

**Examiner of Statutory Rules**

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

**28 January 2011  
NIA 37/10/11R**

Committee for Employment and Learning	S.R. 2011 No. 1
Committee for the Environment	S.R. 2011 Nos. 2, 3, 10



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.

### Corrigendum: Eighth Report, Session 2010 /2011

4. On the front page of the Eighth Report, Session 2010/2011, S.R. 2010 No. 399 (Public Interest Disclosure (Prescribed Persons) (Amendment No. 2) Order (Northern Ireland) 2010) was wrongly attributed to the purview of the Committee for the Office of the First Minister and deputy First Minister: it came within the purview of the Committee for Employment and Learning.

**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 Student Fees (Amounts) (Amendment) Regulations (Northern Ireland) 2011  
(S.R. 2011/1)

The Solvent Emissions (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/2)

The Motor Vehicles (Approvals) (Amendment) Regulations (Northern Ireland) 2011  
(S.R. 2011/3)

The Water Framework Directive (Priority Substances and Classification) Regulations  
(Northern Ireland) 2011 (S.R. 2011/10)





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