

**Examiner of Statutory Rules**

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

**9 December 2011  
NIA 26/11-15**

Committee for the Environment	S.R. Nos. 398, 404
Committee for Health, Social Services and Public Safety	Draft SR: The Protection from Tobacco (Sales from Vending Machines) Regulations (Northern Ireland) 2011



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**

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## 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 Protection from Tobacco (Sales from Vending Machines) Regulations (Northern Ireland) 2011

**Statutory rules subject to negative resolution**

The Planning (Fees) (Amendment No. 2) Regulations (Northern Ireland) 2011 (S.R. 2011/398)

The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2011 (S.R. 2011/404)





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