when those functions are assumed; and

(1) 1983 c. 2.

(2) The Local Elections (Principal Areas) Rules S.I. 1986/2214, as amended by S.I. 1987/261 and S.I. 1990/158.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(d) to liaise with any transferor authority for the purpose of ensuring continuity of public service delivery on and after that date.

(3) Subject to paragraph (5), the shadow authority may exercise any of the 1972 Act powers specified in column 1 of the following Table and described in column 2—

1. Section—	2. Power—
101	Arrangement for discharge of functions
102	Appointment of committees
111	Subsidiary powers of local authorities
112	Appointment of staff
113	Placing of staff of local authorities at disposal of other local authorities
120	Acquisition of land by principal councils
123	Disposal of land by principal councils
132	Provision of offices by principal councils
135	Contracts of local authorities
139	Acceptance of gifts of property
140, 140A, 140B & 140C	Insurance
142	Provision of information, etc. relating to matters affecting local government

(4) Subject to paragraph (5), the shadow authority shall have all other powers of a local authority of the same tier.

(5) The powers conferred by paragraphs (3) and (4) may be exercised by the shadow authority only—

- (a) in the discharge of its functions conferred by paragraph (2) or in preparation for the discharge of the functions conferred on the newly-established authority on the reorganisation date; and
- (b) in the same manner, and subject to the same regulation, controls and constraints as if it were an ordinary local authority of the same tier.

(6) The following provisions of the 1972 Act shall apply to the shadow authority notwithstanding it does not have the functions and full powers of a local authority—

Section/Part	Description
Parts V & VA	General Provisions as to members and Proceedings of Local Authorities, Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees
Section 103	Expenses of joint committees
Section 106	Standing orders
Section 146	Transfer of securities on alteration of area, etc.

(7) The shadow authority shall, notwithstanding it does not have the functions and full powers of a local authority, be treated as a local authority for the purposes of:

- (a) Part III (Accounts and Audit) of the Local Government Finance Act 1982⁽³⁾;
- (b) Part IV of the Local Government and Housing Act 1989⁽⁴⁾;
- (c) Section 18 (Schemes for basic, attendance and special responsibility allowances for local authority members) and section 31 (National Code of Local Government Conduct) of the Local Government and Housing Act 1989;
- (d) Sections 174, 175 and 176 of the 1972 Act;
- (e) Sections 173, 173A and 178 of the 1972 Act;
- (f) Sections 3(5) and 5(4) of, and paragraphs 2(4) and 5(4) of Schedule 2 to the 1972 Act; and
- (g) The Local Authorities (Standing Orders) Regulations 1993⁽⁵⁾.

Duty of transferor authority to assist the shadow authority

12.—(1) During the shadow period, it shall be the duty of each transferor authority to give the shadow authority all such assistance and information as is reasonably required for the purposes of this Part.

(2) The transferor authority shall not, notwithstanding any enactment, undertake as a local authority any activity mentioned in or pursuant to, regulation 11(2)(c).

Assumption by newly-established authority of functions and full powers

13. On the reorganisation date, the authority shall cease to be a shadow authority, and shall assume the functions and full powers of a local authority.

⁽³⁾ 1982 c. 32.

⁽⁴⁾ 1989 c. 42.

⁽⁵⁾ S.I. 1993/202.