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STATUTORY INSTRUMENTS

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**2007 No. 193**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) Order 2007**

*Made* - - - - *7th February 2007*

*Laid before Parliament* *14th February 2007*

*Coming into force* - - *7th March 2007*

At the Court at Buckingham Palace, the 7th day of February 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<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 as follows:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) Order 2007 and comes into force on 7th March 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).

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

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

### **Designation in relation to land contamination**

2. Each of the following is designated in relation to the prevention and remedying of land contamination—

- (a) the Secretary of State,
- (b) any Northern Ireland department, and
- (c) the National Assembly for Wales.

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

3. Each of the following is designated in relation to the creation, operation, regulation or dissolution of companies and other forms of business organisation—

- (a) the Secretary of State, and
- (b) any Northern Ireland department.

### **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) Articles 2(b) and 3(b) only designate Northern Ireland departments to make subordinate legislation that forms part of the law of Northern Ireland, except where the subordinate legislation is made jointly with a Minister or department other than a Northern Ireland Minister or Northern Ireland department.

(2) Article 2(c) 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 another Minister or department.

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

*Christine Cook*  
Deputy Clerk of the Privy Council

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(3) 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.

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## **EXPLANATORY NOTE**

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

This Order designates the Secretary of State, 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 the prevention and remedying of land contamination. It also designates the Secretary of State and any Northern Ireland department so that they may exercise the powers conferred by section 2(2) in relation to the creation, operation, regulation or dissolution of companies and other forms of business organisation.