



Northern Ireland
Assembly

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

Ninth Report of Session 2016-2017

NIA 19/16-21

9 December 2016

Committee for Agriculture, Environment and Rural Affairs	S.R. 2016/408: The Rathlin Island (Prohibited Methods of Fishing) Regulations (Northern Ireland) 2016
Committee for Communities	S.R. 2016/419: The State Pension Revaluation for Transitional Pensions Order (Northern Ireland) 2016
Committee for Health	S.R. 2016/410: The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016 S.R. 2016/415: The Caseins and Caseinates Regulations (Northern Ireland) 2016

Committee for Infrastructure	<p>S.R. 2016/402: The Level Crossing (Bellarena) Order (Northern Ireland) 2016</p> <p>S.R. 2016/403: The Level Crossing (Castlerock) Order (Northern Ireland) 2016</p> <p>S.R. 2016/404: The Level Crossing (Coleraine (Bushmills Road)) Order (Northern Ireland) 2016</p> <p>S.R. 2016/414: The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2016</p>
Committee for Justice	<p>S.R. 2016/405: The Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2016</p> <p>S.R. 2016/413: The Police Service of Northern Ireland (Promotion) (Amendment) Regulations 2016</p>

1. Remit of the Examiner of Statutory Rules

- 1.1 Standing Order 43 provides that every statutory rule or draft statutory rule which is laid before the Assembly and is subject to Assembly proceedings shall stand referred to the appropriate Committee of the Assembly for scrutiny. The Standing Orders of the Assembly are published on the Northern Ireland Assembly [website](#).
- 1.2 To assist Committees of the Assembly in the scrutiny of such rules under Standing Order 43, the Examiner of Statutory Rules (the Examiner) shall carry out those functions delegated to the Examiner in relation to technical scrutiny.
- 1.3 The terms of reference of the Examiner, under delegation from the appropriate Committee, are as set out in Standing Order 43(6) as follows:

“In scrutinising an instrument the appropriate committee shall among other things 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 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.”

2. Statutory rules to which attention is drawn in this report

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

Angela Kelly

Examiner of Statutory Rules

9 December 2016

Appendix:

STATUTORY RULES SUBJECT TO NEGATIVE RESOLUTION

S.R. 2016/402: The Level Crossing (Bellarena) Order (Northern Ireland) 2016

S.R. 2016/403: The Level Crossing (Castlerock) Order (Northern Ireland) 2016

S.R. 2016/404: The Level Crossing (Coleraine (Bushmills Road)) Order (Northern Ireland) 2016

S.R. 2016/405: The Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2016

S.R. 2016/408: The Rathlin Island (Prohibited Methods of Fishing) Regulations (Northern Ireland) 2016

S.R. 2016/410: The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016

S.R. 2016/413: The Police Service of Northern Ireland (Promotion) (Amendment) Regulations 2016

S.R. 2016/414: The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2016

S.R. 2016/415: The Caseins and Caseinates Regulations (Northern Ireland) 2016

S.R. 2016/419: The State Pension Revaluation for Transitional Pensions Order (Northern Ireland) 2016



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ISBN: 978-1-78619-280-6