

2014 No. 2705

EUROPEAN UNION

The European Communities (Designation) (No. 3) Order 2014

Made - - - - *8th October 2014*

Laid before Parliament *15th October 2014*

Coming into force - - *10th November 2014*

At the Court at Buckingham Palace, the 8th day of October 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), 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. 3) Order 2014 and comes into force on 10th November 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.

Designation in relation to tobacco, tobacco products, etc.

2. The Secretary of State is designated in relation to tobacco, tobacco products, nicotine, nicotine products and herbal products for smoking.

3. The Commissioners for Her Majesty's Revenue and Customs are designated in relation to the traceability of, and security feature for, tobacco and tobacco products.

Designation in relation to the combating of late payment in commercial transactions

4. The Minister for the Cabinet Office is designated in relation to the combating of late payment in commercial transactions.

(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 the Schedule to the European Union (Amendment) Act 2008 (c.7).

Relationship with other designations

5.—(1) Except for Articles 6 and 7, 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.

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

Revocations

6. The designation of the Secretary of State in relation to the sale, packaging, labelling and sampling of tobacco products in Article 2 of, and the Schedule to, the European Communities (Designation) (No. 2) Order 1991(**a**) is revoked.

7. The designation of the Secretary of State in relation to measures relating to the direct or indirect promotion of tobacco products in Article 2 of, and the Schedule to, the European Communities (Designation) Order 1999(**b**) is revoked.

Richard Tilbrook
Clerk of the Privy Council

(a) S.I. 1991/755, to which there are amendments not relevant to this Order.

(b) S.I. 1999/654, to which there are amendments not relevant to this Order.

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 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 tobacco, tobacco products, nicotine, nicotine products and herbal products for smoking.

Article 3 designates the Commissioners for Her Majesty’s Revenue and Customs in relation to the traceability of, and security feature for, tobacco and tobacco products.

Article 4 designates the Minister for the Cabinet Office in relation to the combating of late payment in commercial transactions.

Article 5(1) provides that, except for Articles 6 and 7 of this Order, this Order does not restrict the scope of designations in other Orders.

Article 5(2) allows Ministers or departments designated in relation to the same matters as Articles 2 and/or 3 of this Order to legislate jointly as well as individually.

Articles 6 and 7 revoke two earlier designations for the Secretary of State.

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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£4.25

UK201410094 10/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/2705>

ISBN 978-0-11-112143-6



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