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STATUTORY INSTRUMENTS

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**2007 No. 3471**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) (No. 5) Order 2007**

*Made* - - - - *12th December 2007*  
*Laid before Parliament* *19th December 2007*  
*Coming into force* - - *9th January 2008*

At the Court at Buckingham Palace, the 12th day of December 2007

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<sup>(1)</sup>, 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. 5) Order 2007 and comes into force on 9th January 2008.

(2) In this Order—

“designate” means designate 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; and

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

**Designation**

2. Each of the following is designated in relation to batteries and accumulators—

(a) the Secretary of State; and

(b) any Northern Ireland department.

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<sup>(1)</sup> 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51). See also section 2(5) of the European Communities Act 1972 and section 95(5) of, and paragraphs 10 and 11 of Schedule 12 to, the Northern Ireland Act 1998 (c.47).

### **Relationship with other designations**

3.—(1) The designation in article 2 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,
- they 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 Minister or Northern Ireland department, or
- (b) the Welsh Ministers<sup>(2)</sup>.

### **Restrictions**

4.—(1) Article 2(b) only designates Northern Ireland departments to make subordinate legislation that forms part of the law of Northern Ireland.

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

### **Revocation of existing designations**

5. The designations described in the Schedule are revoked.

*Judith Simpson*  
Clerk of the Privy Council

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(2) See section 45(2) of the Government of Wales Act 2006 (c.32). The Welsh Ministers may be designated for the purposes of section 2(2) by virtue of section 59(1) of that Act. Any functions exercisable by the National Assembly for Wales by reason of previous designations were transferred to the Welsh Ministers on the appointment of the First Minister, by virtue of sections 161(5) and 162 of, and paragraph 30(1) and 30(2)(b) of Schedule 11 to, that Act.

SCHEDULE

Article 5

Revocation

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Order</i>	<i>Minister or Departments</i>	<i>Designation</i>
	<i>designated</i>	
The European Communities (Designation) Order 1993(3)	The Secretary of State Any Northern Ireland department The Secretary of State	Measures relating to batteries and accumulators containing dangerous substances Measures relating to the allocation of take off and landing slots for aircraft at airports

**EXPLANATORY NOTE**

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

This Order, which comes into force on 9th January 2008, designates the Secretary of State and any Northern Ireland department so that they may each exercise the powers conferred by section 2(2) of the European Communities Act 1972 (“section 2(2)”) in respect of measures relating to batteries and accumulators. This Order also revokes designations which are superseded.