



**Northern Ireland  
Assembly**

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

27 March 2009

Committee for Agriculture and Rural Development	S.R. 2009 No. 86
Committee for Culture, Arts and Leisure	S.R. 2009 No. 69
Committee for the Environment	S.R. 2009 Nos. 72,73, 91
Committee for Enterprise, Trade and Investment	S.R. 2009 No. 85
Committee for Finance and Personnel	S.R. 2009 No. 109
Committee for Health, Social Services and Public Safety	Draft S.R.: The Health and Social Care (Reform) (2009 Act) (Consequential Provisions) Order (Northern Ireland) 2009 S.R. 2009 Nos. 65, 84, 87, 88, 94, 96, 99
Committee for Social Development	S.R. 2009 Nos. 68, 78, 80, 89, 90, 92, 100, 101, 105, 106, 107, 108, 110, 111, 112



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 the Appendix to this report.

*W G Nabney*

**Examiner of Statutory Rules**

27 March 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 Health and Social Care (Reform) (2009 Act) (Consequential Provisions) Order (Northern Ireland) 2009

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

The Social Security Benefits Up-rating Order (Northern Ireland) 2009 (S.R. 2009/89)

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

The Health and Personal Social Services (Superannuation), Health and Social Care (Pension Scheme) and Health and Personal Social Services (Injury Benefits) (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/65)

The Social Security (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/68)

The Public Sector Vehicles (Licence Fees) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/72)

The Motor Vehicles (Driving Licences) (Amendment) (Test Fees) Regulations (Northern Ireland) 2009 (S.R. 2009/73)

The Pension Protection Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 (S.R. 2009/78)

The Guaranteed Minimum Pensions Increase Order (Northern Ireland) 2009 (S.I. 2009/80)

The Special Agencies (Consultation on Dissolution) Regulations (Northern Ireland) 2009 (S.R. 2009/84)

The Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/85)

The Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/86)

The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/87)

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/88)

The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 (S.R. 2009/90)

The Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/91)

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 (S.R. 2009/92)

The Northern Ireland Health Promotion Agency (Dissolution and Transfer of Staff, Assets and Liabilities) Order (Northern Ireland) 2009 (S.R. 2009/94)

The Northern Ireland Regional Medical Physics Agency (Dissolution and Transfer of Staff, Assets and Liabilities) Order (Northern Ireland) 2009 (S.R. 2009/96)

The Local Commissioning Groups (Number, Area and Functions) Regulations (Northern Ireland) 2009 (S.R. 2009/99)

The Social Security Benefits Up-rating Regulations (Northern Ireland) 2009 (S.R. 2009/100)

The Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limit) Order (Northern Ireland) 2009 (S.R. 2009/101)

The Social Security (Additional Class 3 National Insurance Contributions) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/105)

The Pensions Regulator (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 (S.R. 2009/106)

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009/107)

The Social Security (Transitional Payments) Regulations (Northern Ireland) 2009 (S.R. 2009/108)

The Social Security Pensions (Upper Accrual Point: Prescribed Equivalent) Regulations (Northern Ireland) 2009 (S.R. 2009/110)

The Social Security Pensions (Low Earnings Threshold) Order (Northern Ireland) 2009 (S.R. 2009/111)

The Social Security Pensions Revaluation of Earnings Factors Order (Northern Ireland) 2009 (S.R. 2009/112)

**Statutory rules subject to a laying requirement but subject to no Assembly proceedings**

Public Use of Records (Management and Fees) Rules (Northern Ireland) 2009 (S.R. 2009/69)

Pensions Increase (Review) Order (Northern Ireland) 2009 (S.R.2009/109)







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