



Northern Ireland  
Assembly

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

13 February 2009

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|---|---|
| Committee for Agriculture and Rural Development         | S.R. 2009 No. 30  |
| Committee for Education                                 | S.R. 2009 No. 20  |
| Committee for the Environment                           | S.R. 2009 No. 17  |
| Committee for Finance and Personnel                     | Draft S.R.: The Rates (Maximum Capital Value)<br>(Amendment) Regulations (Northern Ireland) 2009<br>S.R. 2009 Nos. 31 |
| Committee for Health, Social Services and Public Safety | S.R. 2009 No. 27  |
| Committee for Learning and Employment                   | S.R. 2009 No. 29  |

1. In accordance with the delegations in respect of the technical scrutiny of statutory rules under Standing Order 41(4)(b) (now renumbered as Standing Order 43(4)(b)) given to the Examiner of Statutory Rules by the appropriate Committees on 11, 16, 17 and 18 May 2007, 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 this report.

*W G Nabney*

**Examiner of Statutory Rules**

13 February 2009

## APPENDIX

*(The attention of the appropriate Committees and the Assembly is drawn to those statutory rules marked in bold)*

### **Draft statutory rule requiring approval by resolution of the Assembly**

Draft S.R.: The Rates (Maximum Capital Value) (Amendment) Regulations Northern Ireland) 2009

### **Statutory rule subject to affirmative resolution**

The Rates (Regional Rates) Order (Northern Ireland) 2009 (S.R. 2009/31)

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

The Planning (Control of Advertisements) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/17)

The Special Educational Needs and Disability (General Qualifications Bodies) (Relevant Qualifications, Reasonable Steps and Physical Features) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/20)

The Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/27)

The Education (Student Loans) (Repayment) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/29)

The Potatoes Originating in Egypt (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/30)

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