

Constitutional and Legislative Affairs Committee

CLA(4)-06-12

CLA105

Constitutional and Legislative Affairs Committee Draft Report

Title: The Abergavenny Improvement Act 1854 (Repeal) Order 2012

Procedure: Negative

This Order, made under section 58 of the Local Government (Wales) Act 1994, repeals section 28 (including to the extent that section 26 of that Act has effect in relation to section 28) of the Abergavenny Improvement Act 1954 on the grounds that the section has become obsolete and unnecessary and has been substantially superseded by the Food Act 1984.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument/draft instrument

Merits Scrutiny

Under Standing Order 21.3(ii) (political or legal importance or giving rise to issues of public policy likely to be of interest to the Assembly) the Assembly is invited to pay special attention to the following instrument.

Section 58 of the Local Government (Wales) Act 1994 conferred powers on the Secretary of State to repeal local Acts (or specified provisions thereof) where they appeared to be “spent, obsolete or unnecessary or ...have been substantially superseded [by other legislation dealing with the same subject-matter]”.

The power was transferred to the National Assembly by virtue of the National Assembly for Wales (Transfer of Functions) order 1999 and is now vested in the Welsh Ministers.

In so far as can be ascertained, this is the first occasion since the transfer of the power in 1999 and its subsequent vesting in the Welsh Ministers that the power has been exercised. In these circumstances the Assembly is invited to special attention to this Order under Standing Order 21(3)(ii)

Legal Advisers

Constitutional and Legislative Affairs Committee

5 March 2012