

**2002 No. 248**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) Order 2002**

<i>Made</i> - - - -	<i>12th February 2002</i>
<i>Laid before Parliament</i>	<i>13th February 2002</i>
<i>Coming into force</i>	<i>6th March 2002</i>

At the Court at Buckingham Palace, the 12th day of February 2002,

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972(a), and section 29(1) of the Government of Wales Act 1998(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the European Communities (Designation) Order 2002 and shall come into force on 6th March 2002.

(2) In this Order—

“the Act” means the European Communities Act 1972,

“Minister or government department” means a Minister of the Crown or government department, but does not include a Northern Ireland Minister or Northern Ireland department,

“regulations” means regulations made pursuant to section 2(2) of the Act, and

“Community legislation regulating trade in species of wild fauna and flora” means Council Regulation (EC) No. 338/97(c) on the protection of species of wild fauna and flora by regulating trade therein, as amended by Commission Regulation (EC) No. 938/97(d), Commission Regulation (EC) No. 2307/97(e), Commission Regulation (EC) No. 2214/98(f), Commission Regulation (EC) No. 1476/99(g), Commission Regulation (EC) No. 2724/00(h), Commission Regulation (EC) No. 1579/01(i), and Commission Regulation

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(a) 1972 c.68.

(b) 1998 c.38.

(c) O.J. No. L 61, 3.3.97, p. 1.

(d) O.J. No. L 140, 30.5.97, p. 1.

(e) O.J. No. L 325, 27.11.97, p. 1.

(f) O.J. No. L 279, 16.10.98, p. 3.

(g) O.J. No. L 171, 7.7.99, p. 5.

(h) O.J. No. L 320, 18.12.00, p. 1.

(i) O.J. No. L 209, 2.8.01, p. 14.

(EC) No. 2476/01(a), and as implemented by Commission Regulation (EC) No. 1808/2001(b).

### **Designation of Ministers or departments**

2.—(1) For the purposes of section 2(2) of the Act, the Ministers or government departments specified in column (1) of Schedule 1 to this Order are designated in relation to the matters specified in column (2) of that Schedule.

(2) Where a Minister or government department is designated by this Order in relation to any matter, for which any other Minister or government department is designated by this or any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

### **Designation of the National Assembly for Wales**

3.—(1) For the purposes of section 2(2) of the Act, the National Assembly for Wales is designated in relation to the matter specified in Schedule 2 to this Order.

(2) Regulations made by the National Assembly for Wales pursuant to this Order shall apply in relation to Wales only.

(3) Where the National Assembly for Wales is designated by this Order in relation to any matter, for which any Minister or government department is designated by this or any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

### **Revocation of earlier designations**

4. The Orders specified in column (1) of Schedule 3 to this Order are revoked in so far as they relate to the authorities specified in column (2) and the designations specified in respect of them in column (3).

### **Amendment of earlier Order**

5. The European Communities (Designation) (No. 4) Order 2001(c) is amended as follows. In article 2(2) (the making of regulations jointly) after the words “where any Minister or government” insert the word “department”.

*A. K. Galloway*  
Clerk of the Privy Council

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(a) O.J. No. L 334, 18.12.01, p. 3.

(b) O.J. No. L 250, 19.9.01, p. 1.

(c) S.I. 2001/3919.

**SCHEDULE 1**

Article 2

**DESIGNATION OF MINISTERS OR DEPARTMENTS**

<i>(1)</i> <i>Minister or department designated</i>	<i>(2)</i> <i>Matter in relation to which Minister or department is designated</i>
The Secretary of State	The recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.
The Secretary of State	The combating of late payment in commercial transactions.

**SCHEDULE 2**

Article 3

**MATTERS IN RELATION TO WHICH THE NATIONAL ASSEMBLY FOR WALES IS DESIGNATED**

The conservation of natural habitats and of wild fauna and flora, but not

- (a) measures for the purpose of implementing, or dealing with matters arising out of or related to, Community legislation regulating trade in species of wild fauna and flora; or
- (b) measures which, in the interests of conservation, concern the assessment of, and authorisation of, projects or plans likely to have a significant effect on natural habitats and habitats of species, unless a function relating to the authorisation of the project or plan, in the interests of any other matter, is exercisable by the National Assembly for Wales at the date of the making of this Order.

## SCHEDULE 3

Article 4

## REVOCATION OF DESIGNATIONS

<i>(1) Order</i>	<i>(2) Authorities designated</i>	<i>(3) Designation</i>
The European Communities (Designation) Order 1989(a)	The Secretary of State	Measures relating to recognition of higher-education diplomas or formal qualifications required for the pursuit of professions or other occupations.
The European Communities (Designation) (No. 3) Order 2000(b)	The National Assembly for Wales	<p>Measures relating to the conservation of natural habitats and of wild fauna and flora, but not</p> <p>(a) measures for the purpose of implementing, or dealing with matters arising out of or related to, Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein; or</p> <p>(b) measures which, in the interests of conservation, concern the assessment of, and authorisation of, projects or plans likely to have a significant effect on natural habitats and habitats of species, unless a function relating to the authorisation of the project or plan, in the interests of any other matter, is exercisable by the Assembly at the date of the making of this Order.</p>

(a) S.I. 1989/1327.

(b) S.I. 2000/2812.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is a further Order in the series designating authorities which may exercise the power to make regulations conferred by section 2(2) of the European Communities Act 1972 and specifying the matters in relation to which that power may be exercised. The Order also revokes two designations which are superseded, and amends article 2(2) of the European Communities (Designation) (No. 4) Order 2001.

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