CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 979 (Cy.102)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Llywodraeth Leol (Awdurdodau Gwerth Gorau) (Pŵer i Fasnachu) (Cymru) 2006

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn gymwys i awdurdodau gwerth gorau yng Nghymru sy'n gynghorau sir, yn gynghorau bwrdeistref sirol, yn awdurdodau Parciau Cenedlaethol neu'n awdurdodau tân ac achub.

Mae erthygl 2 yn awdurdodi awdurdod gwerth gorau y mae'r Gorchymyn yn gymwys iddo i fasnachu ym maes unrhyw un o'i swyddogaethau cyffredin yn ddarostyngedig i amodau sy'n ei gwneud yn ofynnol i achos busnes gael ei baratoi a'i gymeradwyo ymlaen llaw, ac i unrhyw gostau a dynnir gan yr awdurdod gael eu hadennill, sef costau o ran unrhyw beth y mae'n ei gyflenwi, gan gynnwys llety, nwyddau, gwasanaethau neu staff, i gwmni y mae'r pŵer masnachu yn cael ei arfer drwyddo. O dan adran 95(4) o'r Ddeddf, rhaid i'r pŵer i fasnachu gael ei arfer drwy gwmni.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 979 (W.102)

LOCAL GOVERNMENT, WALES

The Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies to best value authorities in Wales which are county councils, county borough councils, National Park authorities and fire and rescue authorities.

Article 2 authorises a best value authority to which the Order applies to trade in any of its ordinary functions subject to conditions requiring the prior preparation and approval of a business case, and the recovery of any costs incurred by the authority in anything it supplies, including accommodation, goods, services or staff, to a company through which the trading power is exercised. Under section 95(4) of the Act, the power to trade must be exercised through a company.

OFFERYNNAU STATUDOL

2006 Rhif 979 (Cy.102)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Llywodraeth Leol (Awdurdodau Gwerth Gorau) (Pŵer i Fasnachu) (Cymru) 2006

Wedi'i wneud	*29 Mawrth 2006*
Yn dod i rym	*1 Ebrill 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 95, 96 a 123 o Ddeddf Llywodraeth Leol 2003(**1**), drwy hyn yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Llywodraeth Leol (Awdurdodau Gwerth Gorau) (Pŵer i Fasnachu) (Cymru) 2006 a daw i rym ar 1 Ebrill 2006.

(2) Mae'r Gorchymyn hwn yn gymwys o ran awdurdodau gwerth gorau yng Nghymru(**2**) sydd-

(a) yn gynghorau sir neu'n gynghorau bwrdeistref sirol;

(b) yn awdurdodau Parciau Cenedlaethol; ac

(c) yn awdurdodau tân ac achub a sefydlwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004(**3**) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo.

Pŵer i fasnachu mewn gweithgareddau sy'n gysylltiedig â swyddogaethau

2.-(1) Yn ddarostyngedig i baragraffau (2) a (3), awdurdodir awdurdod gwerth gorau i wneud unrhyw beth at ddiben masnachol y mae wedi'i awdurdodi i'w wneud er mwyn cyflawni un o'i swyddogaethau cyffredin(**4**).

(**1**) 2003 p.26.

(**2**) *Gweler* adran 124 o Ddeddf Llywodraeth Leol 2003 i gael y diffiniad o "best value authority".

(**3**) 2004 p.21.

(**4**) *Gweler* adran 95(7) o Ddeddf Llywodraeth Leol 2003 i gael ystyr "ordinary functions".

STATUTORY INSTRUMENTS

2006 No. 979 (W.102)

LOCAL GOVERNMENT, WALES

The Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006

Made	*29 March 2006*
Coming into force	*1 April 2006*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 95, 96 and 123 of the Local Government Act 2003(**1**), hereby makes the following Order:

Title, commencement and application

1.-(1) The title of this Order is the Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006 and it comes into force on 1 April 2006.

(2) This Order applies in relation to best value authorities in Wales(**2**) which are-

(a) county councils or county borough councils;

(b) National Park authorities; and

(c) fire and rescue authorities constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(**3**) or a scheme to which section 4 of that Act applies.

Power to trade in function-related activities

2.-(1) Subject to paragraphs (2) and (3), a best value authority is authorised to do for a commercial purpose anything which it is authorised to do for the purpose of carrying on any of its ordinary functions(**4**).

(**1**) 2003 c.26.

(**2**) *See* section 124 of the Local Government Act 2003 for the definition of "best value authority".

(**3**) 2004 c.21.

(**4**) *See* section 95(7) of the Local Government Act 2003 for the meaning of "ordinary functions".

(2) Cyn arfer y pŵer a roddir gan baragraff (1), rhaid i'r awdurdod gwerth gorau-

(a) paratoi achos busnes i ategu arfer arfaethedig y pŵer hwnnw; a

(b) cymeradwyo'r achos busnes hwnnw.

(3) Rhaid i awdurdod gwerth gorau adennill costau unrhyw lety, nwyddau, gwasanaethau, staff neu unrhyw beth arall y mae'n ei gyflenwi i gwmni(**1**) yn unol ag unrhyw gytundeb neu drefniant i hwyluso'r broses o arfer y pŵer a roddir gan baragraff (1).

(4) Yn yr erthygl hon ystyr "achos busnes" yw datganiad cynhwysfawr ynghylch-

(a) amcanion y busnes;

(b) y buddsoddiad a'r adnoddau eraill sy'n ofynnol i sicrhau'r amcanion hynny;

(c) unrhyw risgiau y gallai'r busnes eu hwynebu a pha mor sylweddol yw'r risgiau hynny; ac

(ch) canlyniadau ariannol disgwyliedig y busnes, ynghyd ag unrhyw ddeilliannau perthnasol eraill y disgwylir i'r busnes eu sicrhau.

(2) Before exercising the power conferred by paragraph (1), the best value authority must-

(a) prepare a business case in support of the proposed exercise of that power; and

(b) approve that business case.

(3) A best value authority must recover the costs of any accommodation, goods, services, staff or any other thing that it supplies to a company(**1**) in pursuance of any agreement or arrangement to facilitate the exercise of the power conferred by paragraph (1).

(4) In this article "business case" means a comprehensive statement as to-

(a) the objectives of the business;

(b) the investment and other resources required to achieve those objectives;

(c) any risks the business might face and how significant these risks are; and

(d) the expected financial results of the business, together with any other relevant outcomes that the business is expected to achieve.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**)

29 Mawrth 2006

29 March 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) *Gweler* adran 95(4) o Ddeddf Llywodraeth Leol 2003 i gael ystyr "company".

(**2**) 1998 p.38.

(**1**) *See* section 95(4) of the Local Government Act 2003 for the meaning of "company".

(**2**) 1998 c.38.

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The Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006

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