

Examiner of Statutory Rules

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

**13 March 2015
NIA 239/11-16**

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| Committee for Agriculture and Rural Development | S.R. 2015 Nos. 128, 129 |
| Committee for Enterprise, Trade and Investment | S.R. 2015 No. 80 |
| Committee for the Environment | S.R. 2015 Nos. 62, 63, 70, 71, 77, 106, |
| Committee for Finance and Personnel | S.R. 2015 Nos. 82, 83, 123 |
| Committee for Health, Social Services and Public Safety | S.R. 2015 Nos. 78, 130 |
| Committee for Justice | S.R. 2015 No. 113, |
| Committee for Social Development | S.R. 2015 Nos. 79, 109, 111, 112, 114, 115, 116, 117, 119 |

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 rule to which attention is drawn in this report

The Child Support (Modification, Miscellaneous and Consequential Amendments) Regulations (Northern Ireland) 2015 (S.R. 2015/116)

3. **I draw the attention of the Committee for Social Development and the Assembly to the Child Support (Modification, Miscellaneous and Consequential Amendments) Regulations (Northern Ireland) 2015 (S.R. 2015/116) on the ground that they were laid in breach of the 21-day rule (marginally), explained by the Department for Social Development.** The breach of the 21-day rule in this case is in fact marginal, as indicated: the Regulations were made on 3 March 2015, were laid on 4 March 2015 and come into operation (mostly) on 23 March 2015 (in tandem with the corresponding Regulations for Great Britain, contained in S.I. 2015/338, made on 19 February 2015 and laid before Parliament at Westminster on 26 February 2015). Unusually, it seems, the Department only received the final version of the Regulations for Great Britain from the Department for Work and Pensions (because of major restructuring there) on 19 February 2015. This version contained further amendments that did not appear in earlier drafts. The Department then worked with its legal advisers on under a tight timescale and produced the final version for 3 March 2015. The Department has impressed upon DWP, and will continue to do so, the need to keep the Department fully informed of any or all developments. It seems that in the circumstances the Department's explanation for the slight delay in making and laying the Regulations was reasonable.

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 Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (S.R. 2015/62)

The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 (S.R. 2015/63)

The Planning (General Permitted Development) Order (Northern Ireland) 2015 (S.R. 2015/70)

The Planning (Development Management) Regulations (Northern Ireland) 2015 (S.R. 2015/71)

The Local Government Pension Scheme (Governance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/77)

The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015 (S.R. 2015/78)

The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling) Order (Northern Ireland) 2015 (S.R. 2015/79)

The Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/80)

The Rates (Social Sector Value) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/82)

The Rates (Transitional Relief) Order (Northern Ireland) 2015 (S.R. 2015/83)

The Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015 (S.R. 2015/106)

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/109)

The Social Security (Revaluation of Earnings Factors) Order (Northern Ireland) 2015 (S.R. 2015/111)

The Social Security Pensions (Low Earnings Threshold) Order (Northern Ireland) 2015 (S.R. 2015/112)

The Police Pensions Regulations (Northern Ireland) 2015 (S.R. 2015/113)

The Social Security Pensions (Flat Rate Accrual Amount) Order (Northern Ireland) 2015 (S.R. 2015/114)

The Occupational Pension Schemes (Levies) (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/115)

The Child Support (Modification, Miscellaneous and Consequential Amendments) Regulations (Northern Ireland) 2015 (S.R. 2015/116)

The Guaranteed Minimum Pension Increase Order (Northern Ireland) 2015 (S.R. 2015/117)

The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (Northern Ireland) 2015 (S.R. 2015/119)

The Rates (Small Business Hereditaments Relief) Regulations (Northern Ireland) 2015
(S.R. 2015/123)

The Plant Health (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/128)

The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2015
(S.R. 2015/129)

The Health Services (Cross- Border Health Care) (Amendment) Regulations (Northern Ireland)
2015 (S.R. 2015/130)



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