



Northern Ireland
Assembly

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

Fourth Report of Session 2016-2017

NIA 8/16 - 21

23 September 2016

Committee for Agriculture, Environment and Rural Affairs	S.R. 2016/244: The Seed Marketing Regulations (Northern Ireland) 2016
Committee for Communities	S.R. 2016/310: The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016
Committee for Health	S.R. 2016/249: The Food Information (Amendment) Regulations (Northern Ireland) 2016 S.R. 2016/251: The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 S.R. 2016/313: The Food Hygiene Rating Regulations (Northern Ireland) 2016

	S.R. 2016/314: The Food Hygiene Rating (Transitional Provisions) Order (Northern Ireland) 2016
Committee for Infrastructure	<p>S.R. 2016/318: The Gilpinstown Road (U1401), Lurgan (Abandonment) Order (Northern Ireland) 2016</p> <p>S.R. 2016/320: The Rann Road / Annacloy Road, Downpatrick (Abandonment) Order (Northern Ireland) 2016</p> <p>S.R. 2016/321: The Wandsworth Court, Belfast (Abandonment) Order (Northern Ireland) 2016</p> <p>S.R. 2016/322: The B122 Murley Road, Fivemiletown (Abandonment) Order (Northern Ireland) 2016</p> <p>S.R. 2016/323: The old road off U1040 Lough Lane, Lurgan (Abandonment) Order (Northern Ireland) 2016</p> <p>S.R. 2016/324: The Fortwilliam Parade, Belfast (Abandonment) Order (Northern Ireland) 2016</p>

1. Remit of the Examiner of Statutory Rules

1.1 Standing Order 43 provides that every statutory rule or draft statutory rule which is laid before the Assembly and is subject to Assembly proceedings shall stand referred to the appropriate Committee of the Assembly for scrutiny. The Standing Orders of the Assembly are published on the Northern Ireland Assembly [website](#).

1.2 To assist Committees of the Assembly in the scrutiny of such rules under Standing Order 43, the Examiner of Statutory Rules (the Examiner) shall carry out those functions delegated to the Examiner in relation to technical scrutiny.

1.3 The terms of reference of the Examiner, under delegation from the appropriate Committee, are as set out in Standing Order 43(6) as follows:

“In scrutinising an instrument the appropriate committee shall among other things 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 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.”

2. Statutory rules to which attention is drawn in this report

2.1 I do not draw attention to any of the statutory rules listed in the Appendix to this Report.

Angela Kelly

Examiner of Statutory Rules

23 September 2016

Appendix:

STATUTORY RULES SUBJECT TO NEGATIVE RESOLUTION

S.R. 2016/244: The Seed Marketing Regulations (Northern Ireland) 2016

S.R. 2016/249: The Food Information (Amendment) Regulations (Northern Ireland) 2016

S.R. 2016/251: The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016

S.R. 2016/310: The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016

S.R. 2016/313: The Food Hygiene Rating Regulations (Northern Ireland) 2016

S.R. 2016/314: The Food Hygiene Rating (Transitional Provisions) Order (Northern Ireland) 2016

S.R. 2016/318: The Gilpinstown Road (U1401), Lurgan (Abandonment) Order (Northern Ireland) 2016

S.R. 2016/320: The Rann Road / Annacloy Road, Downpatrick (Abandonment) Order (Northern Ireland) 2016

S.R. 2016/321: The Wandsworth Court, Belfast (Abandonment) Order (Northern Ireland) 2016

S.R. 2016/322: The B122 Murley Road, Fivemiletown (Abandonment) Order (Northern Ireland) 2016

S.R. 2016/323: The old road off U1040 Lough Lane, Lurgan (Abandonment) Order (Northern Ireland) 2016

S.R. 2016/324: The Fortwilliam Parade, Belfast (Abandonment) Order (Northern Ireland) 2016



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ISBN: 978-1-78619-268-4