

2012 No. 1759

EUROPEAN UNION

The European Communities (Designation) Order 2012

Made - - - - *10th July 2012*

Laid before Parliament *17th July 2012*

Coming into force - - *7th August 2012*

At the Court at Windsor Castle, the 10th day of July 2012

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 and interpretation

1.—(1) This Order may be cited as the European Communities (Designation) Order 2012 and comes into force on 7th August 2012.

(2) In this Order—

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

“prohibited weapons” and “prohibited ammunition” mean respectively weapons and ammunition prohibited under Article 45 of the Firearms (Northern Ireland) Order 2004(b) (including, in the case of ammunition, any missiles falling within paragraph (2)(g) of that Article);

“Minister or department” means —

(a) a Minister of the Crown or government department, including a Northern Ireland department, or

(b) the Welsh Ministers;

“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).

(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) S.I. 2004/702 (N.13).

Designation in relation to financial assistance for industry

2. The Secretary of State is designated in relation to financial assistance for industry.

Designation in relation to administrative co-operation

3. The Treasury are designated in relation to administrative cooperation in the field of taxation.

Designation in relation to financial services

4. The Treasury are designated in relation to financial services.

Designation in relation to firearms and ammunition

5. Any Northern Ireland department is designated in relation to firearms and ammunition except in relation to prohibited weapons and prohibited ammunition.

Territorial restrictions

6. Article 5 only designates a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland, subject to Article 7.

Relationship with other designations

7.—(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 any other Order,
- any of them may make subordinate legislation in relation to that matter jointly.

Revocation of existing designations

8. The Orders specified in column (1) of the Schedule to this Order are revoked in so far as they relate to the designations listed in column (3) of that Schedule.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 8

REVOCATIONS OF DESIGNATIONS

(1)	(2)	(3)
Orders revoked	References	Designation
The Transfer of Functions (Financial Services) Order 1992	S.I 1992/1315	Matters relating to listing of securities on a stock exchange and information concerning listed securities measures relating to prospectuses on offers of transferable securities to the public, and in relation to anything supplemental or incidental to those matters or measures.
The European Communities (Designation) (No 3) Order 1993	S.I 1993/2661	Measures relating to investment firms and to the provisions of investment services and to the operation of regulated markets and clearing or settlement systems.
The European Communities (Designation) (No. 4) Order 2000	S.I 2000/3057	Measures relating to securities and rights in securities.
The European Communities (Designation) (No. 4) Order 2002	S.I 2002/2840	Authorisation and regulation of insurance intermediaries. Collective investment in transferable securities and other liquid assets.
The European Communities (Designation) (No.3) Order 2004	S.I 2004/1283	The distance marketing of consumer financial services.
The European Communities (Designation) (No.5) Order 2004	S.I 2004/2642	Insider dealing and market manipulation.
European Communities (Designation) (No. 7) Order 2004	SI. 2004/3328	The listing of securities on a stock exchange and information concerning listed securities; and prospectuses on offers of transferable securities to the public and admission of securities to trading on a regulated market.

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 Secretary of State in relation to financial assistance for industry.

Article 3 designates the Treasury in relation to administrative assistance in the field of taxation.

Article 4 designates the Treasury in relation to financial services.

Article 5 designates any Northern Ireland department to make subordinate legislation in relation to measures relating to firearms and ammunition.

Article 6 provides a territorial restriction on the scope of the designation in respect of any Northern Ireland department.

Article 7 provides that a 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.

Article 8 revokes several existing designations which have now been superseded.

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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£4.00

E3953 07/2012 123953T 19585

ISBN 978-0-11-152685-9



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