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STATUTORY INSTRUMENTS

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**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(1), and section 59(1) of the Government of Wales Act 2006(2), 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) 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.

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(1) 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).  
(2) 2006 c.32.

### **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<sup>(3)</sup>; and
- (b) “Minister of the Crown or government department” does not include a Northern Ireland Minister or Northern Ireland department.

### **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

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(3) 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.

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## EXPLANATORY NOTE

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

In England, Wales and Northern Ireland only “designated” Ministers and departments can exercise powers under section 2(2) of the European Communities Act 1972 (c.68) to make orders, rules, regulations and schemes. This is one of a series of orders by which Ministers and departments are designated for the purposes of section 2(2) in relation to different subject areas.

Article 2 designates the Welsh Ministers so that they may exercise the powers conferred by section 2(2) 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.

Article 3 provides for territorial restrictions for the Welsh Ministers’ designations.

Article 4 provides that this Order does not restrict the scope of designations in other orders and allows Ministers and departments designated in relation to the same matters to legislate jointly as well as individually.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.