

2010 No. 2473

EUROPEAN UNION

The European Communities (Designation) (No. 4) Order 2010

Made - - - - *13th October 2010*

Laid before Parliament *20th October 2010*

Coming into force - - *10th November 2010*

At the Court at Buckingham Palace, the 13th day of October 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. 4) Order 2010 and comes into force on 10th November 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 public procurement

2. The Minister for the Cabinet Office is designated in relation to public procurement.

Designation in relation to social security

3.—(1) Each of the following is designated in relation to social security—

(a) the Secretary of State, and

(b) any Northern Ireland department.

(2) Paragraph (1)(b) only designates a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland but not of any other part of the United Kingdom (but this does not restrict the application of article 4(2)).

(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by the Schedule to the European Union (Amendment) Act 2008 (c. 7).

Relationship with other designations

- 4.—(1) This Order does not restrict the scope of any designation made by any other Order.
- (2) Where—
- (a) a Minister of the Crown or government department, including a Northern Ireland department, is designated by this Order, and
 - (b) any other Minister of the Crown or government department, including a Northern Ireland 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.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Only “designated” Ministers and departments can exercise the powers in section 2(2) of the European Communities Act 1972 (c. 68) to make orders, rules, regulations and schemes. This is one of a series of Orders by which Ministers and departments are designated for the purposes of section 2(2) in relation to different subject areas.

Article 2 designates the Minister for the Cabinet Office in relation to public procurement.

Article 3 designates each of Her Majesty’s Principal Secretaries of State and each Northern Ireland department in relation to social security but provides that Northern Ireland departments can only use the designation to make legislation that forms part of the law of Northern Ireland but not of any other part of the United Kingdom (unless they legislate jointly with a Minister or department whose designation is not similarly limited).

Article 4 provides that the Order does not restrict the scope of designations in other Orders and allows Ministers and departments designated in relation to the same matters to legislate jointly.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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