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STATUTORY INSTRUMENTS

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**2005 No. 2766**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) (No.3) Order 2005**

*Made* - - - - *12th October 2005*  
*Laid before Parliament* *24th October 2005*  
*Coming into force* - - *14th November 2005*

At the Court at Buckingham Palace, the 12th day of October 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 2(2) of the European Communities Act 1972(1), and section 29(1) of the Government of Wales Act 1998(2), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement, and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) (No.3) Order 2005 and shall come into force on 14th November 2005.

(2) In this Order—

“the Act” means the European Communities Act 1972,

“Minister or government department” means a Minister of the Crown or government department, but does not include a Northern Ireland Minister or Northern Ireland department, and

“regulations” means regulations made pursuant to section 2(2) of the Act.

**Designation of Minister or departments**

2.—(1) For the purposes of section 2(2) of the Act, the Minister or government departments specified in column (1) of Schedule 1 to this Order are designated in relation to the matters specified in column (2) of the Schedule.

(2) Where a Minister or government department is designated by this Order in relation to any matter, for which any other Minister or government department has been designated by this or any

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(1) 1972 c. 68.

(2) 1998 c. 38.

other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

#### **Designation of Northern Ireland departments**

3.—(1) For the purposes of section 2(2) of the Act, any Northern Ireland department is designated in relation to the matters specified in Schedule 2 to this Order.

(2) Regulations made by a Northern Ireland department in pursuance of this Order, that are not made jointly with a Minister, shall form part of the law of Northern Ireland and not of any other part of the United Kingdom.

(3) Where any Northern Ireland department is designated by this Order in relation to any matter, for which any Minister or government department is designated by this or any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

#### **Designation of the National Assembly for Wales**

4.—(1) For the purposes of section 2(2) of the Act, the National Assembly for Wales is designated in relation to the matters specified in Schedule 3 to this Order.

(2) Regulations made by the National Assembly for Wales in pursuance of this Order, shall—

- (a) comply with the restrictions and conditions provided in Schedule 3, and
- (b) apply in relation to Wales only, subject as provided in Schedule 3.

(3) Where the National Assembly for Wales is designated in relation to the matters specified in Schedule 3, then for the purposes of section 2(2) of the Act, it is hereby designated in relation to anything supplemental or related to that matter.

(4) Where the National Assembly for Wales is designated by this Order in relation to any matter, for which any Minister or government department has been designated by this or any other Order for the purposes of section 2(2) of the Act, any of them may, subject as provided in Schedule 3, make regulations and, if regulations are made by more than one, they may do so jointly.

#### **Revocation of earlier designations**

5. The Order specified in column (1) of Schedule 4 to this Order is revoked in so far as it relates to the National Assembly for Wales and to the designations listed in column (2) of that Schedule.

*A.K. Galloway*  
Clerk of the Privy Council

SCHEDULE 1

Article 2

DESIGNATION OF MINISTERS OR DEPARTMENTS

<i>(1)</i> <i>Minister or department designated</i>	<i>(2)</i> <i>Matters in relation to which Minister or department are designated</i>
The Secretary of State	Persistent organic pollutants, dangerous substances and chemicals.
The Secretary of State	The generation of combined heat and power.
The Secretary of State	The regulation, labelling and control of packages and products made up to a pre-determined constant nominal quantity, whether that be weight, volume, number, area, length or any other measurement.
The Secretary of State	Food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.
The Secretary of State	The takeover of a company.

SCHEDULE 2

Article 3

MATTERS IN RELATION TO WHICH NORTHERN IRELAND DEPARTMENTS ARE DESIGNATED

The generation of combined heat and power.

The regulation, labelling and control of packages and products made up to a pre-determined constant nominal quantity, whether that be weight, volume, number, area, length or any other measurement.

Food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink.

The takeover of a company.

SCHEDULE 3

Article 4

MATTERS IN RELATION TO WHICH THE NATIONAL ASSEMBLY FOR WALES IS DESIGNATED

The common agricultural policy of the European Community, except measures concerning feed containing medicinal products (including growth regulators) or medicinal products when destined for use in feed, provided that such exception shall not extend to zootechnical additives within the following functional groups:

- (a) digestibility enhancers: substances which, when fed to animals, increase the digestibility of the diet, through action on target feed materials;

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

- (b) gut flora stabilisers: micro-organisms or other chemically defined substances, which, when fed to animals, have a positive effect on gut flora; or
- (c) substances which favourably affect the environment.

Regulations made in respect of this matter—

- (a) shall be made jointly with the Secretary of State where they contain measures relating to—
  - (i) the placing on the market or use of plant protection products, or
  - (ii) maximum levels for pesticide residues in or on cereals, food stuffs of animal origin or products of plant origin, including fruit and vegetables, and
- (b) may, where they relate to—
  - (i) payments or entitlement to payments in respect of an agricultural activity, or
  - (ii) the entitlement to market the products of any such activity

apply in respect of such activity undertaken anywhere on a farm or group of farms which includes a parcel of land situated in Wales.

SCHEDULE 4

Article 5

REVOCATION OF DESIGNATIONS

<i>(1)</i> <i>Order</i>	<i>(2)</i> <i>Designation</i>
The European Communities (Designation) (No.2) Order 2005(3)	Measures in respect of the common agricultural policy of the European Community, except measures concerning feed containing medicinal products (including growth regulators) or medicinal products when destined for use in feed, provided that such exception shall not extend to zootechnical additives within the following functional groups: <ul style="list-style-type: none"> <li>(a) digestibility enhancers: substances which, when fed to animals, increase the digestibility of the diet, through action on target feed materials;</li> <li>(b) gut flora stabilisers: micro-organisms or other chemically defined substances, which, when fed to animals, have a positive effect on gut flora; or</li> <li>(c) substances which favourably affect the environment.</li> </ul>

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(3) S.I.2005/1971.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This is a further Order in the series designating authorities which may exercise the power to make regulations conferred by section 2(2) of the European Communities Act 1972 and specifying the matters in relation to which that power may be exercised. This Order also revokes a designation which is superseded.