

2008 No. 1792

EUROPEAN COMMUNITIES

The European Communities (Designation) (No. 2) Order 2008

Made - - - - *9th July 2008*

Laid before Parliament *16th July 2008*

Coming into force - - *6th August 2008*

At the Court at Buckingham Palace, the 9th day of July 2008

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), 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 2008 and comes into force on 6th August 2008.

(2) In this Order—

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

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

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

Designation in relation to private international law

2. The Secretary of State is designated in relation to private international law.

Designation in relation to payment services

3. The Treasury is designated in relation to payment services.

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

Designation in relation to the veterinary and phytosanitary fields

4. The Welsh Ministers(a) are designated in relation to the veterinary and phytosanitary fields for the protection of public health.

Relationship with other designations

5.—(1) This Order (except for article 7) 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 any other Order,

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

(3) In paragraph (2), “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(b).

Restrictions

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

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

(3) Paragraph (1) does 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.

Revocation of existing designations

7. The designations described in the Schedule are revoked.

Judith Simpson
Clerk of the Privy Council

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- (a) See section 45(2) of the Government of Wales Act 2006 (c. 32) (“the 2006 Act”). The Welsh Ministers may be designated for the purposes of section 2(2) of the European Communities Act 1972 (“section 2(2)”) by virtue of section 59(1) of the 2006 Act.
 - (b) By virtue of section 162 of, and paragraph 28(1) of Schedule 11 to, the Government of Wales Act 2006 (“the 2006 Act”), designations of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38)(“the 1998 Act”), which were made under section 2(2) by virtue of section 29(1) of the 1998 Act, have effect as designations of the Welsh Ministers by virtue of section 59(1) of the 2006 Act.
 - (c) 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.

SCHEDULE

Article 7

Revocations

<i>(1)</i> <i>Order</i>	<i>(2)</i> <i>Minister or department designated</i>	<i>(3)</i> <i>Subject matter of designation</i>
The European Communities (Designation) (No.2) Order 2003 (a)	The National Assembly for Wales	Measures in the veterinary field for the protection of public health.
The European Communities (Designation) (No.2) Order 2007 (b)	The Lord Chancellor	Jurisdiction and the recognition and enforcement of judgments.

(a) S.I. 2003/1246.
(b) S.I. 2007/1349.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Secretary of State so that the Secretary of State may exercise the powers conferred by section 2(2) of the European Communities Act 1972 (c. 68) (“section 2(2)”) in relation to private international law. It also designates the Treasury so that it may exercise the powers conferred by section 2(2) in relation to payment services. The Order also designates the Welsh Ministers so that they may exercise the powers conferred by section 2(2) in relation to the veterinary and phytosanitary fields for the protection of public health. This Order also revokes several existing designations which have now been superseded.

£3.00

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E2749 7/2008 182749T 19585