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STATUTORY INSTRUMENTS

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**2009 No. 1381**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) (No. 3) Order 2009**

<i>Made</i>	- - - -	<i>10th June 2009</i>
<i>Laid before Parliament</i>		<i>22nd June 2009</i>
<i>Coming into force</i>	- -	<i>13th July 2009</i>

At the Court at Buckingham Palace, the 10th day of June 2009

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(1), is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) (No. 3) Order 2009 and comes into force on 13th July 2009.

(2) In this Order—

“designate” means designate 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 the packaging of products**

2. Each Northern Ireland department is designated in relation to the packaging of products.

**Relationship with other designations**

3.—(1) This Order does not restrict the scope of any designation made by any other Order.

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(1) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).

(2) Where—

- (a) a Northern Ireland department is designated by this Order, and
- (b) any other Minister or department is designated in relation to the same matter by any other Order,

any of them may make subordinate legislation in relation to that matter jointly.

(3) In paragraph (2)(b), “Minister or department” means—

- (a) a Minister of the Crown or government department, including a Northern Ireland Minister or Northern Ireland department, or
- (b) the Welsh Ministers<sup>(2)</sup>.

### **Restrictions**

4.—(1) Article 2 only designates a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland, subject to paragraph (2).

(2) Paragraph (1) does not apply where the subordinate legislation is made jointly with a Minister of the Crown or government department other than a Northern Ireland Minister or Northern Ireland department.

*Judith Simpson*  
Clerk of the Privy Council

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(2) See section 45(2) of the Government of Wales Act 2006 (c.32). The Welsh Ministers may be designated for the purposes of section 2(2) by virtue of section 59(1) of the 2006 Act. By virtue of section 162 of, and paragraph 28(1) of Schedule 11 to, the 2006 Act designations of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38), which were made under section 2(2) by virtue of section 29(1) of the 1998 Act, have effect as designations of the Welsh Ministers by virtue of section 59(1) of the 2006 Act.

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## **EXPLANATORY NOTE**

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

This Order designates Northern Ireland departments so that they may exercise the powers conferred by section 2(2) of the European Communities Act 1972 (c.68) in relation to the packaging of products.