

Examiner of Statutory Rules

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

**20 October 2010
NIA 15/10/11R**

Committee for Enterprise, Trade and Investment	S.R. 2010 No. 343
Committee for Health, Social Services and Public Safety	S.R. 2010 Nos. 290, 338
Committee for Regional Development	S.R. 2010 No. 342
Committee for Social Development	S.R. 2010 Nos. 337, 345, 346, 347

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 rule to which attention is drawn in this report

3. I do not draw attention to any of the statutory rules listed in the Appendix.

W G Nabney

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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 Regulation and Quality Improvement Authority (Registration) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/290)

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 2010 (S.R. 2010/337)

The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338)

The Sunninghill Gardens, Belfast, (Stopping-Up Order) (Northern Ireland) 2010 (S.R. 2010/342)

The Genetically Modified Organisms (Contained Use) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/343)

The Social Security (Miscellaneous Amendments No. 6) Regulations (Northern Ireland) 2010 (S.R. 2010/345)

The Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations (Northern Ireland) 2010 (S.R. 2010/346)

The Employment and Support Allowance (Transitional Provision and Housing Benefit) (Existing Awards) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/347)



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