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STATUTORY INSTRUMENTS

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**2000 No. 2812**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) (No. 3) Order 2000**

*Made* - - - - *11th October 2000*  
*Laid before Parliament* *23rd October 2000*  
*Coming into force* - - *13th November 2000*

At the Court at Buckingham Palace, the 11th day of October 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and section 29(1) of the Government of Wales Act 1998<sup>(2)</sup>, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) (No. 3) Order 2000 and shall come into force on 13th November 2000.

(2) In this Order—

“the Act” means the European Communities Act 1972,

“the Assembly” means the National Assembly for Wales,

“Minister or government department” means a Minister of the Crown or government department, but does not include a Northern Ireland Minister or Northern Ireland department, and

“regulations” means regulations made pursuant to section 2(2) of the European Communities Act 1972.

**Designation of the National Assembly for Wales**

2.—(1) For the purposes of section 2(2) of the Act the Assembly is designated in relation to the matters specified in Schedule 1 to this Order.

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(1) 1972 c. 68.

(2) 1998 c. 38.

(2) Regulations made by the Assembly shall apply in relation to Wales only, except where made jointly with a Minister or government department.

(3) Where the Assembly is designated by this Order in relation to any matter, for which any Minister or government department has been designated by any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

### **Designation of Northern Ireland Ministers and Northern Ireland departments**

**3.—**(1) For the purposes of section 2(2) of the Act any Northern Ireland Minister or Northern Ireland department is designated in relation to the matter specified in Schedule 2 to this Order.

(2) Where a Northern Ireland Minister or Northern Ireland department is designated by this Order in relation to any matter, for which any Minister or government department has been designated by any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

(3) Regulations made by a Northern Ireland Minister or Northern Ireland department pursuant to this Order, that are not made jointly with a Minister or government department, shall form part of the law of Northern Ireland and not of any other part of the United Kingdom.

### **Revocation**

**4.** The designation of any Minister or department of the Government of Northern Ireland in respect of the common agricultural policy of the Economic Community, in the European Communities (Designation) Order 1972(3) is hereby revoked.

*A. K. Galloway*  
Clerk of the Privy Council

## SCHEDULE 1

Article 2

### MATTERS IN RELATION TO WHICH THE NATIONAL ASSEMBLY FOR WALES IS DESIGNATED

1. Measures relating to the assessment and management of ambient air quality and compliance with air quality limit values, target values and objectives, but not measures which—
  - (a) relate to technical standards and requirements for products; and
  - (b) have the purpose of limiting or reducing air pollution.
2. Measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in so far as they concern—
  - (a) development of a class for which an environmental impact assessment is required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(4);
  - (b) improvement works within the meaning in regulation 2(1) of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999(5);
  - (c) extraction of minerals by marine dredging; or
  - (d) the construction of new highways or the improvement of highways that is not development of the sort mentioned in paragraph (a).
3. Measures relating to the conservation of natural habitats and of wild fauna and flora, but not—
  - (a) measures for the purpose of implementing, or dealing with matters arising out of or related to, Council Regulation (EC) No. 338/97(6) on the protection of species of wild fauna and flora by regulating trade therein; or
  - (b) measures which, in the interests of conservation, concern the assessment of, and authorisation of, projects or plans likely to have a significant effect on natural habitats and habitats of species, unless a function relating to the authorisation of the project or plan, in the interests of any other matter, is exercisable by the Assembly at the date of the making of this Order.
4. Measures relating to the regulation and control of the use of sewage sludge in agriculture.

## SCHEDULE 2

Article 3

### MATTER IN RELATION TO WHICH NORTHERN IRELAND MINISTERS OR NORTHERN IRELAND DEPARTMENTS ARE DESIGNATED

The common agricultural policy of the European Community.

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(4) S.I. 1999/293.

(5) S.I. 1999/1783.

(6) OJ No. L 61, 3.3.97, p. 1.

**Status:** *This is the original version (as it was originally made).*

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This is a further Order in the series designating authorities which may exercise the power to make regulations conferred by section 2(2) of the European Communities Act 1972 and specifying the matters in relation to which that power may be exercised.