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S T A T U T O R Y I N S T R U M E N T S

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**2020 No. 426**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Government (Coronavirus) (Structural Changes) (Consequential Amendments) (England) Regulations 2020**

*Made* - - - - - *15th April 2020*

*Laid before Parliament* *16th April 2020*

*Coming into force* - - *8th May 2020*

The Secretary of State for Housing, Communities and Local Government in exercise of the powers conferred by section 63 of the Coronavirus Act 2020(a), makes the following Regulations.

**Citation, commencement, extent and application**

- 1.—(1) These Regulations may be cited as the Local Government (Coronavirus) (Structural Changes) (Consequential Amendments) (England) Regulations 2020.  
(2) These Regulations come into force on 8th May 2020.  
(3) These Regulations extend to England and Wales and apply in relation to England only.

**Amendment of the Buckinghamshire (Structural Changes) Order 2019**

2. The Buckinghamshire (Structural Changes) Order 2019(b) is amended in accordance with regulations 3 to 8.

3. In article 2 (interpretation)—
  - (a) for the definition of “the 2020 election” substitute—  
““the 2021 election” means the election required by article 18(1) to be held in 2021;”;
  - (b) for the definition of “the 2020 election day” substitute—  
““the 2021 election day” means the ordinary day of election of councillors in 2021(c);”;
  - (c) in the definition of “the shadow period” for “the fourth day after the 2020 election day” substitute “11th May 2020”.

4. In article 3 (single tier of local government in Buckinghamshire) after paragraph (4) insert—  
“(5) Immediately after the end of the shadow period those persons who are members of Buckinghamshire Council (having been members of the shadow authority) immediately before the end of that period are to continue to be the members of that council.

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(a) 2020 c.7.

(b) S.I. 2019/957.

(c) See section 37 of the Representation of the People Act 1983 (c. 2).

(6) The term of office of those members referred to in paragraph (5) ends on the fourth day after the 2021 election day.

(7) Until the fourth day after the 2021 election day, a meeting of Buckinghamshire Council 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 council.”.

**5. After article 6 insert—**

**“Executive arrangements for Buckinghamshire Council from the end of the shadow period**

**6A.**—(1) This article applies during the period beginning immediately after the end of the shadow period and ending on the fourth day after the 2021 election day.

(2) Subject to the following provisions those persons who are members of the shadow executive immediately before the end of the shadow period are the members of the executive of Buckinghamshire Council.

(3) Section 9C of the 2000 Act (local authority executives) has effect, for the purposes of paragraph (2), as if subsection (5) were omitted.

(4) Immediately after the end of the shadow period the requirements at paragraphs (9) and (10) of article 6 to nominate substitute members of the executive cease to apply and those persons who were substitute members immediately before the end of the shadow period cease to be such members.

(5) The leader of the executive is the person who is the leader of the shadow executive immediately before the end of the shadow period.

(6) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (5) as if for the words “elected as leader of the executive by the authority” there were substituted “who is leader of the Buckinghamshire Council executive”.

(7) Section 9IA of the 2000 Act has effect, for the purposes of paragraph (5), 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”.

(8) Where a vacancy occurs in the membership of the executive the leader must appoint another member of Buckinghamshire Council to act as a member of the executive.

(9) The executive is to have two deputy leaders who are to be—

- (a) the person who is the deputy leader of the executive immediately before the end of the shadow period; and
- (b) one other person appointed by the leader at the first meeting of the executive after the end of the shadow period from among the members of the executive.

(10) Where a vacancy occurs in the office of deputy leader of the executive the leader must appoint a replacement.

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

(12) Subject to paragraph (13), the following provisions of the 2000 Act do not apply to the executive arrangements of Buckinghamshire Council—

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

(13) Sub-paragraph (7) of paragraph 2 of Schedule A1 to the 2000 Act is to be read as if for the words from “the deputy” to the end there were substituted “where the executive leader has designated a deputy executive leader to act in place of the leader, that deputy executive leader must so act, but where no such designation has been made the deputy executive leaders must act jointly”.

## **Amendment of the Northamptonshire (Structural Changes) Order 2020**

**9.** The Northamptonshire (Structural Changes) Order 2020(a) is amended in accordance with regulations 10 to 16.

### **10. In article 2 (interpretation)—**

(a) for the definition of “2020 election” substitute—

““2021 election” means an election required by article 20(1)(a) to be held in 2021”;

(b) for the definition of “the 2020 election day” substitute—

““the 2021 election day” means the ordinary day of elections of councillors in 2021(b); ”;

(c) after the definition of “the North Northamptonshire Councils” insert—

““North Northamptonshire electoral division” means an electoral division of the county council which comprises part of the area of one of the North Northamptonshire councils;”;

(d) for the definition of “the shadow period” substitute—

““the shadow period” means the period beginning with 11th May 2020 and ending on the fourth day after the 2021 election day;”;

(e) after the definition of “the West Northamptonshire councils” insert—

““West Northamptonshire electoral division” means an electoral division of the county council which comprises part of the area of one of the West Northamptonshire councils ”.

### **11. For article 6 substitute—**

#### **“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.

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(a) S.I. 2020/156.

(b) See section 37 of the Representation of the People Act 1982 (c. 2).

(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 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.”.

**12.** For article 7 substitute—

