

**Examiner of Statutory Rules**

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

**4 October 2013  
NIA 133/11-15R**

Committee for Agriculture and Rural Development	S.R. 2013 No. 212
Committee for Employment and Learning	S.R. 2013 No. 223
Committee for the Environment	S.R. 2013 No. 224
Committee for Health, Social Services and Public Safety	Draft S.R.: The Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 1976 S.R. 2013 No. 220
Committee for Regional Development	S.R. 2013 No. 232
Committee for Social Development	S.R. 2013 No. 222



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

4 October 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 Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013

### **Statutory rule requiring the approval of the Assembly (confirmatory procedure)**

The Fishing Boats (Satellite-Tracking Devices) Scheme (Northern Ireland) 2013 (S.R. 2013/212)

### **Statutory rules subject to negative resolution**

The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 (S.R. 201/220)

The Pensions (2005 Order) (Codes of Practice) (Reporting Late Payment of Contributions) (Appointed Day) Order (Northern Ireland) 2013 (S.R. 2013/222)

The Education (Student Support) (No.2) Regulations 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2013 (S.R. 201/223)

The Goods Vehicles (Community Licences) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 201/224)

The Lisburn Road, Ballynahinch (Abandonment) Order (Northern Ireland) 2013 (S.R. 2013/232)





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

and available from:

**Online**

[www.tsoshop.co.uk](http://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](mailto: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 978-0-339-40419-9

