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STATUTORY INSTRUMENTS

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**2007 No. 1679**

**The European Communities (Designation) (No.3) Order 2007**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) (No.3) Order 2007 and comes into force on 11th July 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 Welsh Ministers<sup>(1)</sup>;

“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 machinery, etc.**

2.—(1) Each of the following is designated in relation to the matter mentioned in paragraph (2)—

(a) the Secretary of State; and

(b) any Northern Ireland department.

(2) The matter referred to in paragraph (1) is machinery, including—

(a) component parts of machines;

(b) components or equipment to be attached to or used with machines; and

(c) sub-assemblies to be incorporated into or assembled with machines.

**Designation in relation to auditors and the audit of accounts**

3. Each of the following is designated in relation to auditors and the audit of accounts—

(a) the Secretary of State;

(b) the Treasury; and

(c) any Northern Ireland department.

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(1) The Welsh Ministers may be designated for the purposes of section 2(2) by virtue of section 59(1) of the Government of Wales Act 2006 (c.32). Any functions exercisable by the National Assembly for Wales by reason of previous designations were transferred to the Welsh Ministers on the appointment of the First Minister, by virtue of sections 161(5) and 162 of, and paragraph 30(1) and 30(2)(b) of Schedule 11 to, that Act.

### **Designation in relation to the requirement for an environmental impact assessment**

4. The Welsh Ministers are designated in relation 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 it concerns town and country planning.

### **Designation in relation to access to education**

5. Any Northern Ireland department is designated in relation to access to education.

### **Relationship with other designations**

6.—(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**

7.—(1) Articles 2(1)(b), 3(c) and 5 only designate Northern Ireland departments to make subordinate legislation that forms part of the law of Northern Ireland.

(2) Article 4 only designates the Welsh Ministers to make subordinate legislation that applies in relation to Wales.

(3) Paragraphs (1) and (2) do not apply 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.

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

### **Revocation of earlier designations**

8.—(1) Paragraph 2(a) of Schedule 1 to the European Communities (Designation) (No.3) Order 2000(3) is revoked.

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

*Meriel McCullagh*  
Deputy Clerk of the Privy Council

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(2) [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.

(3) [S.I. 2000/2812](#).