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*Number 27 of 1972*

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**EUROPEAN COMMUNITIES ACT 1972**

**REVISED**

**Updated to 13 April 2017**

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This Revised Act is an administrative consolidation of the *European Communities Act 1972*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Knowledge Development Box (Certification of Inventions) Act 2017 (6/2017)*, enacted 12 April 2017, and all statutory instruments up to and including *Social Housing Assessments (Summary) Regulations 2013 (Revocation) Regulations 2017 (S.I. No. 161 of 2017)*, made 13 April 2017, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to [revisedacts@lawreform.ie](mailto:revisedacts@lawreform.ie).





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## EUROPEAN COMMUNITIES ACT 1972

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### Introduction

This Revised Act presents the text of the Act as it has been amended since enactment and preserves the format in which it was first passed.

### Related Legislation

**European Communities Acts 1972 to 2012:** this Act is one of a group of Acts included in this collective citation (*European Communities (Amendment) Act 2012* (21/2012), s. 2(2)). The Acts in this group are:

- *European Communities Act 1972* (27/1972)
- *European Communities (Amendment) Act 1973* (20/1973)
- *European Communities (Amendment) Act 1977* (5/1977)
- *European Communities (Amendment) Act 1979* (32/1979)
- *European Communities (Amendment) Act 1985* (1/1985)
- *European Communities (Amendment) (No. 2) Act 1985* (19/1985)
- *European Communities (Amendment) Act 1986* (37/1986)
- *European Communities (Amendment) Act 1992* (24/1992)
- *European Communities (Amendment) Act 1993* (25/1993)
- *European Communities (Amendment) Act 1994* (30/1994)
- *European Communities (Amendment) Act 1995* (6/1995)
- *European Communities (Amendment) Act 1998* (25/1998)
- *European Communities and Swiss Confederation Act 2001* (41/2001)
- *European Union (Scrutiny) Act 2002* (25/2002), s. 4
- *European Communities (Amendment) Act 2002* (27/2002)
- *European Communities (Amendment) Act 2003* (38/2003)
- *European Communities (Amendment) Act 2006* (18/2006)
- *European Communities Act 2007* (18/2007)
- *European Union Act 2009* (33/2009)
- *European Communities (Amendment) Act 2012* (21/2012)

### Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at [www.lawreform.ie/annotations](http://www.lawreform.ie/annotations).

### Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1987, may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

### **Acts which affect or previously affected this revision**

- *European Communities (Amendment) Act 2012* (21/2012)
- *European Union Act 2009* (33/2009)
- *European Communities Act 2007* (18/2007)
- *European Communities (Amendment) Act 2006* (18/2006)
- *Interpretation Act 2005* (23/2005)
- *European Communities (Amendment) Act 2003* (38/2003)
- *European Communities (Amendment) Act 2002* (27/2002)
- *European Union (Scrutiny) Act 2002* (25/2002)
- *European Communities and Swiss Confederation Act 2001* (41/2001)
- *European Communities (Amendment) Act 1998* (25/1998)
- *European Communities (Amendment) Act 1995* (6/1995)
- *European Communities (Amendment) Act 1994* (30/1994)
- *European Communities (Amendment) Act 1993* (25/1993)
- *European Communities (Amendment) Act 1992* (24/1992)
- *European Communities (Amendment) Act 1986* (37/1986)
- *European Communities (Amendment) (No. 2) Act 1985* (19/1985)
- *European Communities (Amendment) Act 1985* (1/1985)
- *European Communities (Amendment) Act 1979* (32/1979)
- *Ministers and Secretaries (Amendment) (No. 2) Act 1977* (28/1977)
- *European Communities (Amendment) Act 1977* (5/1977)
- *European Communities (Amendment) Act 1973* (20/1973)
- *European Communities (Confirmation of Regulations) Act 1973* (5/1973)

All Acts up to and including *Knowledge Development Box (Certification of Inventions) Act 2017* (6/2017), enacted 12 April 2017, were considered in the preparation of this revision.

### **Statutory instruments which affect or previously affected this revision**

The list of statutory instruments which affect or previously affected this revision and are made under a power under this Act is too extensive to include under this heading. A chronological list of Regulations made under *European Communities Act 1972* (27/1972), s. 3, periodically updated, is available on the Irish Statute Book online linked from the Statutory Instruments page at [www.irishstatutebook.ie/isbc/s3eutoc.html](http://www.irishstatutebook.ie/isbc/s3eutoc.html).

All statutory instruments up to and including *Social Housing Assessments (Summary) Regulations 2013 (Revocation) Regulations 2017* (S.I. No. 161 of 2017), made 13 April 2017, were considered in the preparation of this revision.



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*Number 27 of 1972*

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**EUROPEAN COMMUNITIES ACT 1972**

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. General provision.
3. Power to make regulations.
- 3A. Regulations to which section 3(3) of Act of 1972 applies.
4. Effect and confirmation of regulations.
5. Report to Houses of Oireachtas.
6. Short title.




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Number 27 of 1972

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**EUROPEAN COMMUNITIES ACT 1972**

**REVISED**

**Updated to 13 April 2017**

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AN ACT TO MAKE PROVISION WITH RESPECT TO MEMBERSHIP OF THE STATE OF THE EUROPEAN COMMUNITIES. [6th December, 1972]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

**Annotations**

**Modifications (not altering text):**

- C1** References to “European Communities” construed (1.12.2009) by *European Union Act 2009* (33/2009), s. 5, S.I. No. 451 of 2009.

**Construction of references.**

5.— (1) References in any enactment (other than this Act and the Act of 1972) to the European Communities shall be construed as including references to the European Union.

(2) References in any enactment (other than this Act and the Act of 1972) to the treaties governing the European Communities shall be construed as references to the treaties governing the European Union.

(3) References in any enactment to the Treaty establishing the European Economic Community or the Treaty establishing the European Community shall be construed as references to the Treaty on the Functioning of the European Union.

...

Definitions.

**1.—(1)** In this Act—

“the European Communities” means the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

F1[‘European Union’ means the European Union, established by virtue of the Lisbon Treaty, and the European Atomic Energy Community;]

F1[‘Lisbon Treaty’ means the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on the 12th day of December 2007;]

“the treaties governing the European Communities” means—

- (a) “the ECSC Treaty”, that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18th day of April, 1951,
- (b) “the EEC Treaty”, that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25th day of March, 1957,
- (c) “the Euratom Treaty”, that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25th day of March, 1957,
- (d) the Convention on certain Institutions common to the European Communities, signed at Rome on the 25th day of March, 1957,
- (e) the Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 8th day of April, 1965,
- (f) the Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Luxembourg on the 22nd day of April, 1970,
- (g) the Treaty relating to the accession of Ireland to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22nd day of January, 1972,
- (h) the decision, of the 22nd day of January, 1972, of the Council of the European Communities relating to the accession of Ireland to the European Coal and Steel Community,

as supplemented or amended by treaties or other acts of which the dates of entry into force are dates not later than the 1st day of January, 1973 F2[, and

- (i) the Treaty amending certain financial provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 22nd day of July, 1975] F3[and
- (j) the Treaty relating to the accession of the Hellenic Republic to the European Economic Community and to the European Atomic Energy Community, signed at Athens on the 28th day of May, 1979, and
- (k) the decision, of the 24th day of May, 1979, of the Council of the European Communities relating to the accession of the Hellenic Republic to the European Coal and Steel Community,] F4[and
- (l) the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities, signed at Brussels on the F5[13th] day of March, 1984] F6[and
- (m) the Treaty concerning the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and to the European Atomic Energy Community, signed at Lisbon and Madrid on the 12th day of June, 1985, and
- (n) the decision, of the 11th day of June, 1985, of the Council of the European Communities relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Coal and Steel Community,] F7[and
- (o) the following provisions of the Single European Act (done at Luxembourg on the 17th day of February, 1986, and at The Hague on the 28th day of February, 1986), namely, Article 3.1; Title II; Articles 31 and 32; and, in so far as they relate to the said Article 3.1, the said Title II and the said Articles 31 and 32, Articles 33 and 34,] F8[and

- (p) the following provisions of the Treaty on European Union, namely, Titles II, III and IV; in Title VII, Articles L, M and P, and the other provisions of that Title in so far as they relate to any of the treaties governing the European Communities as defined by this subsection; together with the Protocols (whether expressed to be annexed to the Treaty establishing the European Community, or to the said Treaty on European Union and the Treaties establishing the European Communities), done at Maastricht on the 7th day of February, 1992,] F9[and
- (q) the Act amending the Protocol on the Statute of the European Investment Bank, empowering the Board of Governors to establish a European Investment Fund, signed at Brussels on the 25th day of March, 1993, together with the Treaty amending certain provisions of the Protocol on the Statute of the European Investment Bank, signed at Brussels on the 10th day of July, 1975,] F10[and
- (r) the Treaty concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed at Corfu on the 24th day of June, 1994, in so far as that Treaty relates to the European Communities,] F11[and
- (s) the following provisions of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts, namely, Articles 1.13 and 2 to 12 together with the annexed Protocols whether expressed to be annexed to—
- (i) the Treaty on European Union and to the Treaty establishing the European Community,
- (ii) the Treaty establishing the European Community, or
- (iii) the Treaty on European Union and the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community,
- signed at Amsterdam on the 2nd day of October, 1997,] F12[and
- (t) the following provisions of the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts, namely, Articles 1.15 and 2 to 10 together with the annexed Protocols whether expressed to be annexed to—
- (i) the Treaty on European Union and to the Treaties establishing the European Communities,
- (ii) the Treaty on European Union, to the Treaty establishing the European Community and to the Treaty establishing the European Atomic Energy Community, or
- (iii) the Treaty establishing the European Community,
- signed at Nice on the 26th day of February 2001,] F13[and
- (u) the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union done at Athens on the 16th day of April 2003, in so far as that Treaty relates to the European Communities,] F14[and
- (v) the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union signed at Luxembourg on the 25th day of April 2005, in so far as that Treaty relates to the European Communities.]



F15[‘treaties governing the European Union’ means—

- (a) the Treaty on European Union,
- (b) the Treaty on the Functioning of the European Union,
- (c) the Lisbon Treaty, and
- (d) the treaties governing the European Communities,

(other than the provisions to which the first paragraph of Article 275 of the treaty referred to in paragraph (b) applies), as amended by—

- (i) the Protocol amending the Protocol on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, done at Brussels on the 23rd day of June 2010,]

F16[(ii) the European Council Decision of 25 March 2011 amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro,

- (iii) the Treaty concerning the accession of the Republic of Croatia to the European Union, done at Brussels on the 9th day of December 2011, and

- (iv) the Protocol on the concerns of the Irish people on the Treaty of Lisbon, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, done at Brussels on the 16th day of May 2012.]

(2) (a) In the foregoing subsection “treaties or other acts of which the dates of entry into force are dates not later than the 1st day of January, 1973” does not include a treaty or other act of which the date of entry into force is later than the 22nd day of January, 1972, unless the Government have, not later than the 1st day of January, 1973, by order declared that this section applies to it.

(b) Where an order under this section is proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

#### Annotations

#### Amendments:

- F1 Inserted (1.12.2009) by *European Union Act 2009* (33/2009), s. 2, S.I. No. 451 of 2009.
- F2 Inserted (1.06.1977) by *European Communities (Amendment) Act 1977* (5/1977), s. 1, commenced as per s. 2(2) and (3).
- F3 Inserted (1.01.1981) by *European Communities (Amendment) Act 1979* (32/1979), s. 1, S.I. No. 392 of 1980.
- F4 Inserted (1.02.1985) by *European Communities (Amendment) Act 1985* (1/1985), s. 1, S.I. No. 34 of 1985.
- F5 Substituted (5.05.1994) by *European Communities (Amendment) Act 1993* (25/1993), s. 2(1)(a), S.I. No. 122 of 1994.
- F6 Inserted (1.01.1986) by *European Communities (Amendment) (No. 2) Act 1985* (19/1985), s. 1, S.I. No. 446 of 1985.
- F7 Inserted (1.07.1987) by *European Communities (Amendment) Act 1986* (37/1986), s. 1, S.I. No. 170 of 1987.

- F8** Inserted (1.11.1993) by *European Communities (Amendment) Act 1992* (24/1992), s. 1(1), S.I. No. 304 of 1993.
- F9** Inserted (5.05.1994) by *European Communities (Amendment) Act 1993* (25/1993), s. 2(1)(b), S.I. No. 122 of 1994.
- F10** Inserted (1.01.1995) by *European Communities (Amendment) Act 1994* (30/1994), s. 1(1), S.I. No. 455 of 1994.
- F11** Inserted (26.05.1999) by *European Communities (Amendment) Act 1998* (25/1998), s. 1(1), S.I. No. 166 of 1999.
- F12** Inserted (1.02.2003) by *European Communities (Amendment) Act 2002* (27/2002), s. 1(1), S.I. No. 30 of 2003.
- F13** Inserted (1.05.2004) by *European Communities (Amendment) Act 2003* (38/2003), s. 1(1), S.I. No. 183 of 2004.
- F14** Inserted (30.01.2007) by *European Communities (Amendment) Act 2006* (18/2006), s. 1(1), S.I. No. 38 of 2007.
- F15** Substituted (16.07.2012) by *European Communities (Amendment) Act 2012* (21/2012), s. 1, S.I. No. 252 of 2012.
- F16** Substituted (1.05.2013, 1.07.2013 and 1.12.2014) by *European Communities (Amendment) Act 2012* (21/2012), s. 1, S.I. Nos. 143 of 2013, 226 of 2013 and 577 of 2014.
- Editorial Notes:**
- E1** Previous affecting provision: definition of “treaties governing the European Union” inserted (1.12.2009) by *European Union Act 2009* (33/2009), s. 2, S.I. No. 451 of 2009; substituted as per F-note above.

General provision.

**2.—F17[(1)** The following shall be binding on the State and shall be part of the domestic law thereof under the conditions laid down in the treaties governing the European Union:

- (a) the treaties governing the European Union;
- (b) acts adopted by the institutions of the European Union (other than acts to which the first paragraph of Article 275 of the Treaty on the Functioning of the European Union applies);
- (c) acts adopted by the institutions of the European Communities in force immediately before the entry into force of the Lisbon Treaty; and
- (d) acts adopted by bodies competent under those treaties (other than acts to which the first paragraph of the said Article 275 applies).]

**F18[(2)** Without prejudice to subsection (1) of this section, from the coming into force of the EEA Agreement, the provisions of that Agreement and the acts to be adopted by institutions established by that Agreement which, pursuant to the treaties governing the European Communities, will be binding on the State and an integral part of the legal order of those Communities, shall have the force of law in the State on the conditions laid down in those treaties and in that Agreement.]

**F19[(3)** Without prejudice to subsection (1) of this section, from the coming into force of the Agreements (within the meaning of the European Communities and Swiss Confederation Act, 2001), the provisions of those Agreements and the acts to be adopted by the institutions established by those Agreements which, pursuant to the treaties governing the European Communities, will be binding on the State and an integral part of the legal order of those Communities, shall have the force of law in the State on the conditions laid down in those treaties and in those Agreements.]

**Annotations****Amendments:**

- F17** Substituted (1.12.2009) by *European Union Act 2009* (33/2009), s. 3, S.I. No. 451 of 2009.
- F18** Inserted (1.01.1994) by *European Communities (Amendment) Act 1993* (25/1993), s. 3, S.I. No. 415 of 1993.
- F19** Inserted (1.06.2002) by *European Communities and Swiss Confederation Act 2001* (41/2001), s. 2, S.I. No. 195 of 2002.

**Editorial Notes:**

- E2** Original section renumbered as subs. (1) (1.01.1994) by *European Communities (Amendment) Act 1993* (25/1993), s. 3, S.I. No. 415 of 1993.
- E3** Previous affecting provision: section amended prior to insertion of subs. (2) (1.11.1993) by *European Communities (Amendment) Act 1992* (24/1992), s. 2, S.I. No. 304 of 1993; substituted as per F-note above.

Power to make regulations.

**3.—(1)** A Minister of State may make regulations for enabling section 2 of this Act to have full effect.

(2) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister making the regulations to be necessary for the purposes of the regulations (including provisions repealing, amending or applying, with or without modification, other law, exclusive of this Act).

**F20[(3)** Regulations under this section may—

(a) make provision for offences under the regulations to be prosecuted on indictment, where the Minister of the Government making the regulations considers it necessary for the purpose of giving full effect to—

**F21[(i)** a provision of the treaties governing the European Union, or

(ii) an act, or provision of an act, adopted by an institution of the European Union, an institution of the European Communities or a body competent under those treaties, and]

(b) make such provision as that Minister of the Government considers necessary for the purpose of ensuring that penalties in respect of an offence prosecuted in that manner are effective and proportionate, and have a deterrent effect, having regard to the acts or omissions of which the offence consists, provided that the maximum fine (if any) shall not be greater than €500,000 and the maximum term of imprisonment (if any) shall not be greater than 3 years.]

(4) Regulations under this section may be made before the 1st day of January, 1973, but regulations so made shall not come into operation before that day.

**F22[(5)** In this section—

‘maximum fine’ means the maximum fine to which a person shall be liable on conviction on indictment of an offence;

‘maximum term of imprisonment’ means the maximum term of imprisonment to which a person shall be liable on conviction on indictment of an offence.]

**Annotations****Amendments:**

- F20** Substituted (21.04.2007) by *European Communities Act 2007* (18/2007), s. 2(a), commenced on enactment.
- F21** Substituted (1.12.2009) by *European Union Act 2009* (33/2009), s. 4, S.I. No. 451 of 2009.
- F22** Inserted (21.04.2007) by *European Communities Act 2007* (18/2007), s. 2(b), commenced on enactment.

**Modifications (not altering text):**

- C2** Application of section restricted by *Companies Act 2014* (38/2014), s. 1368, as substituted (26.10.2016) by *Finance (Certain European Union and Intergovernmental Obligations) Act 2016* (13/2016), s. 8(c), commenced on enactment.

**Conviction on indictment of offences under Irish market abuse law: penalties**

**[1368.** (1) In this section ‘offence created by Irish market abuse law’ means an offence created by regulations falling within *paragraph (a)* of the definition of ‘Irish market abuse law’ in *section 1365(1)*.

(2) A person who is guilty of an offence created by Irish market abuse law (being an offence expressed by that law to be an offence to which this section applies) shall—

(a) without prejudice to any penalties provided by that law in respect of a summary conviction for the offence, and

(b) notwithstanding section 3 (3) of the European Communities Act 1972 ,

be liable, on conviction on indictment, to a fine not exceeding €10,000,000 or imprisonment for a term not exceeding 10 years or both.]

- C3** Transitional provision for application of section made (1.06.2002) by *European Communities and Swiss Confederation Act 2001* (41/2001), s. 3, S.I. No. 195 of 2002.

**Adaptations to take account of Agreements.**

**3.—(1)** Without prejudice to the future exercise of the powers conferred by section 3 of the Act of 1972, any regulations made under the said section 3 which are in force immediately before the coming into operation of section 2 of this Act, and any enactment, or instrument made under an enactment, which implements obligations of the State under the treaties governing the European Communities, shall, as far as practicable, be construed as if, on the coming into operation of section 2 of this Act, they were adapted as required by or under the Agreements.

(2) Without prejudice to the generality of subsection (1) of this section, in any regulations made under section 3 of the Act of 1972, and in any enactment, or instrument made under an enactment, any reference to the Member States of the European Communities or to any person who is affected by the treaties governing those Communities shall, in so far as may be necessary to give effect to the obligations of the State pursuant to the Agreements, be construed as including a reference to the Swiss Confederation and any person who is affected by the Agreements.

- C4** Transitional provision for application of section made (20.07.1993) by *European Communities (Amendment) Act 1993* (25/1993), s. 4, commenced on enactment.

**Adaptations to take account of EEA Agreement.**

**4.—(1)** Without prejudice to the future exercise of the powers conferred by section 3 of the Act of 1972, any regulations made under the said section 3 which are in force immediately before the coming into operation of section 3 of this Act, and any enactment, or instrument made under an enactment, which implements obligations of the State under the treaties governing the European Communities, shall, as far as practicable, be construed as if, on the coming into operation of section 3 of this Act, they were adapted as required by or under the EEA Agreement.

(2) Without prejudice to the generality of subsection (1) of this section, in any regulations made under section 3 of the Act of 1972, and in any enactment, or instrument made under an enactment,

any reference to the Member States of the European Communities or to any person who is affected by the treaties governing those Communities shall, in so far as may be necessary to give effect to the obligations of the State pursuant to the EEA Agreement, be construed as including a reference to those States (not being Member States of the said Communities) which are contracting parties to the EEA Agreement and any person who is affected by the EEA Agreement.

- C5** Regulations made under section confirmed (20.07.1993) by *European Communities (Amendment) Act 1993* (25/1993), s. 5, commenced on enactment.

**Regulations under Act of 1972.**

5.—(1) Without prejudice to the future exercise of the powers conferred by section 3 of the Act of 1972, all regulations made under section 3 of the Act of 1972 prior to the passing of this Act are hereby confirmed as on and from the date upon which they purported to come into operation.

(2) Subsection (1) of this section shall operate to confirm regulations or any provision of any regulation to the extent only that such confirmation is in accordance with the Constitution.

(3) Nothing in subsection (1) or (2) of this section shall be construed to mean that but for this Act, any regulations or provision of regulations would for any reason be invalid having regard to the provisions of the Constitution or otherwise.

(4) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, proceedings in respect of offences committed after the passing of this Act under regulations (whether made before or after such passing) under the Act of 1972 may be instituted at any time within two years from the date of the commission of the offence.

(5) Subsection (1) of this section shall apply to all regulations made under section 3 of the Act of 1972 prior to the passing of this Act subject to any adaptation, amendment or revocation thereof whether by regulations made under the said section 3 or by any Act of the Oireachtas or instrument thereunder.

**Editorial Notes:**

- E4** Large numbers of regulations have been made and continue to be made pursuant to the power in this section. They are too numerous to list here and are available in the Legislation Directory on the Irish Statute Book website at [www.irishstatutebook.ie/isbc/s3eutoc.html](http://www.irishstatutebook.ie/isbc/s3eutoc.html).
- E5** The term “Minister of State” in subs. (1) was redefined (1.01.1978) by *Ministers and Secretaries (Amendment) (No. 2) Act 1977* (28/1977), ss. 1, 2 and 4, S.I. No. 378 of 1977. Sections 1 and 2 described the office and s. 4 amended the Interpretation Act 1937, s. 18 in relation to that Act and subsequent legislation, to the effect that the office which had previously been a Minister of State was now a Minister of the Government. This was confirmed in *Interpretation Act 2005* (23/2005), s. 21 and sch. part 1, defining “Minister of the Government” as a member of the Government having charge of a Department of State, and not including a definition of Minister of State.

*European Communities Act 2007* (18/2007), s. 4(4) clarified that the 1977 Act, s. 2 (which provides for delegation of power and duties by Ministers of the Government to Ministers of State) shall not apply to a power to make a statutory instrument for a purpose defined in subs. (1) of that section, being: *A power to make a statutory instrument conferred on a Minister of the Government by a provision of a statute may be exercised for the purpose of giving effect to a European act if the obligations imposed on the State under the European act concerned relate, in whole, to matters to which that provision relates.*

It appears from this that the term “Minister of State” in subs. (1) above should now be construed as “Minister of the Government”.

F23 [Regulations to which section 3(3) of Act of 1972 applies.

**3A.**— Every regulation to which subsection (3) (inserted by section 2(a) of the *European Communities Act 2007*) of section 3 of this Act applies shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be

annulled accordingly but without prejudice to the validity of anything previously done thereunder.]

**Annotations**

**Amendments:**

**F23** Inserted (21.04.2007) by *European Communities Act 2007* (18/2007), s. 3, commenced on enactment.

Effect and confirmation of regulations.

**4.—F24**[(1) (a) Regulations under this Act shall have statutory effect.

(b) If the F25[Joint Committee on European Affairs] recommends to the Houses of the Oireachtas that any regulations under this Act be annulled and a resolution annulling the regulations is passed by both such Houses within one year after the regulations are made, the regulations shall be annulled accordingly and shall cease to have statutory effect, but without prejudice to the validity of anything previously done thereunder.

(2) (a) If when regulations under this Act are made, or at any time within one year thereafter and while the regulations have statutory effect, Dáil Éireann stands adjourned for a period of more than ten days and if, during the adjournment, at least one-third of the members of Dáil Éireann by notice in writing to the Ceann Comhairle require Dáil Éireann to be summoned, the Ceann Comhairle shall summon Dáil Éireann to meet on a day named by him being neither more than twenty-one days after the receipt by him of the notice nor less than ten days after the issue of the summons.

(b) If when regulations under this Act are made, or at any time within one year thereafter and while the regulations have statutory effect, Seanad Éireann stands adjourned for a period of more than ten days and if, during the adjournment, at least one-third of the members of Seanad Éireann by notice in writing to the Cathaoirleach require Seanad Éireann to be summoned, the Cathaoirleach shall summon Seanad Éireann to meet on a day named by him being neither more than twenty-one days after the receipt by him of the notice nor less than ten days after the issue of the summons.

(c) Paragraphs (a) and (b) of this subsection shall not apply to regulations in relation to which a resolution for their annulment has been refused by either House of the Oireachtas.]

**Annotations**

**Amendments:**

**F24** Substituted (4.08.1973) by *European Communities (Amendment) Act 1973* (20/1973), s. 1(1), commenced on enactment, subject to transitional provision in subs. (2).

**F25** Substituted (23.05.1995) by *European Communities (Amendment) Act 1995* (6/1995), s. 1, commenced on enactment.

**Editorial Notes:**

**E6** Prior to its substitution as per F-note above, s. 4(1) provided that, unless regulations made under the Act were confirmed by Act of the Oireachtas passed within six months after they were made or were regulations merely revoking wholly regulations previously made under the Act, they ceased to have statutory effect on the expiration of that period. Certain regulations made under the Act were confirmed (11.06.1973) by *European Communities (Confirmation of Regulations) Act 1973* (5/1973).

**E7** Previous affecting provision: subs. (1)(b) amended (26.04.1994) by *European Communities (Amendment) Act 1993* (25/1993), s. 6(1), S.I. No. 91 of 1994; substituted as per F-note above.

Report to Houses  
of Oireachtas.

**F26**[5.—In each year, beginning with the year 2003, the Government shall make a report to each House of the Oireachtas on developments in the European Communities and the European Union.]

**Annotations**

**Amendments:**

**F26** Substituted (23.10.2002) by *European Union (Scrutiny) Act 2002* (25/2002), s. 4, commenced on enactment.

Short title.

**6.**—This Act may be cited as the European Communities Act, 1972.