OFFERYNNAU STATUDOL CYMRU

2012 Rhif 629 (Cy.87)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Deddf Gwella'r Fenni 1854 (Diddymu) 2012

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diddymu adran 28 o Ddeddf Gwella'r Fenni 1854 (p.49) ("Deddf 1854") ac mae'n dod i rym ar 26 Mawrth 2012.

Mae Deddf 1854 i'w darllen ar y cyd â Deddf Gwella'r Fenni 1860 (p.137) a Deddf Gwella'r Fenni 1871 (p.92) (gweler adran 2 o'r Ddeddf olaf).

Rhoddodd adran 28 o Ddeddf 1854 swyddogaethau i'r rhai a oedd yn Gomisiynwyr y Fenni ar yr adeg honno i adeiladu marchnad wartheg a lladd-dai o fewn ardal a ddiffiniwyd yn y Fenni ac i gasglu tollau. Mae'r swyddogaethau hynny bellach yn arferadwy gan Gyngor Sir Fynwy.

Mae adran 26 o Ddeddf 1854 yn ymgorffori mwyafrif darpariaethau Deddf Cymalau Marchnadoedd a Ffeiriau 1847 (p.14) ac mae amryw o'r darpariaethau hynny yn cael effaith mewn perthynas ag adran 28 o Ddeddf 1854.

Mae'r Gorchymyn hwn yn diddymu adran 28 o Ddeddf 1854 gan gynnwys y graddau y mae adran 26 o Ddeddf 1854 yn effeithio ar adran 28.

Y sail dros wneud y Gorchymyn yw bod y ddarpariaeth a ddiddymwyd yn anarferedig, yn ddianghenraid ac wedi ei disodli. Mae Deddf Bwyd 1984 yn cynnwys darpariaethau mewn perthynas â sefydlu a gweithredu marchnadoedd da byw ac mae'n gymwys i gynghorau sir, cynghorau bwrdeistref sirol a chynghorau cymuned yng Nghymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn

WELSH STATUTORY INSTRUMENTS

2012 No. 629 (W.87)

LOCAL GOVERNMENT, WALES

The Abergavenny Improvement Act 1854 (Repeal) Order 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order repeals section 28 of the Abergavenny Improvement Act 1854 (c.49) ("the 1854 Act") and it comes into force on 26 March 2012.

The 1854 Act is to be read together with the Abergavenny Improvement Act 1860 (c.137) and the Abergavenny Improvement Act 1871 (c.92) (see section 2 of the latter Act).

Section 28 of the 1854 Act conferred functions on the then Abergavenny Commissioners to construct a cattle market and slaughterhouses within a defined area in Abergavenny and to collect tolls. Those functions are now exercisable by Monmouthshire County Council.

Section 26 of the 1854 Act incorporates the majority of the provisions of the Markets and Fairs Clauses Act 1847 (c.14) and several of those provisions have effect in relation to section 28 of the 1854 Act.

This Order repeals section 28 of the 1854 Act, including to the extent that section 26 of the 1854 Act affects section 28.

The ground on which the Order is made is that the repealed provision is obsolete, unnecessary and has been superseded. The Food Act 1984 contains provisions concerning the establishment and operation of livestock markets and applies to county councils, county borough councils and community councils in Wales.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was

perthynas â'r Gorchymyn hwn. O ganlyniad, barnwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol ynghylch y costau a'r manteision tebygol o gydymffurfio â'r Gorchymyn hwn.

considered in relation to this Order. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 629 (Cy.87)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Deddf Gwella'r Fenni 1854 (Diddymu) 2012

Gwnaed *28 Chwefror 2012*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *2 Mawrth 2012*

Yn dod i rym *26 Mawrth 2012*

Ymddengys i Weinidogion Cymru bod adran 28 o Ddeddf Gwella'r Fenni 1854(**1**), sef darpariaeth statudol leol at ddibenion adrannau 57 a 58 o Ddeddf Llywodraeth Leol (Cymru) 1994(**2**), bellach yn anarferedig ac yn ddianghenraid ac wedi ei disodli'n helaeth gan Ddeddf Bwyd 1984(**3**).

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 58 o Ddeddf Llywodraeth Leol (Cymru) 1994 ac a freiniwyd bellach ynddynt hwy(**4**).

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Gwella'r Fenni 1854 (Diddymu) 2012.

(2) Daw'r Gorchymyn hwn i rym ar 26 Mawrth 2012.

(**1**) 1854 p.49. Diwygiwyd Deddf 1854 gan Ddeddf Gwella'r Fenni 1860 (p. 137).

(**2**) 1994 p.19.

(**3**) 1984 p.30. *Gweler* adrannau 50 a 53.

(**4**) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S 1999/672) ac maent bellach wedi eu breinio yng Ngweinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2012 No. 629 (W.87)

LOCAL GOVERNMENT, WALES

The Abergavenny Improvement Act 1854 (Repeal) Order 2012

Made *28 February 2012*

Laid before the National Assembly for Wales *2 March 2012*

Coming into force *26 March 2012*

It appears to the Welsh Ministers that section 28 of the Abergavenny Improvement Act 1854(**1**), being a local statutory provision for the purposes of sections 57 and 58 of the Local Government (Wales) Act 1994(**2**), has become obsolete and unnecessary and has been substantially superseded by the Food Act 1984(**3**).

The Welsh Ministers make the following Order in exercise of the powers conferred on the Secretary of State by section 58 of the Local Government (Wales) Act 1994 and now vested in them(**4**).

Title and commencement

1.—(1) The title of this Order is The Abergavenny Improvement Act 1854 (Repeal) Order 2012.

(2) This Order comes into force on 26 March 2012.

(**1**) 1854 c.49. The 1854 Act was amended by the Abergavenny Improvement Act 1860 (c.137).

(**2**) 1994 c.19.

(**3**) 1984 c.30. *See* sections 50 and 53.

(**4**) The powers of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Diddymu

2. Mae adran 28 (y comisiynwyr yn cael ffurfio ac adeiladu marchnad wartheg a lladd-dai) o Ddeddf Gwella'r Fenni 1854 ("Deddf 1854") wedi ei diddymu (gan gynnwys y graddau y mae adran 26 (ymgorffori Deddf Cymalau Marchnadoedd a Ffeiriau 1847(**1**)) o Ddeddf 1854 yn cael effaith mewn perthynas ag adran 28).

Repeal

2. Section 28 (commissioners may form and construct cattle market and slaughterhouses) of the Abergavenny Improvement Act 1854 ("the 1854 Act") is repealed (including to the extent that section 26 (incorporation of the Markets and Fairs Clauses Act 1847(**1**)) of the 1854 Act has effect in relation to section 28).

Carl Sargeant

Y Gweinidog Llywodraeth Leol a Chymunedau, un o Weinidogion Cymru

Minister for Local Government and Communities, one of the Welsh Ministers

28 Chwefror 2012

28 February 2012

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(**1**) 1847 p.14.

(**1**) 1847 c.14.

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