



Localism Act 2011

2011 CHAPTER 20

PART 2

EU FINANCIAL SANCTIONS

52 Designation of public authorities

- (1) A Minister of the Crown may by order designate a public authority for the purposes of this Part.
- (2) The order must—
 - (a) specify the public authority by name;
 - (b) identify any EU financial sanction to which the designation applies; and
 - (c) describe the activities of the authority which are covered by the designation.
- (3) The order may identify an EU financial sanction for the purposes of subsection (2)(b) by—
 - (a) specifying an EU financial sanction that has been imposed on the United Kingdom;
 - (b) specifying any Article 260(2) proceedings that have been commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom in those proceedings;
 - (c) specifying a judgment of the Court of Justice finding that the United Kingdom has failed to comply with an EU obligation and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with that judgment; or
 - (d) specifying or describing any proceedings under Article 258 or 259 of the Treaty on the Functioning of the European Union that have been or may be commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with a judgment of the Court of Justice given in those proceedings.
- (4) The order may, for the purposes of subsection (3)(d), describe any proceedings under Article 258 or 259 that may be commenced by reference to the subject-matter of—

Status: This is the original version (as it was originally enacted).

- (a) a Reasoned Opinion addressed to the United Kingdom under Article 258 or 259 (as the case may be); or
 - (b) any other document sent to the Government of the United Kingdom by the Commission of the European Union or by another member State which gives notice to the Government of the possibility of proceedings being commenced against the United Kingdom.
- (5) The activities described for the purposes of subsection (2)(c) must be activities of the public authority which—
 - (a) are carried out in the exercise of non-devolved functions of the public authority; and
 - (b) take place after the provisions of the order describing the activities come into force.
- (6) The following may not be designated under this section—
 - (a) the House of Commons, the House of Lords, the Scottish Parliament, the Northern Ireland Assembly or the National Assembly for Wales;
 - (b) a Minister of the Crown or a United Kingdom government department;
 - (c) a member of the Scottish Executive;
 - (d) the First Minister or the deputy First Minister for Northern Ireland, a Northern Ireland Minister or a Northern Ireland Department;
 - (e) a member of the Welsh Assembly Government;
 - (f) a court or tribunal.
- (7) Before making an order designating a public authority a Minister of the Crown must consult—
 - (a) the public authority concerned; and
 - (b) if it is a public authority with mixed functions, the appropriate national authority.
- (8) In sections 54 to 56 references to “acts”, in relation to a public authority which has been designated under this section, are to acts within a description of activities covered by the designation.