

Examiner of Statutory Rules

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

**13 January 2012
NIA 27/11-15**

Committee for Agriculture and Rural Development	S.R. 2011 Nos. 407, 429
Committee for the Enterprise, Trade and Investment	S.R. 2011 No. 427
Committee for the Environment	S.R. 2011 Nos. 402,403, 416, 432
Committee for Finance and Personnel	S.R. 2011 No. 410
Committee for Health, Social Services and Public Safety	Draft SR: The Sunbeds (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2012 Draft SR: The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012
Committee for Justice	S.R 2011 Nos. 405, 408, 417, 418, 419, 420, 421, 428
Committee for Regional Development	S.R. 2011 Nos. 423, 426
Committee for Social Development	S.R. 2011 Nos. 415, 431, 434

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 rules requiring the approval of the Assembly

Draft SR: The Sunbeds (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2012

Draft SR: The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012

Statutory rules subject to negative resolution

The Pollution Prevention and Control (Amendment No.2) Regulations (Northern Ireland) 2011 (S.R. 2011/402)

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/403)

The Banning Orders (Prescribed Persons) Order (Northern Ireland) 2011 (SR 2011/405)

The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/407)

Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Full-Time) (Severance) (Amendment) Regulations 2011 (S.R. 2011/408)

The Superannuation (Commissioner for Older People for Northern Ireland) Order (Northern Ireland) 2011 (S.R. 2011/410)

The Occupational Pensions (Revaluation) Order (Northern Ireland) 2011 (SR 2011/415)

The Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/416)

The Criminal Appeal (Prosecution Appeals) (Banning Orders) Rules (Northern Ireland) 2011 (S.R. 2011/419)

The Crown Court (Amendment No.2) Rules (Northern Ireland) 2011 (S.R. 2011/420)

The Drumnabreeze and Lough Road, Gamblestown, Donacloney (Abandonment) Order (Northern Ireland) 2011 (SR 2011/423)

The Shipquay Place, Londonderry (No.2) (Footway) (Abandonment) Order (Northern Ireland) 2011 (SR 2011/426)

The Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/427)

The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2011 (S.R. 2011/428)

The Less Favoured Area Compensation Allowances Regulations (Northern Ireland) 2011 (S.R. 2011/429)

The Social Security (Electronic Communications) (No. 2) Order (Northern Ireland) 2011 (S.R. 2011/431)

The Motor Vehicles (Access to Driver Licensing Records) Regulations (Northern Ireland) 2011 (S.R. 2011/432)

The Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations (Northern Ireland) 2011 (S.R. 2011/434)

Statutory rules not subject to laying and not subject to any Assembly proceedings

The Magistrates' Courts (Banning Orders) Rules (Northern Ireland) 2011 (S.R. 2011/417)

The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2011 (S.R. 2011/418)

The County Court (Amendment No.3) Rules (Northern Ireland) 2011 (S.R. 2011/421)



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