

**2014 No. 1890**

**EUROPEAN UNION**

**The European Communities (Designation) (No. 2) Order 2014**

*Made* - - - - *16th July 2014*

*Laid before Parliament* *23rd July 2014*

*Coming into force* - - *18th August 2014*

At the Court at Buckingham Palace, the 16th day of July 2014

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 and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) (No. 2) Order 2014 and comes into force on 18th August 2014.

(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 wild animals**

2. Each of the following is designated in relation to wild animals—

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

**Designation in relation to the prevention and remedy of environmental damage**

3. The Welsh Ministers are designated in relation to the prevention and remedy of environmental damage.

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

(b) 2006 c.32.

## **Territorial Restrictions**

4.—(1) Subject to paragraph (3), this Order only designates a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland.

(2) Subject to paragraph (3), this Order only designates the Welsh Ministers to make subordinate legislation that applies in relation to Wales.

(3) Paragraphs (1) and (2) do not apply where the subordinate legislation is made jointly with a Minister of the Crown or government department.

(4) In this article—

- (a) “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006(a); and
- (b) “Minister of the Crown or government department” does not include a Northern Ireland Minister or Northern Ireland department.

## **Relationship with other designations**

5.—(1) Except for Article 6, 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.

## **Revocation of earlier designation**

6. The designation of the Secretary of State in relation to the keeping of wild animals in zoos in Article 2 of, and Schedule 1 to, the European Communities (Designation) (No. 3) Order 2001(b) is revoked.

*Richard Tilbrook*  
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 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 the Ministers and departments are designated for the purposes of section 2(2) in relation to different subject areas.

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- (a) 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.
  - (b) S.I. 2001/3495.

Article 2 designates the Secretary of State, any Northern Ireland Department and the Welsh Ministers in relation to wild animals.

Article 3 designates the Welsh Ministers in relation to the prevention and remedy of environmental damage.

Article 4 provides for territorial restrictions for the Northern Ireland departments' and Welsh Ministers' designations.

Article 5 provides that except for Article 6, this Order 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 6 revokes an earlier designation for the Secretary of State in relation to the keeping of wild animals in zoos.

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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