



**Northern Ireland  
Assembly**

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

8 May 2009

Committee for the Environment	S.R. 2009 Nos. 157, 159, 168
Committee for Finance and Personnel	S.R. 2009 No. 174
Committee for Health, Social Services and Public Safety	S.R. 2009 No. 167
Committee for Regional Development	S.R. 2009 No. 160
Committee for Social Development	S.R. 2009 No. 133: see paragraph 4



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.**

### **Erratum: Fourteenth Report of Session 2008–09**

4. In the Fourteenth Report of Session 2008–09, the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 (S.R. 2009/133) were wrongly listed in the Appendix to that report under the heading “Statutory rules subject to negative resolution” whereas they should have been listed under the heading “Statutory rule(s) requiring approval by resolution of the Assembly (confirmatory procedure)”; they are correctly listed under the latter heading in the Appendix to this report.

*W G Nabney*

**Examiner of Statutory Rules**

8 May 2009

## APPENDIX

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

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

The Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 (S.R. 2009/133)

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

The Waste Batteries and Accumulators (Charges) Regulations (Northern Ireland) 2009 (S.R. 2009/157)

The Waste Batteries and Accumulators (Treatment and Disposal) Regulations (Northern Ireland) 2009 (S.R. 2009/159)

The Moira Road, Glenavy (Stopping-Up) Order (Northern Ireland) 2009 (S.R. 2009/160)

The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/167)

The Environmental Protection (Restriction on Use of Lead Shot) Regulations (Northern Ireland) 2009 (S.R. 2009/168)

The Whole of Government Accounts (Designation of Bodies) Order (Northern Ireland) 2009 (S.R. 2009/174)







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