



Northern Ireland
Assembly

Examiner of Statutory Rules

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

Session 2015/2016 First Report

4 September 2015

NIA 261/11-16

Committee for Agriculture and Rural Development	S.R. 2015 No. 282, 286, 322
Committee for Education	S.R. 2015 No. 294
Committee for Employment and Learning	S.R. 2015 No. 276
Committee for the Environment	S.R. 2015 Nos. 288, 301
Committee for Health, Social Services and Public Safety	S.R. 2015 No. 321
Committee for Justice	S.R. 2015 No. 302
Committee for Regional Development	S.R. 2015 No. 285, 306, 310
Committee for Social Development	S.R. 2015 Nos. 281, 308, 309, 311, 315

1. In accordance with the delegations in respect of the technical scrutiny of statutory rules under Standing Order 43(4)(b) given to the Examiner of Statutory Rules by the appropriate Committees on 25, 26 and 31 May and 1 June 2011 for this mandate of the Assembly, 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 requiring the approval of the Assembly (confirmatory procedure)

The Pensions (2015 Act) (Consequential Amendments) (Units of Additional Pension) Order (Northern Ireland) 2015 (S.R. 2015/308)

The Occupational Pension Schemes (Charges and Governance) Regulations (Northern Ireland) 2015 (S.R. 2015/309)

The State Pensions Regulations (Northern Ireland) 2015 (S.R. 2015/315)

Statutory rules subject to negative resolution

The Industrial Training Levy (Construction Industry) Order (Northern Ireland) 2015 (S.R. 2015/276)

The Social Security (Application of Reciprocal Agreements with Australia, Canada and New Zealand) (EEA States and Switzerland) Regulations (Northern Ireland) 2015 (S.R. 2015/281)

The Non-Commercial Movement of Pet Animals (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/282)

The Public Passenger Transport (Service Agreements and Service Permits) Regulations (Northern Ireland) 2015 (S.R. 2015/285)

The Common Agricultural Policy Direct Payments and Support Schemes (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/286)

The Hazardous Waste (Amendment No.2) Regulations (Northern Ireland) 2015 (S.R. 2015/288)

The Teachers' Superannuation (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/294)

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/301)

The Lands Tribunal (Amendment) Rules (Northern Ireland) 2015 (S.R. 2015/302)

The A29 Moy Road and U7004 Drumcairn Road, Armagh (Abandonment) Order (Northern Ireland) 2015 (S.R. 2015/306)

The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/310)

The Social Security (Units of Additional Pension) Regulations (Northern Ireland) 2015 (S.R. 2015/311)

The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 (S.R. 2015/321)

The Tuberculosis (Examination and Testing) Scheme (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/322)



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