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STATUTORY INSTRUMENTS

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**2020 No. 156**

**The Northamptonshire (Structural Changes) Order 2020**

**PART 3**

**SHADOW AUTHORITIES**

**[<sup>F1</sup>Shadow authorities**

6.—(1) During the shadow period North Northamptonshire Council and West Northamptonshire Council shall each be a shadow authority for the purposes of the following provisions of this Part.

(2) The members of the shadow authority for North Northamptonshire are the persons who are the members for the time being of the North Northamptonshire councils and the members of the county council for the time being for the North Northamptonshire electoral divisions.

(3) The members of the shadow authority for West Northamptonshire are the persons who are the members for the time being of the West Northamptonshire councils and the members of the county council for the time being for the West Northamptonshire electoral divisions.

(4) Those persons mentioned in paragraphs (2) and (3) who are members of a shadow authority immediately before 1st April 2021 are to be members of North Northamptonshire Council and West Northamptonshire Council (as the case may be) until the end of the shadow period notwithstanding the dissolution of the county council, the North Northamptonshire councils and the West Northamptonshire councils on that date.

(5) Any member of the shadow authority for North Northamptonshire who is a member for the time being of both the county council and any of the North Northamptonshire councils shall have one vote on all questions coming or arising before the shadow authority.

(6) Any member of the shadow authority for West Northamptonshire who is a member for the time being of both the county council and any of the West Northamptonshire councils shall have one vote on all questions coming or arising before the shadow authority.

(7) A meeting of the shadow authority for North Northamptonshire is to be deemed quorate for the purposes of paragraph 6 of Schedule 12 to the 1972 Act where there are present at least twenty-five members of the shadow authority comprising—

- (a) five members, each of whom has been elected as a member of Corby Borough Council;
- (b) five members, each of whom has been elected as a member of East Northamptonshire District Council;
- (c) five members, each of whom has been elected as a member of Kettering Borough Council;
- (d) five members, each of whom has been elected as a member of Wellingborough Borough Council; and
- (e) five members, each of whom has been elected to represent a North Northamptonshire electoral division.

(8) For the purposes of paragraph (7) any member of the shadow authority for North Northamptonshire who is a member for the time being of both the county council and any of the

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North Northamptonshire councils may elect to be counted as present for the purposes of the quorum in relation either—

- (a) to that person’s membership of the relevant North Northamptonshire council; or
- (b) to that person’s membership of the county council for a North Northamptonshire electoral division,

but may not be counted in relation to both.

(9) A meeting of the shadow authority for West Northamptonshire is to be deemed quorate for the purposes of paragraph 6 of Schedule 12 to the 1972 Act where there are present at least twenty members of the shadow authority comprising—

- (a) five members, each of whom has been elected as a member of Daventry District Council;
- (b) five members, each of whom has been elected as a member of Northampton Borough Council;
- (c) five members, each of whom has been elected as a member of South Northamptonshire District Council; and
- (d) five members, each of whom has been elected to represent a West Northamptonshire electoral division.

(10) For the purposes of paragraph (9) any member of the shadow authority for West Northamptonshire who is a member for the time being of both the county council and any of the West Northamptonshire councils may elect to be counted as present for the purposes of the quorum in relation either—

- (a) to that person’s membership of the relevant West Northamptonshire council; or
- (b) to that person’s membership of the county council for a West Northamptonshire electoral division,

but may not be counted in relation to both.

(11) The head of paid service of the county council must convene and make all necessary arrangements for—

- (a) the first meeting of the shadow authority for North Northamptonshire; and
- (b) the first meeting of the shadow authority for West Northamptonshire,

both of which must be held no later than 4th June 2020.]

#### **Textual Amendments**

- F1** Art. 6 substituted (E.) (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020 \(S.I. 2020/426\)](#), regs. 1(2), **11**

#### **Commencement Information**

- II** Art. 6 in force at 14.2.2020, see art. 1

### **[<sup>F2</sup>Duties of shadow authorities: executive arrangements**

7.—(1) At its first meeting, the shadow authority for North Northamptonshire must, in accordance with paragraphs (2) to (9), create a leader and cabinet executive within the meaning of Part 1A of the 2000 Act <sup>M1</sup> (arrangements with respect to local authority governance) (“the shadow executive”).

(2) Section 9C of the 2000 Act (local authority executives) has effect, for the purposes of paragraph (1), as if subsection (5) were omitted; and the shadow executive is to consist of—

- (a) two persons to be nominated by the leader of the county council, each of whom at the time of nomination must be a member of the executive of the county council and represent a North Northamptonshire electoral division;
  - (b) the person who is the leader for the time being of Corby Borough Council;
  - (c) one person who is a member for the time being of Corby Borough Council, to be nominated by the leader of that council;
  - (d) the person who is the leader for the time being of East Northamptonshire District Council;
  - (e) one person who is a member for the time being of East Northamptonshire District Council, to be nominated by the leader of that council;
  - (f) the person who is the leader for the time being of Kettering Borough Council;
  - (g) one person who is a member for the time being of Kettering Borough Council, to be nominated by the leader of that council;
  - (h) the person who is the leader for the time being of Wellingborough Borough Council; and
  - (i) one person who is a member for the time being of Wellingborough Borough Council, to be nominated by the leader of that council.
- (3) Where one of the North Northamptonshire councils operates executive arrangements within the meaning of Part 1A of the 2000 Act, the person nominated by the leader of that council for the purposes of paragraph (2) must be a member of the executive of that council.
- (4) The leader of the North Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of Kettering Borough Council.
- (5) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (4), as if for the words “elected as leader of the executive by the authority” there were substituted “who is leader of the North Northamptonshire Council executive”.
- (6) Section 9IA of the 2000 Act has effect, for the purposes of paragraph (4), as if—
- (a) in subsection (1) for “council” there were substituted “executive”; and
  - (b) in subsection (2) for “a council” there were substituted “an executive”.
- (7) Where the office of leader becomes vacant the shadow executive must elect a new leader from among the members of the executive.
- (8) The deputy leader of the North Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of Wellingborough Borough Council.
- (9) Where the office of deputy leader becomes vacant the shadow executive must elect a new deputy leader from among the members of the executive.
- (10) At its first meeting, the shadow authority for West Northamptonshire must in accordance with paragraphs (11) to (18), create a leader and cabinet executive within the meaning of Part 1A of the 2000 Act (arrangements with respect to local authority governance) (“the shadow executive”).
- (11) Section 9C of the 2000 Act (local authority executives) has effect, for the purposes of paragraph (1), as if subsection (5) were omitted; and the shadow executive is to consist of—
- (a) the person who is the leader for the time being of the county council;
  - (b) one person who is a member for the time being of the county council for a West Northamptonshire electoral division, to be nominated by the leader of that council;
  - (c) the person who is the leader for the time being of Daventry District Council;
  - (d) one person who is a member for the time being of Daventry District Council, to be nominated by the leader of that council;
  - (e) the person who is the leader for the time being of Northampton Borough Council;

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- (f) one person who is a member for the time being of Northampton Borough Council, to be nominated by the leader of that council;
- (g) the person who is the leader for the time being of South Northamptonshire District Council; and
- (h) one person who is a member for the time being of South Northamptonshire District Council, to be nominated by the leader of that council.

(12) Where one of the West Northamptonshire councils operates executive arrangements within the meaning of Part 1A of the 2000 Act, the person nominated by the leader of that council for the purposes of paragraph (11) must be a member of the executive of that council.

(13) The leader of the West Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of South Northamptonshire District Council.

(14) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (13), as if for the words “elected as leader of the executive by the authority” there were substituted “who is leader of the West Northamptonshire Council executive”.

(15) Section 9IA of the 2000 Act has effect, for the purposes of paragraph (13), as if—

- (a) in subsection (1) for “council” there were substituted “executive”; and
- (b) in subsection (2) for “a council” there were substituted “an executive”.

(16) Where the office of leader becomes vacant the shadow executive must elect a new leader from among the members of the executive.

(17) The deputy leader of the West Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of Northampton Borough Council.

(18) Where the office of deputy leader becomes vacant the shadow executive must elect a new deputy leader from among the members of the executive.

(19) The persons who, immediately before 1st April 2021, are the members of a shadow executive are to—

- (a) continue as members of that executive; and
- (b) on and after 1st April 2021, are the members of the executive of North Northamptonshire Council or West Northamptonshire Council (as the case may be) for the purposes of Part 1A of the 2000 Act,

until the end of the shadow period, notwithstanding the dissolution on that date of the county council, the North Northamptonshire councils and the West Northamptonshire councils.

(20) If a member of an executive constituted as mentioned in paragraph (19)(b) ceases to be a member of that executive before the end of the shadow period, North Northamptonshire Council or West Northamptonshire Council (as the case may be) may in accordance with the terms of the constitution of the council nominate another member of the council to be a member of its executive.

(21) With the exception of Chapter 4 (changing governance arrangements) and except as otherwise provided in this article the provisions of Part 1A of the 2000 Act, to the extent that they relate to a leader and cabinet executive, have effect in relation to a shadow authority as if—

- (a) its executive were a leader and cabinet executive of a district council;
- (b) the executive arrangements that it makes were executive arrangements of a district council;
- (c) in the case of the shadow authority for North Northamptonshire, section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the North Northamptonshire councils;
- (d) in the case of the shadow authority for West Northamptonshire, section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the West Northamptonshire councils.

(22) The following provisions of the 2000 Act do not apply to the executive arrangements of a shadow authority—

- (a) section 9I;
- (b) with the exception of sub-paragraphs (7) and (8) of that paragraph, paragraph 2 of Schedule A1.

(23) Chapter 7 of Part 1 of the 2011 Act (standards) applies in relation to a shadow authority as if—

- (a) it were a district council (but not a principal authority in relation to a parish council); and
- (b) references to co-opted members were omitted.]

#### Textual Amendments

- F2** Art. 7 substituted (E.) (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020 \(S.I. 2020/426\)](#), regs. 1(2), 12

#### Commencement Information

- I2** Art. 7 in force at 14.2.2020, see art. 1

#### Marginal Citations

- M1** Part 1A was inserted by the [Localism Act 2011 \(c. 20\)](#), section 21 and Schedule 2.

### Duties of shadow authorities: code of conduct

**8.—**(1) Subject to paragraph (2), each shadow authority must adopt a code of conduct proposed pursuant to article 25(1) and (2) at its first meeting.

(2) In complying with paragraph (1), each shadow authority must make such amendments or modifications to the proposals submitted to it under article 25 as it considers necessary to secure that, when adopted, the code will satisfy the requirements of section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

#### Commencement Information

- I3** Art. 8 in force at 14.2.2020, see art. 1

### Duties of shadow authorities: appointment of certain officers

**9.—**(1) At its first meeting, the shadow authority for North Northamptonshire must designate on an interim basis—

- (a) an officer of the county council or an officer of one of the North Northamptonshire councils 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 <sup>M2</sup>; 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 (5) (the “interim monitoring officer”);

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- (b) an officer of the county council or an officer of one of the North Northamptonshire councils to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
  - (c) an officer of the county council or an officer of one of the North Northamptonshire councils 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) At its first meeting, the shadow authority for West Northamptonshire must designate on an interim basis—
- (a) an officer of the county council or an officer of one of the West Northamptonshire councils 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; 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 (5) (the “interim monitoring officer”);
- (b) an officer of the county council or an officer of one of the West Northamptonshire councils to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
  - (c) an officer of the county council or an officer of one of the West Northamptonshire councils 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”).
- (3) Each shadow authority must before 31st December 2020 appoint a person to become, on and after that date—
- (a) in the case of North Northamptonshire Council —
    - (i) that council's monitoring officer;
    - (ii) that council's chief finance officer;
    - (iii) that council's head of paid service;
  - (b) in the case of West Northamptonshire Council —
    - (i) that council's monitoring officer;
    - (ii) that council's chief finance officer;
    - (iii) that council's head of paid service.
- (4) A designation under paragraph (1) or (2) 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 (3) to discharge responsibilities equivalent to those of the designated officer.
- (5) 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) a 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.

(6) Sections 114 to 115, 115B and 116 of the Local Government Finance Act 1988 <sup>M3</sup> apply in relation to a 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.

(7) Subsections (2) to (5) and (6) of section 4 of the 1989 Act apply in relation to a 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 a shadow authority and its interim head of paid service.

#### Commencement Information

**I4** Art. 9 in force at 14.2.2020, see art. 1

#### Marginal Citations

**M2** Relevant amendments, including the insertion of section 5A, were made by [S.I. 2001/2237](#), article 23.

**M3** [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](#).

### Duties of shadow authorities: members' allowances for North Northamptonshire Council and West Northamptonshire Council

**10.**—(1) The shadow authority for North Northamptonshire must formulate proposals for the scheme of members' allowances to be adopted by North Northamptonshire Council.

(2) The shadow authority for West Northamptonshire must formulate proposals for the scheme of members' allowances to be adopted by West Northamptonshire Council.

(3) Each shadow authority must prepare and adopt a scheme for the payment of allowances to its members.

(4) Subject to the following provisions of this article, the Local Authorities (Members' Allowances) (England) Regulations 2003 <sup>M4</sup> (“the 2003 Regulations”), other than regulations 6 and 17 and Part 5, apply in relation to the shadow authority and its members as they apply in relation to district councils and their members.

(5) Payment of a basic allowance <sup>M5</sup> under a scheme prepared and adopted in accordance with paragraph (3) may only be made to a member of a shadow authority who is not in receipt of a basic allowance payable under a scheme of allowances prepared and adopted in accordance with the 2003 Regulations by one of the relevant councils.

(6) Payment of a special responsibility allowance <sup>M6</sup> under a scheme prepared and adopted in accordance with paragraph (3) may only be made to a member of a shadow authority who is not in receipt of a special responsibility allowance payable under a scheme of allowances prepared and adopted in accordance with the 2003 Regulations by one of the relevant councils.

(7) During the shadow period the 2003 Regulations have effect in relation to the relevant councils as if—

*Status: Point in time view as at 08/05/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Northamptonshire (Structural Changes) Order 2020, PART 3. (See end of Document for details)*

- (a) no basic allowance were payable under a scheme of allowances prepared and adopted by a relevant council to a member of that council who is in receipt of a basic allowance under a scheme of allowances prepared and adopted by a shadow authority;
- (b) no special responsibility allowance were payable under a scheme prepared and adopted by a relevant council to a member of that council who is in receipt of a special responsibility allowance under a scheme of allowances prepared and adopted by a shadow authority.

(8) In circumstances where, were it not for this article, a basic allowance would be payable to a councillor under a scheme of allowances prepared and adopted by one of the relevant councils and under a scheme of allowances prepared and adopted by a shadow authority, that councillor may elect under which scheme the basic allowance is to be payable.

(9) In circumstances where, were it not for this article, a special responsibility allowance would be payable to a councillor under a scheme of allowances prepared and adopted by one of the relevant councils and under a scheme of allowances prepared and adopted by a shadow authority, that councillor may elect under which scheme the special responsibility allowance is to be payable.

(10) In this article “relevant councils” means the county council, the North Northamptonshire Councils and the West Northamptonshire Councils.

#### **Commencement Information**

**I5** Art. 10 in force at 14.2.2020, see art. 1

#### **Marginal Citations**

**M4** [S.I. 2003/1021](#).

**M5** For the meaning of “basic allowance” see regulation 4 of [S.I. 2003/1021](#).

**M6** For the meaning of “special responsibility allowance” see regulation 5 of [S.I. 2003/1021](#).

### **Functions of shadow authorities: Implementation Plan**

**11.**—(1) After the dissolution of the North Northamptonshire Joint Committee, the shadow authority for North Northamptonshire must keep under review, and revise as necessary, the Implementation Plan prepared by the North Northamptonshire Joint Committee.

(2) After the dissolution of the West Northamptonshire Joint Committee, the shadow authority for West Northamptonshire must keep under review, and revise as necessary, the Implementation Plan prepared by the West Northamptonshire Joint Committee.

(3) Article 24(2) applies in relation to each shadow authority as if—

- (a) the word “preparing” were omitted;
- (b) for “the article 22 functions” there were substituted “ the main transitional functions ”; and
- (c) for “each Joint Committee” there were substituted, as the circumstances require, “the North Northamptonshire Council” or “the West Northamptonshire Council”.

(4) Article 24(3) applies in relation to the shadow authority for North Northamptonshire as if—

- (a) for “Each Joint Committee”, there were substituted, “The North Northamptonshire Council”;
- (b) the words “or the West Northamptonshire councils” are omitted; and
- (c) for “the article 22 functions” there were substituted “ the main transitional functions ”.

(5) Article 24(3) applies in relation to the shadow authority for West Northamptonshire as if—

- (a) for “Each Joint Committee”, there were substituted “ The West Northamptonshire Council ”;



- (b) the words “the North Northamptonshire councils or” are omitted; and
  - (c) for “the article 22 functions” there were substituted “ the main transitional functions ”
- (6) In article 24(2) and (3), as applied by paragraphs (3), (4) and (5) “the main transitional functions” means the functions referred to in article 13(1) and—
- (a) as regards the shadow authority for North Northamptonshire, the function referred to in article 13(2); and
  - (b) as regards the shadow authority for West Northamptonshire, the function referred to in article 13(3).

**Commencement Information**

**I6** Art. 11 in force at 14.2.2020, see art. 1

**Other functions of the shadow authorities**

**12.** During the shadow period the shadow authorities have, in addition to the functions specified or referred to in articles 7 to 11, the functions referred to or specified in articles 13 to 17.

**Commencement Information**

**I7** Art. 12 in force at 14.2.2020, see art. 1

**13.—(1)** Each shadow authority must take all such practicable steps as are necessary or expedient—

- (a) to commence and sustain their running as shadow authorities;
- (b) to prepare the authorities for the assumption, as North Northamptonshire Council or West Northamptonshire Council, of local government functions and full local authority powers on 1st April 2021;
- (c) to prepare any budgets or plans required by North Northamptonshire Council or West Northamptonshire Council when those functions are assumed; and
- (d) to liaise with the county council and the other shadow authority for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2021.

(2) The shadow authority for North Northamptonshire must also take all such practicable steps as are necessary or expedient to liaise with the North Northamptonshire councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2021.

(3) The shadow authority for West Northamptonshire must also take all such practicable steps as are necessary or expedient to liaise with the West Northamptonshire councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2021.

**Commencement Information**

**I8** Art. 13 in force at 14.2.2020, see art. 1

**14.** The shadow authorities have all the other powers of a non-metropolitan county council or a non-metropolitan district council.

**Status:** Point in time view as at 08/05/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Northamptonshire (Structural Changes) Order 2020, PART 3. (See end of Document for details)

**Commencement Information**

**I9** Art. 14 in force at 14.2.2020, see art. 1

- 15.** The powers conferred by article 14 may be exercised by a shadow authority only—
- (a) in the discharge of the functions specified or referred to in articles 7 to 11, 13 and 17;
  - (b) in the case of the powers of a non-metropolitan county council, in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan county council;
  - (c) in the case of the powers of a non-metropolitan district council, in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan district council; and
  - (d) 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 2021, is the responsibility of that council; or
    - (ii) where the expenditure or liability relates to a matter which, before 1st April 2021, is the responsibility of a district council, with the prior consent of that council.

**Commencement Information**

**I10** Art. 15 in force at 14.2.2020, see art. 1

- 16.** The total of the expenditure properly incurred by the shadow authorities is to be divided among, and paid by, the county council, the North Northamptonshire councils and the West Northamptonshire councils in such proportion as may be agreed between those councils; but, where either of the shadow authorities 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.

**Commencement Information**

**I11** Art. 16 in force at 14.2.2020, see art. 1

- 17.—(1)** The following provisions of the 1972 Act apply in relation to a shadow authority, notwithstanding that it does not have the functions and full powers of a local authority:

**Table 1**

<i>Part or section of 1972 Act</i>	
Section 3	Chairman
Section 5	Vice-chairman

Part 5 and 5A	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
Section 178	Regulations as to allowances
Section 245	Status of certain districts, parishes and communities

(2) Each shadow authority, notwithstanding that it does not have the functions and full powers of a local authority, is to be treated—

- (a) for the purposes of the Local Audit and Accountability Act 2014 <sup>M7</sup> and any regulations made under that Act as if it were a district council;
- (b) for the purposes of section 101 of the 2000 Act (indemnification of members and officers of relevant authorities), as a relevant authority;
- (c) for the purposes of Part 1 of the Local Government Act 2003 <sup>M8</sup> (capital finance etc and accounts), as a local authority;
- (d) for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001 <sup>M9</sup>, as a relevant authority;
- (e) for the purposes of the Data Protection Act 2018 <sup>M10</sup>, as a public authority; and
- (f) for the purposes of the Freedom of Information Act 2000 <sup>M11</sup>, as a public authority.

[<sup>F3</sup>(3) The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 <sup>M12</sup> apply in relation to each shadow authority as if that authority were a district council and its executive were the executive of a district council.]

#### Textual Amendments

**F3** Art. 17(3) inserted (E.) (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020 \(S.I. 2020/426\)](#), regs. 1(2), 13

#### Commencement Information

**I12** Art. 17 in force at 14.2.2020, see art. 1

#### Marginal Citations

**M7** 2014 c.2.

**M8** 2003 c.26.

**M9** S.I. 2001/3384.

**M10** 2018 c.12.

**M11** 2000 c.36.

**M12** S.I. 2020/392.

### Discharge of shadow authorities' functions by shadow executives

**18.**—(1) Except to the extent that any provision of any Act, this Order or regulations under section 9D (functions which are the responsibility of an executive), 9DA (functions of an executive):

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**Changes to legislation:** There are currently no known outstanding effects for the The Northamptonshire (Structural Changes) Order 2020, PART 3. (See end of Document for details)

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further provision) or 13<sup>M13</sup> (functions which are the responsibility of an executive) of the 2000 Act requires otherwise, the functions conferred on a shadow authority by or under this Order are to be delegated to, and discharged by, its shadow executive.

(2) Paragraph (1) does not prevent a shadow executive from requesting its shadow authority to discharge any function specified in a notice given by the shadow executive to the proper officer of the shadow authority, and the shadow authority must comply with any such request within such period as the shadow executive may specify.

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#### **Commencement Information**

**I13** Art. 18 in force at 14.2.2020, see art. 1

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#### **Marginal Citations**

**M13** Section 13 was amended by Schedule 3 of the [Localism Act 2011](#) so that it applies to Wales only from 4th May 2012. The Local Authorities (Functions and Responsibilities) (England) Regulations ([S.I. 2000/2853](#)) made under section 13 continue to apply to England.

**Status:**

Point in time view as at 08/05/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Northamptonshire (Structural Changes) Order 2020, PART 3.