Changes to legislation: *The European Communities (Designation) (No. 2) Order 2015 is up to date with all changes known to be in force on or before 29 October 2018. 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)*

STATUTORY INSTRUMENTS

2015 No. 1530

EUROPEAN UNION

The European Communities (Designation) (No. 2) Order 2015

Made - - - -	*15th July 2015*
Laid before Parliament	*22nd July 2015*
Coming into force - -	*13th August 2015*

At the Court at Buckingham Palace, the 15th day of July 2015

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:

Annotations:

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 of the European Union (Amendment) Act 2008 (c.7)
.

F2 2006 c.32
.

Citation and interpretation

1.—(1) This Order may be cited as the European Communities (Designation) (No. 2) Order 2015 and comes into force on 13th August 2015.

(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 public procurement

2.—(1) The Welsh Ministers are designated in relation to public procurement by contracting authorities whose functions are wholly or mainly Welsh devolved functions.

(2) In this article—

(a) "contracting authorities" has the same meaning as in regulation 2 of the Public Contracts Regulations 2015 [F3], or any regulation replacing that regulation, as from time to time amended; and

(b) "Welsh devolved functions" means functions which could be conferred by provision falling within the legislative competence of the National Assembly for Wales (as defined in section 108 of the Government of Wales Act 2006).

Annotations:

F3 S.I. 2015/102
.

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 [F4]; and

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

Annotations:

F4 See also article 6 of, and Schedule 3 of, 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 (c.32)
(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 of 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) 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,

any of them may make subordinate legislation in relation to that matter jointly.

(3) In paragraph (2), "Minister or department" means—