

2007 No.1679

EUROPEAN COMMUNITIES

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

Made - - - - *13th June 2007*

Laid before Parliament *20th June 2007*

Coming into force - - *11th July 2007*

At the Court at Buckingham Palace, the 13th day of June 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 59(1) of the Government of Wales Act 2006(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.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(c);

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

(b) 2006 c.32; section 45(2) defines “the Welsh Ministers”.

(c) 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.

- (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.

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(a).

(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.

Revocation of earlier designations

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

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

Meriel McCullagh
Deputy Clerk of the Privy Council

^(a) S.I. 2000/2812.

SCHEDULE

Article 8(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) (No.2) Order 1987 (a)	The Secretary of State and any Northern Ireland department	Measures and technical requirements in respect of the manufacture, placing on the market, putting into service and use of lifting and mechanical handling appliances and their components.
The European Communities (Designation) Order 1992 (b)	The Secretary of State and any Northern Ireland department	Measures relating to the design and construction of, and to the placing on the market and putting into service of, machinery.
The European Communities (Designation) (No.3) Order 1993 (c)	The Secretary of State	Measures relating to the design and construction of, and to the placing on the market and putting into service of, safety components (d) for machinery.

(a) S.I. 1987/926.

(b) S.I. 1992/707.

(c) S.I. 1993/2661.

(d) The European Communities (Designation) (No.3) Order 1993 refers to “safely components”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Secretary of State and any Northern Ireland department so that they may exercise the powers conferred by section 2(2) of the European Communities Act 1972 (“section 2(2)”) in relation to machinery, including component parts of machines, components or equipment to be attached to or used with machines, and sub-assemblies to be incorporated into or assembled with machines. It also designates the Secretary of State, the Treasury and any Northern Ireland department in relation to auditors and the audit of accounts; the Welsh Ministers 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; and any Northern Ireland department in relation to access to education. This Order also revokes a number of designations which are superseded.

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£3.00

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E0874 6/2007 170874T 19585

