



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 7

### MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

#### CHAPTER 1

##### VOLUNTARY MERGERS OF PRINCIPAL AREAS

###### *Merger regulations*

#### **125 Shadow councils and shadow executives**

- (1) Merger regulations must provide for there to be a shadow council for the new principal area.
- (2) A shadow council must be an elected shadow council unless the Welsh Ministers consider it appropriate to provide for there to be a designated shadow council.
- (3) An elected shadow council—
  - (a) consists of the councillors elected in the first ordinary election of councillors to the new principal council, and
  - (b) is established on the fourth day after that election, when those councillors assume office as shadow members.
- (4) A designated shadow council—
  - (a) consists of all the members of the merging councils, and
  - (b) is established on the date specified in the merger regulations as the date on which those members assume office as shadow members.
- (5) The merger regulations must make provision—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) for the appointment of a shadow executive by the shadow council, in the form of a leader and cabinet executive,
  - (b) in the case of a designated shadow council, specifying the composition of the shadow executive,
  - (c) specifying the functions of the shadow council and the shadow executive, and about the exercise of those functions, during the shadow period, and
  - (d) about the funding of the shadow council.
- (6) Provision made in accordance with subsection (5)(d) may confer functions on a merging council, including in relation to the administration of the shadow council's finances.
- (7) In subsection (5)(c), "shadow period" means the period—
  - (a) beginning with the date on which the shadow council is first authorised or required to exercise any functions in accordance with the merger regulations, and
  - (b) ending immediately before the transfer date.
- (8) The merger regulations must provide that an elected shadow council is the shadow council for the new principal area until the transfer date (from when it is, and has all the functions of, the principal council for the new principal area; and the shadow executive is, and has all the functions of, the executive for the principal council).
- (9) In the case of a designated shadow council, the merger regulations must provide that—
  - (a) the designated shadow council is the shadow council for the new principal area until the pre-election period, and
  - (b) during the pre-election period the shadow council is, and has all the functions of, the principal council for the new principal area; and the shadow executive is, and has all the functions of, the executive for the principal council.
- (10) In subsection (9), "pre-election period" means the period—
  - (a) beginning with the transfer date, and
  - (b) ending immediately before the fourth day after the holding of the first ordinary election of councillors to the new principal council.