

2009 No. 221

EUROPEAN COMMUNITIES

The European Communities (Designation) Order 2009

Made - - - - *11th February 2009*

Laid before Parliament *18th February 2009*

Coming into force - - *11th March 2009*

At the Court at Buckingham Palace, the 11th day of February 2009

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) Order 2009 and comes into force on 11th March 2009.

(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;

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

Designation in relation to services in the internal market

2. Each of the following is designated in relation to services in the internal market—

- (a) the Secretary of State;
- (b) any Northern Ireland department; and
- (c) the Welsh Ministers^(b).

Designation in relation to the packaging of products

3. The Secretary of State is designated in relation to the packaging of products.

^(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) See section 45(2) of the Government of Wales Act 2006 (c. 32). The Welsh Ministers may be designated for the purposes of section 2(2) by virtue of section 59(1) of the 2006 Act.

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,

any of them 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^(a).

Restrictions

5.—(1) Article 2(b) only designates a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland, subject to paragraph (2).

(2) 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.

6.—(1) Article 2(c) only designates the Welsh Ministers to make subordinate legislation that applies in relation to Wales, subject to paragraph (2).

(2) 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.

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

Judith Simpson
Clerk of the Privy Council

(a) By virtue of section 162 of, and paragraph 28(1) of Schedule 11 to, the Government of Wales Act 2006 designations of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38), 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.

(b) 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 (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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Secretary of State, any Northern Ireland department and the Welsh Ministers so that they may exercise the powers conferred by section 2(2) of the European Communities Act 1972 (c.68) in relation to services in the internal market. It also designates the Secretary of State so that the Secretary of State may exercise the powers conferred by section 2(2) in relation to the packaging of products.

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STATUTORY INSTRUMENTS

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