
STATUTORY INSTRUMENTS

2019 No. 957

The Buckinghamshire (Structural Changes) Order 2019

PART 3

**SHADOW AUTHORITY, ITS TRANSITIONAL
FUNCTIONS AND THEIR DISCHARGE**

Duties of shadow authority: appointment of certain officers, etc.

7.—(1) The shadow authority must designate in the cases below, on an interim basis, an officer of the county council or one of the district councils—

- (a) to be responsible for performing, in relation to the shadow authority, the duties imposed by—
 - (i) subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the 1989 Act^{M1}; and
 - (ii) subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer - local authorities operating executive arrangements), as applied by paragraph (4) (the “interim monitoring officer”);
- (b) to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) to be head of the shadow authority's paid service and, accordingly, to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and (4) of section 4 (designation and reports of head of paid service) of the 1989 Act (the “interim head of paid service”).

(2) The shadow authority must before 1st April 2020 in the cases below appoint a person to become, on and after that date—

- (a) the Buckinghamshire Council's monitoring officer;
- (b) that council's chief finance officer;
- (c) that council's head of paid service.

(3) A designation under paragraph (1) ceases to have effect on the day on which a person (who may be the same person as the designated officer) is appointed under paragraph (2) to discharge responsibilities equivalent to those of the designated officer.

(4) Subsections (2) to (7) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act apply in relation to—

- (a) the shadow authority;
- (b) its interim monitoring officer; and
- (c) 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 were references to the

shadow authority, its interim monitoring officer and the executive arrangements that it adopts pursuant to this Order.

(5) Sections 114 to 115, 115B and 116 of the Local Government Finance Act 1988 ^{M2} apply in relation to the shadow authority and its interim chief finance officer as if—

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

(6) Subsections (2) to (5) and (6) of section 4 of the 1989 Act apply in relation to the shadow authority and its interim head of paid service as they apply in relation to a relevant authority and its head of paid service as if references in those subsections to a relevant authority and its head of paid service were references to the shadow authority and its interim head of paid service.

^{F1}(7)

F1 Art. 7(7) omitted (E.) (8.5.2020) by virtue of [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020 \(S.I. 2020/426\)](#), regs. 1(2), 6

Marginal Citations

M1 Relevant amendments, including the insertion of section 5A, were made by [S.I. 2001/2237](#), article 23.

M2 1988 c. 41. Relevant amendments were made by the [Local Government and Housing Act 1989](#), section 139 and Schedule 5, and by the [Local Government Act 2003 \(c. 26\)](#), section 30 and [S.I. 2001/2237](#).

Changes to legislation:

There are currently no known outstanding effects for the The Buckinghamshire (Structural Changes) Order 2019, Section 7.