

Examiner of Statutory Rules

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

**15 March 2013
NIA 104/11-15R**

Committee for Agriculture and Rural Development	S.R. 2013 Nos. 30, 44
Committee for Education	S.R. 2013 No. 54
Committee for Employment and Learning	S.R. 2013 No. 37
Committee for Finance and Personnel	S.R. 2013 Nos. 45, 46, 47
Committee for Health, Social Services and Public Safety	S.R. 2013 Nos. 39, 40, 59
Committee for Justice	S.R. 2013 Nos. 35, 36
Committee for the Office of the First Minister and deputy First Minister	S.R. 2013 No. 49
Committee for Regional Development	S.R. 2013 No. 41
Committee for Social Development	S.R. 2013 Nos. 32, 50, 56, 57, 58

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.

W G Nabney

Examiner of Statutory Rules

22 February 2013

Appendix

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

Statutory rule subject to affirmative resolution

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2013 S.R. (2013/56)

Statutory rule requiring the approval of the Assembly (confirmatory procedure)

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2013 S.R. 2013/57)

Statutory rules subject to negative resolution

The Forestry Land Byelaws (Northern Ireland) 2013 (S.R. 2013/30)

The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (Northern Ireland) 2013 (S.R. 2013/32)

Police Service of Northern Ireland and Police Service of Northern Ireland Reserve Pensions (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/35)

The Police Pension (Northern Ireland) (Amendment) Regulations 2013 (S.R. 2013/36)

The Student Fees (Qualifying Courses and Persons) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/37)

The Food (Miscellaneous Amendment and Revocation) Regulations (Northern Ireland) 2013 (S.R. 2013/39)

The Health and Personal Social Services (Superannuation Scheme and Injury Benefits) and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/40)

The Curran Road and Obins Street, Portadown (Abandonment) Order (Northern Ireland) 2013 (S.R. 2013/41)

The Dogs (Guard Dog Kennels) Regulations (Northern Ireland) 2013 (S.R. 2013/44)

The New NAV List (Time of Valuation) Order (Northern Ireland) 2013 (S.R. 2013/45)

The Rates (Small Business Hereditament Relief) Regulations (Northern Ireland) 2013 (S.R. 2013/46)

The Rates (Unoccupied Hereditaments) Regulations (Northern Ireland) 2013 (S.R. 2013/47)

The Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 2013 (S.R. 2013/49)

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/50)

The Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 2013(S.R. 2013/54)

The Social Fund Maternity and Funeral Expenses (Claims and Payments) (General) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/58)

The Health and Personal Social Services (General Medical Services Contracts) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/59)



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