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STATUTORY INSTRUMENTS

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**2008 No. 907**

**The Bedfordshire (Structural Changes) Order 2008**

**PART 5**

**CENTRAL BEDFORDSHIRE: SHADOW AUTHORITY, ITS  
TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE**

**Other functions of shadow authority**

**20.**—(1) During the shadow period the shadow authority shall have, in addition to the functions specified or referred to in articles 16 to 19, the functions described in this article, and such other functions as may be conferred on them by—

- (a) a subsequent order made under section 7 of the 2007 Act by virtue of section 14 of the Interpretation Act 1978 (power to amend)<sup>(1)</sup>,
  - (b) an order under section 20 of the 2007 Act (correction of orders), or
  - (c) regulations under section 14 of the 2007 Act (regulations for supplementing orders).
- (2) The shadow authority shall take all such practicable steps as are necessary or expedient—
- (a) to commence and sustain its running as a shadow authority;
  - (b) to prepare the authority for the assumption, as the Central Bedfordshire Council, of local government functions and full local authority powers on 1st April 2009;
  - (c) to prepare any budgets or plans required by the Central Bedfordshire Council when those functions are assumed; and
  - (d) to liaise with the County Council and the district councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2009.
- (3) Subject to paragraph (4), the shadow authority shall have all other powers of a non-metropolitan county council and a non-metropolitan district council.
- (4) The powers conferred by paragraph (3) may be exercised by the shadow authority only—
- (a) in the discharge of the functions specified or referred to in this article (including those specified or referred to in articles 16 to 19), and
  - (b) in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan county council or a non-metropolitan district council, and
  - (c) where the exercise of the power would involve incurring expenditure or acquiring a liability—
    - (i) with the prior consent of the County Council, where the expenditure or liability relates to a matter which, before 1st April 2009, is the responsibility of that Council;
    - or

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<sup>(1)</sup> 1978 c.30.

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- (ii) where the expenditure or liability relates to a matter which, before 1st April 2009, is the responsibility of either of the district councils, with the prior consent of that council.

(5) The total of the expenditure properly incurred by the shadow authority shall be divided among, and paid by, the County Council and the district councils in such proportion as may be agreed between Bedford Borough Council, the County Council and the district councils; but, where the shadow authority notifies the Secretary of State that there is no such agreement, the Secretary of State may—

- (a) determine the proportion in which that expenditure is to be divided and paid; or  
(b) appoint an arbitrator for that purpose.

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

| <i>Part or section of 1972 Act</i> | <i>Description</i>  |
|------------------------------------|---|
| Section 3(2)                       | Chairman  |
| Section 5(3)                       | Vice-chairman   |
| Parts 5 and 5A(4)                  | 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(5)                     | Transfer of securities on alteration of area, etc   |
| Section 178(6)                     | Regulations as to allowances  |

(7) The shadow authority shall, notwithstanding that it does not have the functions and full powers of a local authority, be treated—

- (a) for the purposes of Part 2 of, and Schedule 2 to, the Audit Commission Act 1998(7) (accounts and audit of public bodies), as a local authority (and, therefore, a body subject to audit); but sections 11A(8), 19 and 30 to 32 in that Part, and references in that Part to those sections, shall be treated as omitted,  
(b) for the purposes of section 101 of the 2000 Act (indemnification of members and officers of relevant authorities)(9), as a relevant authority,

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(2) Section 3 was amended by the Local Government Act 2000, Schedule 3, para 2.

(3) Section 5 was amended by the Local Government Act 2000, Schedule 3, para 3.

(4) Part 5A was inserted by section 1(1) of the Local Government (Access to Information) Act 1985 (c.43). Sections 100A and 100B were amended by S.I. 2002/715. Section 100D was amended by section 97 of the Local Government Act 2000. Section 100F was amended by S.I. 2006/88 and 2007/969. Section 100H was amended by S.I. 2006/88. Section 100K was amended by section 98 of the Local Government Act 2000. There are other amendments not relevant to this Order.

(5) Section 146(2) was amended by the Financial Services Act 1986 (c.60), Schedule 16, para 8(b). There is another amendment not relevant to this Order.

(6) Section 178 was amended by Schedules 11 and 12 to the Local Government and Housing Act 1989 (c.42).

(7) 1998 c.18. As regards England, sections 18 and 20 to 23 were repealed, and sections 19B and 19C inserted by the Local Government Act 2000 (c.22) and S.I. 2000/3335. Part 2 was most recently amended by Chapter 2 of Part 9 of the Local Government and Public Involvement in Health Act 2007.

(8) Section 11A was inserted by the Greater London Authority Act 1999 (c.29), Schedule 8, para 4.

(9) 2000 c.22. In section 101 “relevant authority” has the same meaning as in Part 3 of the Act. The definition of “relevant authority” for the purposes of that Part is to be found in section 49(6).

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- (c) for the purposes of Part 1 of the Local Government Act 2003<sup>(10)</sup> (capital finance etc and accounts), as a local authority, and
- (d) for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001<sup>(11)</sup>, as a relevant authority.

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**Commencement Information**

**11** Art. 20 in force at 28.3.2008, see [art. 1](#)

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<sup>(10)</sup> 2003 c.26.  
<sup>(11)</sup> S.I. 2001/3384.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 16(5A)(5B) inserted by [S.I. 2009/837 art. 2\(2\)](#)
- art. 26(1)(aa) inserted by [S.I. 2009/837 art. 2\(3\)\(a\)](#)
- art. 26(1)(ba)(bb) inserted by [S.I. 2009/837 art. 2\(3\)\(c\)](#)