
STATUTORY INSTRUMENTS

2008 No. 634

The Cheshire (Structural Changes) Order 2008

PART 3

SHADOW AUTHORITIES AND THEIR FUNCTIONS

Duties of shadow authorities: appointment of certain officers

8.—(1) It shall be the duty of each shadow authority at its first meeting to designate, on an interim basis, an officer of the County Council, one of the East Cheshire councils or one of the West Cheshire councils—

- (a) to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the Local Government and Housing Act 1989⁽¹⁾ (“the 1989 Act”) and subsections (2) and (5) of section 5A⁽²⁾ of the 1989 Act (reports of monitoring officer – local authorities operating executive arrangements), as applied by paragraph (4) (the “interim monitoring officer”); and
- (b) to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”).

(2) A designation under paragraph (1) shall cease to have effect on the day on which a person appointed under paragraph (3) to discharge responsibilities equivalent to those of the designated officer takes up his appointment.

(3) Not later than 31st December 2008, each shadow authority shall appoint a person (who may, but need not, be a person designated under paragraph (1)) —

- (a) to be responsible for performing, in relation to the shadow authority and, on and after 1st April 2009, in relation to the Cheshire East Council or, as the case may be, the Cheshire West and Chester Council, the duties imposed by subsections (2) and (3) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act (including those subsections as they have effect as mentioned in paragraph (4) in relation to times on or before 31st March 2009) (the “appointed monitoring officer”);
- (b) to be responsible, from the date on which he takes up his appointment, for the administration of the financial affairs of the shadow authority and, on and after 1st April 2009, of the Cheshire East Council or, as the case may be, the Cheshire West and Chester Council (the “appointed chief finance officer”); and
- (c) a person to be the head of its paid service.

(4) Subsections (2) to (7) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act shall apply in relation to a shadow authority, its interim or appointed monitoring officer and its executive arrangements as they apply in relation to a relevant authority and the monitoring officer and executive arrangements of a relevant authority as if references in those subsections to

(1) 1989 c.42. Relevant amendments were made by S.I. 2001/2237, article 23.

(2) Section 5A was inserted by S.I. 2001/2237, article 23.

a relevant authority, its monitoring officer and its executive arrangements were references to the shadow authority, its interim or appointed monitoring officer and the executive arrangements that it adopts pursuant to article 7.

(5) Sections 114 to 116 of the Local Government Finance Act 1988⁽³⁾ shall apply in relation to a shadow authority, its interim chief finance officer and its appointed chief finance officer as if—

- (a) references to the chief finance officer of a relevant authority included references to the interim and appointed chief finance officers of a shadow authority;
- (b) references to a relevant authority (in whatever terms) included references to a shadow authority; and
- (c) references to joint committees were omitted.

(3) 1988 c.41. In section 114, subsection (3A) was inserted by the Local Government and Housing Act 1989 (c.42), Schedule 5, paras 1, 66 and 79(1), and other relevant amendments were made by the Police and Magistrates' Courts Act 1994 (c.29), Schedule 4, Part 1, para 34 and by S.I. 2001/2237, article 20. (Section 115A, which is not relevant to this Order, was inserted by the Greater London Authority Act 1999 c.29.) Section 115B was inserted, and section 116 amended, by S.I. 2001/2237, article 20.