



Northern Ireland  
Assembly

**Examiner of Statutory Rules**

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

**Session 2015/2016 Fourth Report**

**23 October 2015**

NIA 272/11-16

Committee for the Environment	S.R. 2015 Nos. 344, 349, 351, 352
Committee for Finance and Personnel	S.R. 2015 Nos. 347, 348
Committee for Health, Social Services and Public Safety	S.R. 2015 No. 355
Committee for Justice	S.R. 2015 Nos. 345 350, 353
Committee for Regional Development	S.R 2015 No. 342

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 subject to affirmative resolution**

The Snares Order (Northern Ireland) 2015 (S.R. 2015/352)

### **Statutory rules subject to negative resolution**

The Glebe Way, Moira (Abandonment) Order (Northern Ireland) 2015 (S.R. 2015/342)

The Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015 (S.R. 2015/344)

The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2015 (S.R. 2015/345)

The Superannuation (Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) Order (Northern Ireland) 2015 (S.R. 2015/347)

The Public Service Pensions (Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) Regulations (Northern Ireland) 2015 (S.R. 2015/348)

The Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/349)

The Police Act 1997 (Criminal Records) (Amendments No. 2) Regulations (Northern Ireland) 2015 (S.R. 2015/350)

The Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015 (S.R. 2015/351)

The Criminal Justice (European Protection Order) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/353)

The New Firefighters' Pension Scheme (Amendment) (No. 3) Order (Northern Ireland) 2015 (S.R. 2015/355)



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**ISBN: 978-1-78619-046-8**