

SCRUTINY OF DELEGATED POWERS
ADVICE TO THE COMMITTEE FOR FINANCE AND PERSONNEL
FROM THE EXAMINER OF STATUTORY RULES
ON THE FINANCIAL PROVISIONS BILL

1. I have considered this Bill, in conjunction with the Delegated Powers Memorandum submitted by the Department of Financial and Personnel, in relation to powers to make subordinate legislation.
2. The Bill deals with a number of matters involving other Departments: generally they are related to finance and are not controversial. I draw attention to clause 3, involving the Department of Justice.
3. Clause 3 is intended to give the Department of Justice power to make provision as to the payment of interest on funds in court (in addition to that Department's powers to make rules in respect of funds in court). It seems that the Department of Justice intends to use this power to allow that Department to make provision for the payment of interest in respect of funds in court by way of administrative (ministerial/departmental) direction, as is done in England and Wales.
4. The Committee may wish to have this expressly spelt out in clause 3: if the Department of Justice intends that the amendment of section 82 to the Judicature (Northern Ireland) Act 1978 (to the effect that the Department of Justice may *make provision* as to the payment of interest on funds in court) is to allow that Department to *give directions* as to the payment of interest, then the amending provision should say so in express terms.
5. There are no other matters to which I would draw the attention of the Committee for Finance and Personnel in this regard.

Gordon Nabney
Examiner of Statutory Rules
23 September 2013