

Examiner of Statutory Rules

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

**24 October 2012
NIA 78/11-15R**

Committee for Enterprise, Trade and Investment	Draft S.R.: The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012
Committee for the Environment	Draft S.R.: Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2012; S.R. 2012/368
Committee for Finance and Personnel	S.R. 2012 Nos. 375
Committee for Health, Social Services and Public Safety	S.R. 2012 No. 378
Committee for Justice	S.R. 2012 No. 376
Committee for Social Development	S.R. 2012 Nos. 369, 374, 377, 380

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 rule 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

24 October 2012

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: Local Government (Indemnities for Members and Officers) (Northern Ireland) Order 2012 [approved on 22 October 2012]

Draft S.R: The Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012

Statutory rules subject to negative resolution

The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/368)

The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/369)

The Child Benefit (Great Britain Reciprocal Arrangements) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/374)

The Building (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/375)

The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) (Revision of Codes C, E, F and H) Order 2012 (S.R. 2012/376)

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2012 (S.R. 2012/377)

The Travelling Expenses and Remission of Charges (Amendment No. 2) Regulations (Northern Ireland) 2012 (S.R. 2012/378)

The Social Security (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/380)



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 2012

ISBN 978-0-339-40398-7

