

**Examiner of Statutory Rules**

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

**26 April 2013  
NIA 110/11-15R**

Committee for Agriculture and Rural Development	Draft S.R.: The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013 S.R. 2013 No. 103
Committee for Enterprise, Trade and Investment	S.R. 2013 Nos. 93, 94, 108
Committee for the Environment	S.R. 2013 No. 96
Committee for Finance and Personnel	S.R. 2013 No. 109
Committee for Social Development	S.R. 2013 Nos. 86, 95



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.

### Corrigendum to Thirteenth Report

4. In the Thirteenth Report of the Examiner of Statutory Rules for Session 2012/2013 (12 April 2013), at paragraph 9, I wrongly referred to the Committee for Finance and Personnel in relation to the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013. The reference should of course have been to the Committee for Enterprise, Trade and Investment. “Quis custodiet ipsos custodes”? Who will scrutinise the scrutineers themselves, as it were? I am grateful to the Committee Clerk (Committee for Finance and Personnel) for bringing the slip to my attention.

**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 S.R.: The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013

### Statutory rules subject to negative resolution

Registered Rents (Increase) Order (Northern Ireland) 2013 (S.R. 2013/86)

Electricity (Class Exemptions from the Requirement for a Licence) Order (Northern Ireland) 2013 (S.R. 2013/93)

Electricity (Dispute Resolution) Regulations (Northern Ireland) 2013 (S.R. 2013/94)

The Pension Protection Fund and Occupational and Personal Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/95)

The Planning (General Development) (Amendment) Order (Northern Ireland) 2013 (S.R. 2013/96)

The Plant Health (Amendment No. 2) Order (Northern Ireland) 2013 (S.R. 2013/103)

The Health and Safety (Sharp Instruments in Healthcare) Regulations (Northern Ireland) 2013 (S.R. 2013/108)

The Whole of Government Accounts (Designation of Bodies) Order (Northern Ireland) 2013 (S.R. 2013/109)





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