

**Examiner of Statutory Rules**

**Report of the  
Examiner of Statutory Rules  
to  
the Assembly  
and  
the Appropriate Committees**

**12 May 2014  
NIA 177/11-15**

Committee for Employment and Learning	S.R. 2014 No. 116
Committee for Enterprise, Trade and Investment	Draft S.R.: The Renewables Obligation (Amendment) Order (Northern Ireland) 2014
Committee for the Environment	S.R. 2014 No. 118
Committee for Finance and Personnel	S.R. 2014 No. 110
Committee for Health, Social Services, and Public Safety	S.R. 2014 Nos. 108, 111
Committee for Justice	Draft S.R: The Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014
Committee for Regional Development	S.R. 2014 No. 112, 124
Committee for Social Development	S.R. 2014 No. 121



1. In accordance with the delegations in respect of the technical scrutiny of statutory rules under Standing Order 43(4)(b) given to the Examiner of Statutory Rules by the appropriate Committees on 25, 26 and 31 May and 1 June 2011 for this mandate of the Assembly, I submit my report on the statutory rules listed in the Appendix.
2. My terms of reference are essentially set out in Standing Order 43(6) (taken with the delegations under Standing Order 43(4)(b)). They are as follows:
  - “(6) In scrutinising an instrument the appropriate Committee shall inter alia consider the instrument with a view to determining and reporting on whether it requires to be drawn to the special attention of the Assembly on any of the following grounds, namely, that –
    - (a) it imposes a charge on the public revenues or prescribes the amount of any such charge;
    - (b) it contains provisions requiring any payment to be made to any Northern Ireland department or public body in respect of any approval, authorisation, licence or consent or of any service provided or to be provided by that department or body or prescribes the amount of any such payment;
    - (c) the parent legislation excludes it from challenge in the courts;
    - (d) it purports to have retrospective effect where the parent legislation confers no express authority so to provide;
    - (e) there appears to have been unjustifiable delay in the publication of it or in the laying of it before the Assembly;
    - (f) there appears to be a doubt whether it is intra vires or it appears to make some unusual or unexpected use of the powers conferred by the parent legislation;
    - (g) it calls for elucidation;
    - (h) it appears to have defects in its drafting;

or on any other ground which does not impinge on its merits or the policy behind it.”.

### Statutory rule to which attention is drawn in this report

**The Planning (Control of Advertisements) (Amendment) Order (Northern Ireland) 2014 (S.R. 2014/118)**

3. **I draw the attention of the Committee for the Environment and the Assembly to the Planning (Control of Advertisements) (Amendment) Order (Northern Ireland) 2014 (S.R. 2014/118) on the ground that they were laid in breach of the 21-day rule, explained by the Department of the Environment.** The Regulations were made on 17 April 2014, were laid on 18 April 2014 and came into operation on 23 April 2014. The Department acted quickly in relation to representations and discussions it had with district councils and political parties on the display of election posters. The impetus was the desire to ensure that no election posters were displayed along the route of the Giro d’Italia in Belfast and in Counties Antrim and Armagh. The amendment of the Regulations resulted from the discussions and needed to be in place before the directions (withdrawing deemed consent, under the Regulations as amended, for the display of election posters in particular locations) were given. In the circumstances the Department’s explanation seems to be reasonable.

**W G Nabney**  
 Examiner of Statutory Rules  
 12 May 2014

## Appendix

*(The attention of the appropriate Committees and the Assembly is drawn to those statutory rules marked in bold)*

### Draft statutory rules requiring the approval of the Assembly

Draft S.R.: The Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014

Draft S.R.: The Renewables Obligation (Amendment) Order (Northern Ireland) 2014

### Statutory rules subject to negative resolution

The Recovery of Health Service Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/108)

The Whole of Government Accounts (Designation of Bodies) Order (Northern Ireland) 2014 (S.R. 2014/110)

The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) (Amendment) Order (Northern Ireland) 2014 (S.R. 2014/111)

The North Circular Road and Tarry Lane, Lurgan (Abandonment) Order (Northern Ireland) 2014 (S.R. 2014/112)

The Student Fees (Amounts) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/116)

### **The Planning (Control of Advertisements) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/118)**

The Social Security (Invalid care Allowance) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/121)

The Westlink (Busways) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/124)





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