



# European Communities Act 1972

## 1972 CHAPTER 68

### PART I

#### GENERAL PROVISIONS

#### 2 General implementation of Treaties.

- (1) All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom shall be recognised and available in law, and be enforced, allowed and followed accordingly; and the expression [<sup>F1</sup> “enforceable EU right”] and similar expressions shall be read as referring to one to which this subsection applies.
- (2) Subject to Schedule 2 to this Act, at any time after its passing Her Majesty may by Order in Council, and any designated Minister or department may [<sup>F2</sup>by order, rules, regulations or scheme] , make provision—
  - (a) for the purpose of implementing any [<sup>F3</sup>EU obligation] of the United Kingdom, or enabling any such obligation to be implemented, or of enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of the Treaties to be exercised; or
  - (b) for the purpose of dealing with matters arising out of or related to any such obligation or rights or the coming into force, or the operation from time to time, of subsection (1) above;

and in the exercise of any statutory power or duty, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the [<sup>F4</sup>objects of the EU] and to any such obligation or rights as aforesaid.

In this subsection “designated Minister or department” means such Minister of the Crown or government department as may from time to time be designated by Order in Council in relation to any matter or for any purpose, but subject to such restrictions or conditions (if any) as may be specified by the Order in Council.

*Status: Point in time view as at 01/04/2018. This version of this provision has been superseded.*

*Changes to legislation: European Communities Act 1972, Section 2 is up to date with all changes known to be in force on or before 22 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) There shall be charged on and issued out of the Consolidated Fund or, if so determined by the Treasury, the National Loans Fund the amounts required to meet any [<sup>F5</sup>EU obligation] to make payments to [<sup>F6</sup>the EU or a member State] , or any [<sup>F5</sup>EU obligation] in respect of contributions to the capital or reserves of the European Investment Bank or in respect of loans to the Bank, or to redeem any notes or obligations issued or created in respect of any such [<sup>F5</sup>EU obligation] and, except as otherwise provided by or under any enactment,—
- (a) any other expenses incurred under or by virtue of the Treaties or this Act by any Minister of the Crown or government department may be paid out of moneys provided by Parliament; and
  - (b) any sums received under or by virtue of the Treaties or this Act by any Minister of the Crown or government department, save for such sums as may be required for disbursements permitted by any other enactment, shall be paid into the Consolidated Fund or, if so determined by the Treasury, the National Loans Fund.
- (4) The provision that may be made under subsection (2) above includes, subject to Schedule 2 to this Act, any such provision (of any such extent) as might be made by Act of Parliament, and any enactment passed or to be passed, other than one contained in this part of this Act, shall be construed and have effect subject to the foregoing provisions of this section; but, except as may be provided by any Act passed after this Act, Schedule 2 shall have effect in connection with the powers conferred by this and the following sections of this Act to make Orders in Council [<sup>F7</sup>or orders, rules, regulations or schemes] .
- (5) . . . <sup>F8</sup> and the references in that subsection to a Minister of the Crown or government department and to a statutory power or duty shall include a Minister or department of the Government of Northern Ireland and a power or duty arising under or by virtue of an Act of the Parliament of Northern Ireland.
- (6) A law passed by the legislature of any of the Channel Islands or of the Isle of Man, or a colonial Law (within the meaning of the <sup>MI</sup>Colonial Laws Validity Act 1865) passed or made for Gibraltar, if expressed to be passed or made in the implementation of the Treaties and of the obligations of the United Kingdom thereunder, shall not be void or inoperative by reason of any inconsistency with or repugnancy to an Act of Parliament, passed or to be passed, that extends to the Island or Gibraltar or any provision having the force and effect of an Act there (but not including this section), nor by reason of its having some operation outside the Island or Gibraltar; and any such Act or provision that extends to the Island or Gibraltar shall be construed and have effect subject to the provisions of any such law.

#### Textual Amendments

- F1** Words in s. 2(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F2** Words in s. 2(2) substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [ss. 27\(1\)\(a\)](#), 33
- F3** Words in s. 2(2)(a) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F4** Words in s. 2(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F5** Words in s. 2(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)

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- F6** Words in s. 2(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008](#) (c. 7), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F7** Words in s. 2(4) substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006](#) (c. 51), [ss. 27\(1\)\(b\)](#), 33
- F8** Words repealed by [Northern Ireland Constitution Act 1973](#) (c. 36 SIF 29:3), [Sch. 6 Pt. I](#)

#### Modifications etc. (not altering text)

- C1** [S. 2](#) extended (1.7.1999) by [1998 c. 46](#), s. 125, [Sch. 8 para. 15\(2\)](#); [S.I. 1998/3178](#), [art. 2\(1\)](#)  
[S. 2](#) modified (1.7.1999) by [1998 c. 46](#), s. 125, [Sch. 8 para. 15\(3\)](#); [S.I. 1998/3178](#), [art. 2\(1\)](#)  
[S. 2](#): power to make certain corresponding provisions conferred (27.7.1999) by [1999 c. 24](#), s. 2, [Sch. 1 Pt. 1 para. 20\(1\)\(d\)](#)
- C2** [S. 2\(2\)](#) extended (27.9.1993) by [1993 c. 36](#), s. 70(2)
- C3** [S. 2\(2\)](#) extended (5.11.1993) by [1993 c. 51](#), s. 2(5)  
[S. 2\(2\)](#) extended (1.12.1998) by [1998 c. 38](#), s. 29(2); [S.I. 1998/2789](#), [art. 2](#)  
[S. 2\(2\)](#) amended (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 3, [Sch. 2](#); [S.I. 1998/3178](#), [art. 2\(1\)](#) (with [art. 7\(4\)](#))  
[S. 2\(2\)](#) modified (30.11.2000) by [2000 c. 37](#), s. 81(2)
- C4** [S. 2\(2\)](#): Transfer of certain functions (27.3.2002) by [S.I. 2002/794](#), [art. 3\(11\)](#)
- C5** [S. 2\(2\)](#) power made exercisable concurrently (15.2.2006) by [The Scotland Act 1998](#) (Transfer of Functions to the Scottish Ministers etc.) Order 2006 {[S.I. 2006/304](#)}, {art. 3} (with [art. 5](#))
- C6** [S. 2\(2\)](#) extended (3.5.2007) by [Government of Wales Act 2006](#), (c. 32), {s. 59(1)}, (with [Sch. 11 para. 22](#)) the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- C7** [S. 2\(2\)](#) applied (with modifications) by [2006 c. 32](#), s. 58B(1) (as inserted (1.4.2018) by [Wales Act 2017](#) (c. 4), [ss. 20\(1\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#))
- C8** [S. 2\(2\)\(a\)\(b\)](#) excluded (N.I.) by [Northern Ireland Constitution Act 1973](#) (c. 36, SIF 29:3), s. 2(2), [Sch. 2 para. 3](#)
- C9** [S. 2\(4\)](#) modified by [2006 c. 32](#), s. 58B(5) (as inserted (1.4.2018) by [Wales Act 2017](#) (c. 4), [ss. 20\(1\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#))
- C10** Reference in s. 2(5) to "that subsection" means s. 2(2) of this Act. Reference to a Minister of the Government of Northern Ireland to be construed, as respects the discharge of functions, as a reference to the head of a Northern Ireland department: [Northern Ireland Constitution Act 1973](#) (c. 36, SIF 29:3), [Sch. 5 para. 7\(2\)](#)

#### Marginal Citations

- M1** [1865 c. 63\(26:1\)](#).

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