
STATUTORY INSTRUMENTS

2022 No. 331

The Cumbria (Structural Changes) Order 2022

PART 3

SHADOW AUTHORITIES

Duties of shadow authorities: appointment of certain officers

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

- (a) an officer of the county council or an officer of one of the Cumberland 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⁽¹⁾; 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 Cumberland 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 Cumberland 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 Westmorland and Furness must designate on an interim basis—

- (a) an officer of the county council or an officer of one of the Westmorland and Furness 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 Westmorland and Furness councils to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);

⁽¹⁾ Relevant amendments, including the insertion of section 5A, were made by [S.I. 2001/2237](#), article 23.

- (c) an officer of the county council or an officer of one of the Westmorland and Furness 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 2022 appoint a person to become, on and after that date—

- (a) in the case of Cumberland 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 Westmorland and Furness 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⁽²⁾ 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.

(2) 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.