

SCRUTINY OF DELEGATED POWERS

ADVICE TO THE COMMITTEE FOR ENTERPRISE, TRADE AND INVESTMENT

FROM THE EXAMINER OF STATUTORY RULES

ON THE CREDIT UNIONS AND CO-OPERATIVE AND COMMUNITY BENEFIT SOCIETIES BILL

1. I have considered this Bill in relation to powers to make subordinate legislation in conjunction with the Delegated Powers Memorandum submitted by the Department of Enterprise, Trade and Investment.
2. Two of the powers in this Bill to make subordinate legislation are amendments of the Credit Unions (Northern Ireland) Order 1985 to make orders subject to draft affirmative procedure: new Article 14A(7)/clause 1(3) (power to alter the maximum permitted percentage of corporate members and the maximum permitted percentage of shares allotted to corporate members) and new Article 23A(4)/clause 3(2) (power to alter the amount or percentage specified in Article 23A(2) for determining the threshold amount of reserves). There is also power in new Article 12(1A) of the 1985 Order (regulations made by the Department subject to negative resolution)/clause 5 to alter the maximum fee chargeable by a credit union for providing a copy of its rules (new Article 12(1)(b) of the 1985 Order). **These powers seem to be appropriate and subject to the appropriate degree of Assembly control and scrutiny.**
3. There is power in clause 15(2) to amend other statutory provisions in consequence of any provision made by the Bill, and such regulations are subject to negative resolution. **It would seem appropriate to amend this so that regulations under clause 15(2) which amended primary legislation would be subject to draft affirmative procedure; and any other regulations made under that subsection would be subject to negative resolution.** The Committee may well wish to raise this point with the Department.
4. **There are no other matters to which I draw the Committee's attention in this regard.**

Gordon Nabney
Examiner of Statutory Rules
12 November 2015