

2011 No. 1683

EUROPEAN UNION

The European Communities (Designation) Order 2011

Made - - - - *13th July 2011*

Laid before Parliament *20th July 2011*

Coming into force - - *10th August 2011*

At the Court at Buckingham Palace, the 13th day of July 2011

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) Order 2011 and comes into force on 10th August 2011.

(2) In this Order—

“designated” means designated 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 flooding

2. The Welsh Ministers are designated in relation to flood risk management.

Territorial restrictions

3.—(1) This Order does not designate the Welsh Ministers to make subordinate legislation that applies otherwise than in relation to Wales.

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

(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(b) 2006 c. 32.

(c) 2006 c. 32.

(3) This article does not restrict the application of article 4(2).

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 department, or
- (b) the Welsh Ministers.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

In England, Wales and Northern Ireland, only “designated” Ministers and departments can exercise the powers in section 2(2) of the European Communities Act 1972 (c. 68) to make orders, rules, regulations and schemes. This is one of a series of Orders by which Ministers and departments are designated for the purposes of section 2(2) in relation to different subject areas.

Article 2 designates the Welsh Ministers in relation to flood risk management.

Article 4 provides that the new designation does not restrict the scope of designations in other Orders and allows Ministers and departments designated in relation to the same matters to legislate jointly as well as individually.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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