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STATUTORY INSTRUMENTS

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**2015 No. 814**

**EUROPEAN UNION**

**The European Communities (Designation) Order 2015**

*Made* - - - - *19th March 2015*  
*Laid before Parliament* *26th March 2015*  
*Coming into force* - - *17th April 2015*

Her Majesty, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and section 59(1) of the Government of Wales Act 2006(2), 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) Order 2015 and comes into force on 17th April 2015.

(2) In this Order—

“designated” means designated for the purposes of section 2(2) of the European Communities Act 1972, and similar expressions are to be construed accordingly;

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

**Designation in relation to the prevention and limitation of the effects of accidents involving dangerous substances**

2. The Welsh Ministers are designated in relation to the prevention and limitation of the effects of accidents involving dangerous substances, insofar as they relate to—

- (a) land-use planning;
- (b) transport routes; or
- (c) fisheries.

**Territorial restrictions**

3.—(1) Subject to paragraph (2), this Order only designates the Welsh Ministers to make subordinate legislation that applies in relation to Wales.

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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) and by the Schedule to the European Union (Amendment) Act 2008 (c.7).

(2) 2006 c.32.

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

(3) In this article—

- (a) “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006(3); and
- (b) “Minister of the Crown or government department” does not include a Northern Ireland Minister or Northern Ireland department.

#### **Relationship with other designations**

4.—(1) Except for Article 5, 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.

#### **Revocation of earlier designation**

5. The designation of the National Assembly for Wales in Article 3 of, and the first paragraph of the Schedule to, the European Communities (Designation) Order 2005(4) is revoked insofar as it relates to the prevention and limitation of the effects of accidents involving dangerous substances insofar as they relate to land-use planning policies and consents.

*Richard Tilbrook*  
Clerk of the Privy Council

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(3) 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.

(4) *S.I. 2005/850*. The functions of the then National Assembly for Wales under that designation were transferred to the Welsh Ministers by paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006.

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## 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 Welsh Ministers in relation to prevention and limitation of the effects of accidents involving dangerous substances insofar as they relate to land-use planning, transport routes or fisheries.

Article 3 provides for territorial restrictions for the Welsh Ministers’ designation.

Article 4(1) provides that except for Article 5, this Order does not restrict the scope of designations in other Orders.

Article 4(2) allows Ministers and departments designated in relation to the same matters as Article 2 of this Order to legislate jointly as well as individually.

Article 5 revokes an earlier designation for the then National Assembly for Wales that relates to the prevention and limitation of the effects of accidents involving dangerous substances insofar as they relate to land-use planning policies and consents.

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