

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The ground on which the Order is made is that the repealed provision is obsolete, unnecessary and has been superseded.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 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.

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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57 and 58 of the Local Government (Wales) Act 1994⁽²⁾, has become obsolete and unnecessary and has been substantially superseded by the Food Act 1984⁽³⁾.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.

Repeal

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- (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).

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

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

28 February 2012

(1) 1847 c.14.