

**Examiner of Statutory Rules**

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

**30 May 2012  
NIA 56/11/15**

Committee for Employment and Learning	Draft S.R.: The Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012
Committee for Finance and Personnel	S.R. 2012 No. 215
Committee for Health, Social Services and Public Safety	S.R. 2012 Nos. 212, 213
Committee for Justice	S.R. 2012 Nos. 188, 191
Committee for Regional Development	S.R. 2012 Nos. 196, 203, 207, 208, 209, 210, 211



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 rules to which attention is drawn in this report

3. **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 requiring the approval of the Assembly

Draft S.R.: The Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012

### Statutory rule subject to affirmative resolution

The Statistics and Registration Service Act 2007 (Disclosure of Social Security Information) Regulations (Northern Ireland) 2012 (S.R. 2012/215)

### Statutory rules subject to negative resolution

The Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 (S.R. 2012/188)

The Prison Service (Pay Review Body) Regulations (Northern Ireland) 2012 (S.R. 2012/191)

The Durham Street and Hamill Street – Killen Street, Belfast (Stopping-Up) Order (Northern Ireland) 2012 (S.R. 2012 No. 196)

The Penalty Charges (Prescribed Amounts) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/203)

The Route U5160, Carnbane Industrial Estate, Newry (Abandonment) Order (Northern Ireland) 2012 (S.R. 2012 No. 207)

The Route B30 Newry Road, Crossmaglen (Abandonment) Order (Northern Ireland) 2012 (S.R. 2012 No. 208)

The Marine Highway, Carickfergus (Abandonment) Order (Northern Ireland) 2012 (S.R. 2012 No. 209)

The Longlands Avenue, Newtownabbey (Abandonment) Order (Northern Ireland) 2012 (S.R. 2012 No. 210)

The Browning Drive, Londonderry (Abandonment) Order (Northern Ireland) 2012 (S.R. 2012 No. 211)

The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012 No. 212)

The Misuse of Drugs (Amendment No. 2) Regulations (Northern Ireland) 2012 (S.R. 2012 No. 213)





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