

**2009 No. 2743**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) (No. 4) Order 2009**

*Made* - - - - - *15th October 2009*

*Laid before Parliament* *22nd October 2009*

*Coming into force* - - - *12th November 2009*

At the Court at Buckingham Palace, the 15th day of October 2009

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, commencement and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) (No. 4) Order 2009 and comes into force on 12th November 2009.

(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;

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

**Designation in relation to accreditation of conformity assessment bodies**

2. The Secretary of State is designated in relation to accreditation of conformity assessment bodies.

**Designation in relation to cross-border healthcare**

3. Each Northern Ireland department is designated in relation to cross-border healthcare.

**Designation in relation to public procurement**

4. Each of the following is designated in relation to public procurement—

(a) the Secretary of State; and

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(a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).

- (b) any Northern Ireland department.

### **Designation in relation to pyrotechnic articles**

5. The Secretary of State is designated in relation to pyrotechnic articles.

### **Relationship with other designations**

6.—(1) This Order does not restrict the scope of any designation made by any other Order.

(2) Where—

- (a) a Minister of the Crown or government department is designated by this Order, and
- (b) any other Minister of the Crown or government 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.

### **Restrictions**

7.—(1) Articles 3 and 4(b) only designate a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland, subject to paragraph (2).

(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.

*Judith Simpson*  
Clerk of the Privy Council

### **EXPLANATORY NOTE**

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

This Order designates the Secretary of State so that the Secretary of State may exercise the powers conferred by section 2(2) of the European Communities Act 1972 (c.68) in relation to accreditation of conformity assessment bodies, public procurement and pyrotechnic articles. It also designates Northern Ireland departments so that they may exercise the powers conferred by section 2(2) in relation to cross-border healthcare and public procurement.

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