



Northern Ireland
Assembly

Examiner of Statutory Rules

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

Session 2015/2016 Fifth Report

10 November 2015

NIA 276/11-16

Committee for Enterprise, Trade and Investment	Draft S.R.: The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015
Committee for the Environment	S.R. 2015 No. 357
Committee for Justice	S.R. 2015 Nos. 356, 360

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

Examiner of Statutory Rules

10 November 2015

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 S.R.: The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2015

Statutory rules subject to negative resolution

The Attorney General's Human Rights Guidance (PSNI – Protection of Life) Order (Northern Ireland) 2015 (S.R. 2015/356)

The Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (Northern Ireland) 2015 (S.R. 2015/357)

The Police (Appeals, Conduct and Unsatisfactory Performance and Attendance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/360)



Northern Ireland
Assembly

Published by the Northern Ireland Assembly under the Open Northern
Ireland Assembly Licence (<http://data.niassembly.gov.uk/licence.aspx>)

This information contained in this document is
available online www.niassembly.gov.uk

For more information please contact:

Northern Ireland
Assembly
Parliament
Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Telephone: 028 90 521137

Textphone: 028 90 521209

E-mail: info@niassembly.gov.uk

ISBN: 978-1-78619-048-2