

LOCAL GOVERNMENT (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 7 – Shadow authorities

11. [Section 7](#) provides that merger regulations must include provision for the establishment of a “shadow authority” (which is defined in [section 2\(7\)](#)), made up of all the members of the principal local authorities which submitted the joint application for voluntary merger. The merger regulations must include provision about the appointment by the shadow authority of a shadow executive, and must specify the functions of the shadow authority and shadow executive and address how these functions will be exercised during the shadow period. They must also make provision for the shadow authority and shadow executive to become the principal local authority and its executive for the “pre-election period” (which is defined in [subsection \(3\)](#)); “transfer date”, which is used in that definition, is itself defined in [section 2\(8\)](#).
12. This means that between the time when a new principal local authority assumes responsibility for its functions (on 1 April 2018, to coincide with the start of the authority’s financial year), and the elections themselves taking place probably on the first Thursday in the following May (as to which, see [section 8](#)), the shadow authority will become the new principal local authority. This is necessary because, as noted, elections to the new principal local authority will not have occurred. So, for the initial period, the new authority will be constituted of the members who were elected to the old merging authorities, albeit the old, merging principal local authorities will have ceased to exist as separate entities, almost certainly on 31 March 2018, under the merger regulations made because of [section 6\(2\)](#).
13. The first ordinary elections will probably be on 7 May 2018 (the term “ordinary elections” means the election of all the councillors who will serve on the council). So, the shadow authority will be the new principal local authority from 1 April 2018 (the date for the transfer of functions) until the fourth day after the first ordinary elections (which is the normal gap after local government elections for the official handover, by virtue of [section 26](#) of the Local Government Act 1972), whereupon the new councillors will comprise the new principal local authority and the councillors originally elected to the old, abolished authorities will stand down. This is subject to [section 8\(c\)](#).
14. [Section 7\(2\)](#) and [\(3\)](#) provide the definitions for “shadow period”, being the period from which the shadow authority and shadow executive first exercise functions under the merger regulations, until the transfer of full responsibilities on the transfer date (that is, 1 April 2018), and the “pre-election period”, discussed above.
15. [Section 7\(4\)](#) concerns the Welsh Ministers’ power to issue guidance to shadow authorities and shadow executives about their functions, and requires the shadow authority and shadow executive to have regard to such guidance.