

**2007 No. 1349**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) (No.2) Order 2007**

*Made* - - - - *2nd May 2007*

*Laid before Parliament* *9th May 2007*

*Coming into force* - - *30th May 2007*

At the Court at Buckingham Palace, the 2nd day of May 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and section 29(1) of the Government of Wales Act 1998(b), is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) (No.2) Order 2007 and comes into force on 30th May 2007.

(2) In this Order—

“designate” means designate for the purposes of section 2(2), and similar expressions are to be construed accordingly;

“Minister or department” means—

(a) a Minister of the Crown or government department, including a Northern Ireland Minister or Northern Ireland department, or

(b) the National Assembly for Wales;

“section 2(2)” means section 2(2) of the European Communities Act 1972;

“subordinate legislation” means orders, rules, regulations or schemes made under section 2(2).

**Designation in relation to chemicals, etc.**

2. Each of the following is designated in relation to persistent organic pollutants, dangerous substances, preparations and chemicals—

(a) any Northern Ireland department; and

(b) the National Assembly for Wales.

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(a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).  
(b) 1998 c.38; section 29(1) was amended by section 27(3) of the Legislative and Regulatory Reform Act 2006.

### **Designation in relation to jurisdiction, etc.**

3. The Lord Chancellor is designated in relation to jurisdiction and the recognition and enforcement of judgments.

### **Relationship with other designations**

4.—(1) This Order does not restrict the scope of any designation made by any other Order.

(2) Where—

- (a) a Minister or department is designated by this Order, and
- (b) any other Minister or department is designated in relation to the same matter by this or any other Order,

they may make subordinate legislation in relation to that matter jointly.

### **Restrictions**

5.—(1) Article 2(a) only designates any Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland, except where the subordinate legislation is made jointly with a Minister of the Crown or government department other than a Northern Ireland Minister or Northern Ireland department.

(2) Article 2(b) only designates the National Assembly for Wales to make subordinate legislation that applies in relation to Wales, except where the subordinate legislation is made jointly with a Minister of the Crown or government department other than a Northern Ireland Minister or Northern Ireland department.

(3) In paragraph (2), “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006(a).

### **Revocation of earlier designations**

6.—(1) The European Communities (Designation) (No.2) Order 1997(b) is revoked.

(2) The designations described in the Schedule are revoked.

*Christine Cook*  
Deputy Clerk of the Privy Council

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(a) 2006 c.32. See also article 6 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). These provisions, made under section 155(2) of the Government of Wales Act 1998 (c.38) (power to make an order for the purposes of the definition of Wales), are treated as being made under section 158(3) of the Government of Wales Act 2006 by virtue of paragraph 26(3) of Schedule 11 to that Act.

(b) S.I. 1997/1742.

## SCHEDULE

Article 6(2)

### Revocations

<i>(1)</i> <i>Order</i>	<i>(2)</i> <i>Minister or Departments</i> <i>designated</i>	<i>(3)</i> <i>Designation</i>
The European Communities (Designation) Order 1976 <b>(a)</b>	The Secretary of State and any Northern Ireland department	Disclosure by companies of particulars concerning persons authorised to represent the company
The European Communities (Designation) Order 1981 <b>(b)</b>	The Secretary of State and any Northern Ireland department	Mergers involving the transfer of the undertaking of a public company to another
The European Communities (Designation) Order 1985 <b>(c)</b>	The Secretary of State and any Northern Ireland department	Mergers and divisions involving public companies
The European Communities (Designation) Order 1988 <b>(d)</b>	The Secretary of State and any Northern Ireland department	Measures relating to European Economic Interest Groupings and their members
The European Communities (Designation) (No.2) Order 1990 <b>(e)</b>	The Secretary of State and any Northern Ireland department	Measures relating to the publication of documents, particulars and other items relating to a branch opened by a company governed by the law of another Member State or of a State which is not a member of the European Economic Community
The European Communities (Designation) (No.2) Order 1991 <b>(f)</b>	The Secretary of State and any Northern Ireland department	Measures relating to the drawing up, auditing and publication of accounts by partnerships, limited partnerships and unlimited companies  Measures relating to the publication of individual company accounts and group accounts expressed in European Currency Units

- (a) S.I. 1976/897.  
 (b) S.I. 1981/206.  
 (c) S.I. 1985/749.  
 (d) S.I. 1988/785.  
 (e) S.I. 1990/1304.  
 (f) S.I. 1991/755.

The European Communities (Designation) (No.3) Order 1991(a)	The Secretary of State and any Northern Ireland department	Measures relating to single member private companies limited by shares or by guarantee
The European Communities (Designation) (No.4) Order 1992(b)	The Secretary of State and any Northern Ireland department	Measures relating to the drawing up, auditing and publication of accounts by insurance undertakings
The European Communities (Designation) Order 1999(c)	The Secretary of State and any Northern Ireland department	Measures relating to the acquisition by companies of their own shares, and to distributions to their shareholders
The European Communities (Designation) (No.4) Order 2003(d)	The Secretary of State and any Northern Ireland department	Measures relating to European public limited-liability companies (Societas Europaea)
The European Communities (Designation) (No.7) Order 2004(e)	The Lord Chancellor	Jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility
The European Communities (Designation) (No.3) Order 2005(f)	The Secretary of State and any Northern Ireland department	The takeover of a company
The European Communities (Designation) (No.2) Order 2006(g)	The Secretary of State	Measures relating to disclosure requirements in respect of companies, registration and publication of documents and particulars disclosed and languages in which disclosures are authorised or required to be made

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(a) S.I. 1991/2289.  
(b) S.I. 1992/2870.  
(c) S.I. 1999/654.  
(d) S.I. 2003/2901.  
(e) S.I. 2004/3328.  
(f) S.I. 2005/2766.  
(g) S.I. 2006/1461.

## **EXPLANATORY NOTE**

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

This Order designates any Northern Ireland department and the National Assembly for Wales so that they may exercise the powers conferred by section 2(2) of the European Communities Act 1972 (“section 2(2)”) in relation to persistent organic pollutants, dangerous substances, preparations and chemicals. It also designates the Lord Chancellor so that he may exercise the powers conferred by section 2(2) in relation to jurisdiction and the recognition and enforcement of judgments. This Order also revokes a number of designations which are superseded.

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The European Communities (Designation) (No.2) Order 2007

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