

Examiner of Statutory Rules

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

**11 November 2011
NIA 22/11/15**

Committee for Agriculture and Rural Development	S.R. No. 363
Committee for Employment and Learning	Draft SR: The Labour Relations Agency (Code of Practice on Disciplinary and Grievance Procedures) (Jurisdiction) Order (Northern Ireland) 2011 S.R. Nos. 2011 Nos. 350, 369, 372, 376
Committee for Enterprise, Trade and Investment	S.R. Nos. 365, 367
Committee for the Environment	S.R. Nos. 373, 374, 379, 387, 388
Committee for Finance and Personnel	S.R. 2011 Nos. 378, 395
Committee for Health, Social Services and Public Safety	S.R. 2011 No. 360
Committee for Regional Development	S.R. 2011 Nos. 364, 380, 381
Committee for Social Development	S.R. 2011 Nos. 368, 383

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

The Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/368)

3. **I draw the attention of the Committee for Social Development and the Assembly to the Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/368) on the ground that they were laid in breach of the 21-day rule, explained by the Department for Social Development in terms which seem to be reasonable.** These regulations were made on the basis of parity with the corresponding regulations for Great Britain (S.I. 2011/2428), including parity of timing: both sets of regulations needed to be in force or operation by 31 October 2011. The regulations for Great Britain were finalised and made on 6 October 2011 and laid on 10 October 2011, only just complying with the 21-

day rule at Westminster; the Northern Ireland Regulations were made and laid on 19 October 2011; and prior to their making, the Department and the Committee were engaging on them until 13 October 2011.

W G Nabney
Examiner of Statutory Rules
11 November 2011

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 SR: The Labour Relations Agency (Code of Practice on Disciplinary and Grievance Procedures) (Jurisdiction) Order (Northern Ireland) 2011

Statutory rule subject to affirmative resolution

The Rates (Payments by Owners) by Agreement (Amendment) Order (Northern Ireland) 2011 (S.R. 2011/395)

Statutory rules subject to negative resolution

The Agency Workers Regulations (Northern Ireland) 2011 (S.R. 2011/350)

The Fire and Rescue Services (Emergencies) Order (Northern Ireland) 2011 (S.R. 2011/360)

The Foyle Area and Carlingford Area (Tagging and Logbook) (Amendment) Regulations 2011 (S.R. 2011/363)

The M1/Trunk Road T3 (Motorway Service Area) Order (Northern Ireland) 2011 (S.R. 2011/364)

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/365)

The Debt Relief Orders (Designation of Competent Authorities) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/367)

The Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/368)

The Student Fees (Amounts) (Amendment) (No.2) Regulations (Northern Ireland) 2011 (S.R. 2011/369)

The Further Education Teachers' (Eligibility) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/372)

The Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/373)

The Smoke Control Areas (Authorised Fuels) Regulations (Northern Ireland) 2011 (S.R. 2011/374)

The Student Fees (Qualifying Courses and Persons) (Amendment) (No.2) Regulations (Northern Ireland) 2011 (S.R. 2011/376)

The Rates (Appeals) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/378)

The Road Traffic (Fixed Penalty) (Offences) (Amendment No.2) Order (Northern Ireland) 2011 (S.R. 2011/379)

The Crossbill Place, Lisburn (Footpaths) (Abandonment) Order (Northern Ireland) 2011 (S.R. 2011/380)

The Lagmore Road, Lisburn (Abandonment) Order (Northern Ireland) 2011 (S.R. 2011/381)

The Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 2011 (S.R. 2011/383)

The Planning (2011 Act) (Transitional Provisions) Order (Northern Ireland) 2011 (S.R. 2011/387)

The Nitrates Action Programme (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/388)