

Examiner of Statutory Rules

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

**14 January 2011
NIA 35/10/11R**

Committee for Agriculture and Rural Development	S.R. 2010 Nos. 394, 406, 411*, 417, 418 <i>* made jointly by the Department of the Environment and the Department of Agriculture and Rural Development</i>
Committee for Education	S.R. 2010 No. 395
Committee for the Environment	S.R. 2010 Nos. 396, 410, 411*, 412 <i>* see above</i>
Committee for Finance and Personnel	S.R. 2010 No. 431
Committee for Health, Social Services and Public Safety	S.R. 2010 Nos. 404, 414, 420
Committee for Justice	S.R. 2010 No. 421
Committee for the office of the First Minister and deputy First Minister	S.R. 2010 No. 399
Committee for Regional Development	S.R. 2010 Nos. 397, 403, 415, 419, 429,
Committee for Social Development	S.R. 2010 Nos. 405, 407, 413, 422

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 and 22 April 2010, 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.

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 Bee Diseases and Pest Control (Amendment) Order (Northern Ireland) 2010 (S.R. 2010/394)

The Education (School Development Plans) Regulations (Northern Ireland) 2010 (S.R. 2010/395)

The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396)

The Pennyburn Industrial Estate Service Road, Londonderry (Abandonment) Order (Northern Ireland) 2010 (S.R. 2010/397)

Public Interest Disclosure (Prescribed Persons) (Amendment No. 2) Order (Northern Ireland) 2010 (S.R. 2010/399)

The Cascum Lane (U4466), Banbridge (Abandonment) Order (Northern Ireland) 2010 (S.R. 2010/403)

The Medicines (Pharmacies) (Applications for Registration and Fees) Regulations (Northern Ireland) 2010 (S.R. 2010/404)

The Homelessness (Review) Regulations (Northern Ireland) 2010 (S.R. 2010/405)

The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010 (S.R. 2010/406)

The Rate of Bereavement Benefit Regulations (Northern Ireland) 2010 (S.R. 2010/407)

The Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2010 (S.R. 2010/410)

The Nitrates Action Programme Regulations (Northern Ireland) 2010 (S.R. 2010/411)

The Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 (S.R. 2010/412)

The Occupational Pensions (Revaluation) Order (Northern Ireland) 2010 (S.R. 2010/413)

The Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414)

The Street Works (Inspection Fees) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/415)

The Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/417)

The Less Favoured Areas Compensatory Allowances (No. 2) Regulations (Northern Ireland) 2010 (S.R. 2010/418)

Level Crossing (Lissue) Order (Northern Ireland) 2010 (S.R. 2010/419)

The Health and Personal Social Services (Superannuation), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/420)

Police Service of Northern Ireland Pensions (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/421)

The Home Repair Assistance Grant (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/422)

The Redpoll Avenue, Lisburn (Footpaths) (Abandonment) Order (Northern Ireland) 2010 (S.R. 2010/429)

Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010 (S.R. 2010/431)



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