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STATUTORY INSTRUMENTS

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**2005 No. 1971**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) (No. 2) Order 2005**

*Made* - - - - - *19th July 2005*  
*Laid before Parliament* *29th July 2005*  
*Coming into force* - - - *19th August 2005*

At the Court at Buckingham Palace, the 19th day of July 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 2(2) of the European Communities Act 1972<sup>(1)</sup>, and section 29(1) of the Government of Wales Act 1998<sup>(2)</sup>, 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) (No. 2) Order 2005 and shall come into force on 19th August 2005.

(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, and

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

**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 the 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 has been designated by this or any

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(1) 1972 c. 68.

(2) 1998 c. 38.

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 Northern Ireland departments**

3.—(1) For the purposes of section 2(2) of the Act, any Northern Ireland department is designated in relation to the matters specified in Schedule 2 to this Order.

(2) Regulations made by a Northern Ireland department in pursuance of this Order, that are not made jointly with a Minister, shall form part of the law of Northern Ireland and not of any other part of the United Kingdom.

(3) Where any Northern Ireland department 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.

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

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

(2) Regulations made by the National Assembly for Wales in pursuance of this Order, that are not made jointly with a Minister, shall apply in relation to Wales only, and not to any other part of the United Kingdom.

(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**

5. The Orders specified in column (1) of Schedule 4 to this Order are revoked in so far as they relate to the National Assembly for Wales and to the designations listed in column (2) of that Schedule.

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

SCHEDULE 1

Article 2

DESIGNATION OF MINISTERS OR DEPARTMENTS

<i>(1)</i> <i>Minister or Department designated</i>	<i>(2)</i> <i>Matters in relation to which Minister or Department is designated</i>
The Secretary of State	Measures relating to road tunnel safety and the safety of roads accessing road tunnels
The Secretary of State	The protection of employees in the event of the insolvency of their employer
The Secretary of State	Compensation to victims of violent intentional crime

SCHEDULE 2

Article 3

MATTERS IN RELATION TO WHICH ANY NORTHERN IRELAND DEPARTMENT IS DESIGNATED

Measures relating to road tunnel safety and the safety of roads accessing road tunnels.

The protection of employees in the event of the insolvency of their employer.

SCHEDULE 3

Article 4

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

Measures relating to road tunnel safety and the safety of roads accessing road tunnels.

Measures in respect of food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals, except measures concerning feed containing medicinal products (including growth regulators) or medicinal products when destined for use in feed; provided that such exception shall not extend to zootechnical additives within the following functional groups:

- (a) digestibility enhancers: substances which, when fed to animals, increase the digestibility of the diet, through action on target feed materials;
- (b) gut flora stabilisers: micro-organisms or other chemically defined substances, which, when fed to animals, have a positive effect on the gut flora; or
- (c) substances which favourably affect the environment.

Measures in respect of the common agricultural policy of the European Community, except measures concerning feed containing medicinal products (including growth regulators) or medicinal products when destined for use in feed; provided that such exception shall not extend to zootechnical additives within the following functional groups:

- (a) digestibility enhancers: substances which, when fed to animals, increase the digestibility of the diet, through action on target feed materials;
- (b) gut flora stabilisers: micro-organisms or other chemically defined substances, which, when fed to animals, have a positive effect on the gut flora; or

**Status:** This is the original version (as it was originally made).

- (c) substances which favourably affect the environment.

#### SCHEDULE 4

Article 5

#### REVOCATION OF DESIGNATIONS

<i>(1)</i> <i>Order</i>	<i>(2)</i> <i>Designation</i>
The European Communities (Designation) (No. 3) Order 1999 <sup>(3)</sup>	Measures in respect of the common agricultural policy of the European Community, except measures concerning feeding stuffs containing medicinal products (including growth regulators) or medicinal products when destined for use in feeding stuffs.
The European Communities (Designation) (No. 4) Order 2003 <sup>(4)</sup>	Measures relating to food (including drink) including the primary production of food; and measures relating to feed produced for or fed to food-producing animals, except measures concerning feed containing medicinal products (including growth regulators) or medicinal products when destined for use in feed.

#### 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. This Order also revokes a number of designations which are superseded.

<sup>(3)</sup> S.I.1999/2788.

<sup>(4)</sup> S.I. 2003/2901.