Changes to legislation: *The European Communities (Designation) Order 2016 is up to date with all changes known to be in force on or before 03 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2016 No. 161

EUROPEAN UNION

The European Communities (Designation) Order 2016

Made - - - -	*10th February 2016*
Laid before Parliament	*17th February 2016*
Coming into force - -	*9th March 2016*

At the Court at Buckingham Palace, the 10th day of February 2016

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 [F1], and section 59(1) of the Government of Wales Act 2006 [F2], is pleased, by and with the advice of Her Privy Council, to order as follows:

F1 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).

F2 2006 c.32.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the European Communities (Designation) Order 2016 and comes into force on 9th March 2016.

(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) of that Act.

Designation in relation to the design, construction and fitting of buildings

2. The Welsh Ministers are designated in relation to the design and construction of buildings, and in relation to services, fittings and equipment provided in or in connection with those buildings.

Territorial restrictions

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

(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 [F3]; and

(b) "Minister of the Crown or government department" does not include a Northern Ireland Minister or Northern Ireland department.

F3 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.

Relationship with other designations

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

(2) Where—

(a) the Welsh Ministers are designated by this Order, and

(b) any other Minister or department is designated in relation to the same matter by 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 Minister of the Crown or government department, including a Northern Ireland department.

Ceri King
Deputy Clerk of the Privy Council