

2012 No. 2752

EUROPEAN UNION

The European Communities (Designation) (No. 2) Order 2012

Made - - - - *7th November 2012*

Laid before Parliament *14th November 2012*

Coming into force - - *5th December 2012*

At the Court at Buckingham Palace, the 7th day of November 2012

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 and interpretation

1.—(1) This Order may be cited as the European Communities (Designation) (No. 2) Order 2012 and comes into force on 5th December 2012.

(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 property interests in moveable objects

2. Each of the following is designated in relation to property interests in moveable objects—

(a) the Secretary of State, and

(b) any Northern Ireland department.

Designation in relation to criminal justice

3. Each of the following is designated in relation to criminal justice—

(a) the Secretary of State, and

(b) any Northern Ireland department.

(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).

Territorial restrictions

4. Articles 2 and 3 only designate 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, subject to Article 5.

Relationship with other designations

5.—(1) This Order 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 department, or
- (b) the Welsh Ministers.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

In England, Wales and Northern Ireland, only “designated” Ministers and departments can exercise 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 Secretary of State and any Northern Ireland department in relation to property interests in moveable objects.

Article 3 designates the Secretary of State and any Northern Ireland department in relation to criminal justice.

Article 4 restricts the scope of the designations in respect of the Northern Ireland departments to measures that solely affect the law of Northern Ireland, subject to Article 5.

Article 5 provides that a new designation 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 as well as individually.

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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