



Northern Ireland
Assembly

Examiner of Statutory Rules

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

Session 2015/2016 Tenth Report

12 February 2016

NIA 309/11-16

Committee for Agriculture and Rural Development	S.R. 2016 No. 15
Committee for Employment and Learning	S.R. 2016 No. 21
Committee for Enterprise, Trade and Investment	Draft S.R.: The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 Draft S.R.: The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016
Committee for the Environment	S.R. 2016 Nos. 27, 28

Committee Finance and Personnel	<p>Draft S.R.: The General Register Office (Fees) Order (Northern Ireland) 2016</p> <p>S.R. 2016 No 26</p>
Committee for Health, Social Services and Public Safety	<p>Draft S.R: The Firefighters' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016</p> <p>Draft S.R: The Health Service Workers (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016</p> <p>Draft S.R: The Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016</p> <p>S.R. 2016 Nos. 4, 5, 29</p>
Committee for Justice	S.R. 2016 Nos. 14, 33
Committee for Regional Development	S.R, 2016 No. 30
Committee for Social Development	S.R. 2016 Nos.25, 32

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 S.R.: The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016

Draft S.R.: The Firefighters' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

Draft S.R.: The General Register Office (Fees) Order (Northern Ireland) 2016

Draft S.R.: The Health Service Workers (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

Draft S.R.: The Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016

Draft S.R.: The Renewable Heat Incentive Schemes (Amendment) Regulations (Northern Ireland) 2016

Statutory rules subject to negative resolution

The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016 (S.R. 2016/4)

The Animal Feed (Hygiene, Sampling etc. and Enforcement) Regulations (Northern Ireland) 2016 (S.R. 2016/5)

The Northern Ireland Police Fund Regulations 2016 (S.R. 2016/14)

The Areas of Natural Constraint Regulations (Northern Ireland) 2016 (S.R. 2016/15)

The Education (Student Support) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/21)

The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2016 (S.R. 2016/25)

The Rates (Small Business Hereditament Relief) (Amendment) Regulations (NI) 2016

The Planning (Local Development Plan) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/27)

The Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016 (S.R. 2016/28)

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/29)

The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/30)

The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (Northern Ireland) 2016 (S.R. 2016/32)

The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (S.R. 2016/33)



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