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STATUTORY INSTRUMENTS

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**1994 No. 867**

**The Local Government Changes for England Regulations 1994**

**PART 3**

**SHADOW AUTHORITIES**

**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
- (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

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*Status: This is the original version (as it was originally made).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

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1. Section— 142	2. Power— Provision of information, etc. relating to matters affecting local government
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(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(1);
- (b) Part IV of the Local Government and Housing Act 1989(2);
- (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(3).

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(1) 1982 c. 32.  
(2) 1989 c. 42.  
(3) S.I. 1993/202.