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STATUTORY INSTRUMENTS

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**2011 No. 1043**

**The Treaty of Lisbon (Changes in Terminology) Order 2011**

The Secretary of State makes the following Order in exercise of the powers conferred by:

- (a) section 3(4) and (5) of the European Union (Amendment) Act 2008<sup>(1)</sup> (to the extent that the Order applies to provisions contained in (i) an Act of Parliament passed before 19 June 2008, or (ii) an instrument made before 19 June 2008 under an Act of Parliament), and
- (b) section 2(2) of the European Communities Act 1972 (to the extent that the Order applies to provisions contained in (i) an Act of Parliament passed on or after 19 June 2008, (ii) an instrument made on or after 19 June 2008 under an Act of Parliament, (iii) an Act of the Scottish Parliament<sup>(2)</sup>, or (iv) an instrument made under an Act of the Scottish Parliament):

**PART 1**

**Citation and Commencement**

**Citation**

1. This Order may be cited as the Treaty of Lisbon (Changes in Terminology) Order 2011.

**Commencement**

2. This Order comes into force on 22nd April 2011.

**PART 2**

**Amendments to Acts of Parliament, Acts of the  
Scottish Parliament and certain statutory instruments**

**Application**

- 3.—(1) The amendments made by this Part apply to provisions contained in—
  - (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament, or
  - (c) an instrument made under an Act of Parliament or an Act of the Scottish Parliament (or both).
- (2) The amendments made by this Part do not apply to—
  - (a) an instrument falling within article 8(1),

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<sup>(1)</sup> 2008 c.7.

<sup>(2)</sup> The power of the Minister to make regulations in relation to matters in or as regards Scotland is preserved by section 57(1) of the Scotland Act 1998 (c.46).

- (b) an Order in Council mentioned in section 24(5)(c), (e) or (g) of the Interpretation Act 1978 (Northern Ireland legislation),
- (c) the European Communities Act 1972,
- (d) the Interpretation Act 1978(3),
- (e) the European Union (Amendment) Act 2008,
- (f) the title of an Act or statutory instrument,
- (g) a reference to the title of an Act or statutory instrument,
- (h) a reference to the title of an item of European Community legislation, or
- (i) a reference to a term defined in an item of European Community legislation.

(3) The amendments made by this Part do not apply to a reference that relates only to things done before 1 December 2009 (the date on which the Treaty of Lisbon entered into force) and do not affect any other reference in its application to things done before that date.

#### **European Community – European Union**

4.—(1) For references to the European Communities or to the European Community or the European Coal and Steel Community (including references to “the Communities”, “the Community”, “the EC” or “the EEC”) substitute references to the European Union.

(2) Paragraph (1) does not apply to—

- (a) the use of “Community”, “EC” or “EEC” as an adjective (but see article 6);
- (b) a reference that forms part of a reference to a treaty (but see article 5).

#### **Article 310 of the Treaty of Amsterdam**

5. For references to “Article 310 of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts” substitute “Article 217 of the Treaty on the Functioning of the European Union”.

#### **“Community”**

6.—(1) In the following terms (which were defined by the European Communities Act 1972 as it had effect before the passing of the European Union (Amendment) Act 2008) for the word “Community” substitute “EU”—

- (a) Community treaties,
- (b) Community customs duty,
- (c) Community institution,
- (d) Community instrument,
- (e) Community obligation, and
- (f) enforceable Community right.

(2) In the following terms, and in those terms preceded by the word “European”, for “Community”, or as the case may be “European Community”, substitute “EU”—

- (a) Community law,
- (b) Community legislation, and
- (c) Community provision.

(3) Where the term mentioned in paragraph (1) or (2) is preceded by the word “a”, for “a” substitute “an”.

(4) Paragraphs (1) to (3) do not apply where the term mentioned in paragraph (1) or (2) forms part of a reference to a treaty.

(5) Paragraph (2) does not apply to the term “specified Community provision” where used in an enactment containing a definition of that term.

## **Miscellaneous**

7. Schedule 1, which contains miscellaneous amendments, has effect.

## **PART 3**

### **Amendments to certain legislation relating to Wales**

#### **Application**

8.—(1) The amendments made by this Part apply to provisions contained in an instrument made under an Act of Parliament by the Assembly constituted by the Government of Wales Act 1998 or by the Welsh Ministers (whether alone or with any other person), other than an instrument that is made in the English language only.

(2) The amendments made by this Part do not apply to—

- (a) the title of a statutory instrument,
- (b) a reference to the title of an Act or statutory instrument,
- (c) a reference to the title of an item of European Community legislation, or
- (d) a reference to a term defined in an item of European Community legislation.

(3) The amendments made by this Part do not apply to a reference that relates only to things done before 1 December 2009 (the date on which the Treaty of Lisbon entered into force) and do not affect any other reference in its application to things done before that date.

#### **European Community – European Union**

9.—(1) For references to the European Communities or to the European Community (including references to “the Communities”, “the Community”, “the EC” or “the EEC”) substitute references to the European Union.

(2) For references to Cymunedau Ewropeaidd (European Communities) or to Cymuned Ewropeaidd (European Community) (including references expressed by the word “Cymuned” (Community) or “Cymunedau” (Communities), and any abbreviated, grammatically mutated or other forms of any of those references) substitute references to Undeb Ewropeaidd (European Union) and make any consequential grammatical amendments that are necessary.

(3) Paragraph (1) does not apply to—

- (a) the use of “Community”, “EC” or “EEC” as an adjective (but see article 10);
- (b) a reference that forms part of a reference to a treaty.

(4) Paragraph (2) does not apply to—

- (a) the use of “Cymuned” or “Cymunedol” (Community), or any abbreviated form of Cymunedau Ewropeaidd (European Communities) or Cymuned Economaidd Ewropeaidd (European Economic Community) (or any grammatically mutated forms of any of those terms), as an adjective (but see article 10);

- (b) a reference that forms part of a reference to a treaty.

### **Terms defined by the European Communities Act 1972**

**10.**—(1) In the following terms (which were defined by the European Communities Act 1972 as it had effect before the passing of the European Union (Amendment) Act 2008) for the word “Community” substitute “EU”—

- (a) Community treaties,
- (b) Community customs duty,
- (c) Community institution,
- (d) Community instrument,
- (e) Community obligation, and
- (f) enforceable Community right.

(2) In the following terms (which correspond to the relevant English language terms which were defined by the European Communities Act 1972 as it had effect before the passing of the European Union (Amendment) Act 2008) (including any grammatically mutated or other forms of the following terms) for the words “Cymuned” and “Cymunedol” (Community) (including any grammatically mutated or other form of those words) substitute “UE” (EU) and make any consequential grammatical amendments that are necessary—

- (a) cytuniadau'r Gymuned or cytuniadau Cymunedol (Community treaties),
- (b) tollau'r Gymuned or tollau Cymunedol (Community customs duty),
- (c) sefydliad Cymuned or sefydliad Cymunedol (Community institution),
- (d) offeryn Cymuned, offeryn y Gymuned or offeryn Cymunedol (Community instrument),
- (e) rhwymedigaeth Gymuned or rhwymedigaeth Gymunedol (Community obligation), and
- (f) hawl Gymuned orfodadwy or hawl Gymunedol orfodadwy (enforceable Community right).

(3) In the following terms, and in those terms preceded by the word “European”, for “the Community”, or as the case may be “European Community”, substitute “EU”-

- (a) Community law;
- (b) Community legislation;
- (c) Community provision.

(4) For “cyfraith y Gymuned” or “cyfraith Gymunedol” (Community law), and for those terms followed by the word “Ewropeaidd” (including any grammatically mutated or other forms of those terms) substitute “cyfraith yr UE” (EU law) and make any consequential grammatical amendments that are necessary.

(5) For “deddfwriaeth y Gymuned” or “deddfwriaeth Gymunedol” (Community legislation) and for those terms followed by the word “Ewropeaidd” (including any grammatically mutated or other forms of those terms) substitute “deddfwriaeth yr UE” (EU legislation) and make any consequential grammatical amendments that are necessary.

(6) For “darpariaeth Gymuned”, “darpariaeth y Gymuned” or “darpariaeth Gymunedol” (Community provision) and for those terms followed by the word “Ewropeaidd” (including any grammatically mutated or other forms of those terms) substitute “darpariaeth UE” (EU provision) and make any consequential grammatical amendments that are necessary.

(7) Where the term mentioned in paragraph (1) or (3) is preceded by the word “a”, for “a” substitute “an”.

(8) Paragraphs (1) to (7) do not apply where the term mentioned in paragraph (1), (2), (3), (4), (5) or (6) forms part of a reference to a treaty.

(9) Paragraph (3) does not apply to the term “specified Community provision” where used in an enactment containing a definition of that term.

(10) Paragraph (6) does not apply to the term “darpariaeth Gymunedol benodedig” (or any grammatically mutated or other form of that term) where used in an enactment containing a definition of that term.

### **Miscellaneous**

11. Schedule 2, which contains miscellaneous amendments, has effect.

28th March 2011

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