

2010 No. 1552

EUROPEAN UNION

The European Communities (Designation) (No. 2) Order 2010

Made - - - - *9th June 2010*

Laid before Parliament *16th June 2010*

Coming into force - - *7th July 2010*

At the Court at Buckingham Palace, the 9th day of June 2010

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, commencement and interpretation

1.—(1) This Order may be cited as the European Communities (Designation) (No. 2) Order 2010 and comes into force on 7th July 2010.

(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;

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

Designation in relation to the safety management of road infrastructure

2. Each of the following is designated in relation to the safety management of road infrastructure—

- (a) the Secretary of State;
- (b) any Northern Ireland department; and
- (c) the Welsh Ministers.

Designation in relation to the prevention, reduction and management of waste

3. The Welsh Ministers are designated in relation to the prevention, reduction and management of waste.

(a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51). Section 59(1) of the Government of Wales Act 2006 (c. 32) provides that the power in section 2(2) may be exercised to designate the Welsh Ministers.

Designation in relation to the environmental aspects of product design

4. Each of the following is designated in relation to the environmental aspects of product design—

- (a) the Secretary of State; and
- (b) any Northern Ireland department.

Relationship with other designations

5.—(1) This Order (except for Article 7) 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 Minister or Northern Ireland department, or
- (b) the Welsh Ministers^(a).

Restrictions

6.—(1) Articles 2(b) and 4(b) only designate a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland, subject to paragraph (3).

(2) Articles 2(c) and 3 only designate the Welsh Ministers to make subordinate legislation that applies in relation to Wales, subject to paragraph (3).

(3) Paragraphs (1) and (2) do not apply where the subordinate legislation is made jointly with a Minister of the Crown or government department.

(4) In this article—

- (a) “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006^(b), and
- (b) “Minister of the Crown or government department” does not include a Northern Ireland Minister or Northern Ireland department.

Revocations

7. The following designations are revoked—

- (a) the designation of the Secretary of State in relation to energy efficiency and performance requirements for products contained in Schedule 1 to the European Communities (Designation) (No. 2) Order 2001^(c); and

(a) By virtue of section 162 of, and paragraph 28(1) of Schedule 11 to, the Government of Wales Act 2006 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.

(b) 2006 c.32. See also article 6 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). These provisions, made under section 155(2) of the Government of Wales Act 1998 (power to make an order for the purposes of the definition of Wales), are treated as being made under section 158(3) of the Government of Wales Act 2006 by virtue of paragraph 26(3) of Schedule 11 to that Act.

(c) S.I. 2001/2555.

- (b) the designation of the Secretary of State in relation to the ecodesign of energy-using products contained in Schedule 1 to the European Communities (Designation) Order 2006(a).

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Secretary of State, the Welsh Ministers and any Northern Ireland department so that they may exercise the powers conferred by section 2(2) of the European Communities Act 1972 (c. 68) (“section 2(2)”) in relation to the safety management of road infrastructure. It also designates the Welsh Ministers so that they may exercise the powers conferred by section 2(2) in relation to the prevention, reduction and management of waste. Further, the Order designates the Secretary of State and any Northern Ireland department so that they may exercise the powers conferred by section 2(2) in relation to the environmental aspects of product design. This Order also revokes several existing designations which have now been superseded.

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(a) S.I. 2006/608.

STATUTORY INSTRUMENTS

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£4.00