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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**The Bedfordshire (Structural Changes) Order 2008**

**PART 5**

**CENTRAL BEDFORDSHIRE: SHADOW AUTHORITY, ITS  
TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE**

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

**17.**—(1) It shall be the duty of the shadow authority at its first meeting to designate, on an interim basis, an officer of the County Council or of either of the district councils—

- (a) to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the Local Government and Housing Act 1989<sup>(1)</sup> (“the 1989 Act”) and subsections (2) and (5) of section 5A<sup>(2)</sup> of the 1989 Act (reports of monitoring officer – local authorities operating executive arrangements), as applied by paragraph (5) (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 the 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), (4) and (5) of section 4 (designation and reports of head of paid service) of the 1989 Act <sup>(3)</sup> (the “interim head of staff”).

(2) The shadow authority may, at any time before 1st April 2009, appoint a person to become, on and after that date—

- (a) the Central Bedfordshire Council’s monitoring officer,
- (b) that Council’s chief finance officer,
- (c) that Council’s head of paid service.

(3) If the power conferred by paragraph (2) is not exercised before 1st April 2009, the person who is on that date—

- (a) the interim monitoring officer,
- (b) the interim chief finance officer, or
- (c) the interim head of staff,

shall be responsible for performing, in relation to the Central Bedfordshire Council, the duties referred to in sub-paragraph (a) or (b) of paragraph (1) or the functions of the head of paid service of a local authority (as the case may be); and he shall perform those duties or such functions until the person (which may be himself) appointed by that Council after 31st March 2009 to discharge those duties or perform those functions takes up his appointment.

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<sup>(1)</sup> 1989 c.42. Relevant amendments were made by S.I. 2001/2237, article 23.

<sup>(2)</sup> Section 5A was inserted by S.I. 2001/2237, article 23.

<sup>(3)</sup> There are amendments to section 4 not relevant to this Order.

(4) Subsections (2) to (7) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act shall apply in relation to the shadow authority, its interim monitoring officer and 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 to a relevant authority, its monitoring officer and its executive arrangements were references to the shadow authority, its interim monitoring officer and the executive arrangements that it adopts pursuant to article 16.

(5) Sections 114 to 116 of the Local Government Finance Act 1988(4) shall 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 (in whatever terms) included references to the shadow authority; and
- (c) references to joint committees were omitted.

(6) Subsections (2) to (6) of section 4 of the 1989 Act shall apply in relation to the shadow authority and its interim head of staff 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 staff.

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(4) [1988 c.41](#). In section 114, subsection (3A) was inserted by the Local Government and Housing Act [1989 \(c.42\)](#), Schedule 5, paras 1, 66 and 79(1), and other relevant amendments were made by the Police and Magistrates' Courts Act [1994 \(c.29\)](#), Schedule 4, Part 1, para 34 and by [S.I. 2001/2237](#), article 20. (Section 115A, which is not relevant to this Order, was inserted by the Greater London Authority Act [1999 c.29](#).) Section 115B was inserted, and section 116 amended, by [S.I. 2001/2237](#), article 20.