

Session 2008/2009

Fourth Report



Northern Ireland
Assembly

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

22 October 2008

Committee for the Environment	S.R. 2008 Nos. 407, 415
Committee for Health, Social Services and Public Safety	S.R 2008 No.405
Committee for Social Development	S.R. 2008 Nos. 403, 404, 406, 409, 412, 413, 417

NIA 045/08-09

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 rules listed in this report.**

W G Nabney

Examiner of Statutory Rules

22 October 2008

APPENDIX

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

Statutory rules subject to negative resolution

The Child Support Information Regulations (Northern Ireland) 2008 (S.R. 2008/403)

The Child Support (Consequential Provisions) Regulations (Northern Ireland) 2008 (S.R. 2008/404)

The Infant Formula and Follow-on Formula (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/405)

The Social Security (Child Maintenance Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/406)

Game Preservation (Special Protection for Irish Hares) Order (Northern Ireland) 2008 (S.R. 2008/407)

The Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/409)

The Employment and Support Allowance (Consequential Provisions No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/412)

The Employment and Support Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/413)

The Smoke Control Areas (Authorised Fuels) Regulations (Northern Ireland) 2008 (S.R. 2008/415)

The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2008 (S.R. 2008/417)