

Examiner of Statutory Rules

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

**28 June 2013
NIA 124/11-15R**

Committee for Employment and Learning	S.R. 2013 No. 166
Committee for Enterprise, Trade and Investment	S.R. 2013 No. 173
Committee for the Environment	Draft S.R.: The Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013 S.R. 2013 No. 161
Committee for Finance and Personnel	S.R. 2013 No. 165
Committee for Justice	S.R. 2013 Nos. 149, 150
Committee for the Office of the First Minister and deputy First Minister	S.R. 2013 No. 171
Committee for Social Development	S.R. 2013 Nos. 164, 167

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

The Social Security (Croatia) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/167)

3. **I draw the attention of the Committee for Social Development and the Assembly to the Social Security (Croatia) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/167) on the ground that they were laid in breach of the 21-day rule (that is to say, the well-established rule of practice whereby a Department of other rule-making authority should, in the case of a statutory rule that is subject to negative resolution, allow at least 21 days between the laying of the statutory rule and its coming into operation).** The Department has apologised for the breach, which in the circumstances seems to have been unavoidable. The Regulations were made and laid on 14 June 2013, and they come into operation on 1 July 2013 (the date of the accession of Croatia to the European Union). A prerequisite to the Regulations was the Accession of Croatia (Immigration and Worker Organisation) Regulations (S.I. 2013/1460), made by the Home Office on 12 June 2013. The corresponding Social Security (Croatia) Amendment Regulations 2013 (S.I. 2013/1474) were made on 12 June 2013.

W G Nabney

Examiner of Statutory Rules

28 June 2013

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 Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013

Statutory rules subject to negative resolution

The Attorney General's Human Rights Guidance (Forensic Science Northern Ireland) Order (Northern Ireland) 2013 (S.R. 2013/149)

The Attorney General's Human Rights Guidance (State Pathologist's Department) Order (Northern Ireland) 2013 (S.R. 2013/150)

The Landfill (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/161)

The Emergency Grants (Eligible Tenants) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/164)

Compulsory Acquisition (Interest) (Amendment) Order (Northern Ireland) 2013 (S.R. 2013/165)

The Industrial Training Levy (Construction Industry) Order (Northern Ireland) 2013 (S.R. 2013/166)

The Social Security (Croatia) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/167)

The Inquiry into Historical Institutional Abuse Rules (Northern Ireland) 2013 (S.R. 2013/171)

The Gas and Electricity (Internal Markets) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/173)



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: customer.services@tso.co.uk

Textphone 0870 240 3701

TSO@Blackwell and other Accredited Agents

£2.00

Printed in Northern Ireland by The Stationery Office Limited
© Copyright Northern Ireland Assembly Commission 2013

ISBN 978-0-339-40413-7

