

Examiner of Statutory Rules

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

**25 January 2013
NIA 94/11-15R**

Committee for Agriculture and Rural Development	Draft S.R.: The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013 S.R. 2012 No. 457; S.R. 2013 No. 1
Committee for Enterprise, Trade and Investment	S.R. 2013 No. 3
Committee for the Environment	S.R. 2013 Nos. 5, 6
Committee for Justice	Draft S.R.: The Policing and Community Safety Partnerships (Designated Organisations) Order (Northern Ireland) 2013

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.”.

Corrigendum: Eighth Report of the Examiner of Statutory Rules for Session 2012 /2013

3. In the Eighth Report of the Examiner of Statutory Rules for Session 2012/2013 (11 January 2012), on the front page, I wrongly attributed S.R. 2012/441 (the Strangford Lough (Sea Fishing Exclusion Zones) Regulations (Northern Ireland) 2012) to the Committee for the Environment; whereas the statutory rule should have been attributed to the Committee for Agriculture and Rural Development, since it was made by the Department of Agriculture and Rural Development. The relevant Committee offices are aware of this slip and of my intention to correct it in this report, which I now do.

Statutory rules to which attention is drawn in this report

4. I do not draw attention to any of the statutory rules listed in the Appendix to this Report.

W G Nabney

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Appendix

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

Draft statutory rule subject requiring the approval of the Assembly

The Policing and Community Safety Partnerships (Designated Organisations) Order (Northern Ireland) 2013

The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013

Statutory rules subject to negative resolution

The Common Agricultural Policy Support Schemes) (Review of Decisions) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/457)

The Mussels (Protection of Fishing) Regulations (Northern Ireland) 2013 (S.R. 2013/1)

Electricity (Priority Dispatch) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/3)

The Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2013 (S.R. 2013/5)

The Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2013 (S.R. 2013/6)



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