

- (a) a transferred matter, other than a transferred matter which is ancillary to other provisions (whether in the Bill or previously enacted) dealing with excepted or reserved matters;
 - (b) a change to—
 - (i) the legislative competence of the Assembly;
 - (ii) the executive functions of any Minister;
 - (iii) the functions of any department.
- (11) In this order the “relevant day” means—
- (a) in respect of a Bill other than a Private Member’s Bill—
 - (i) the day the Bill is introduced in the United Kingdom Parliament; or
 - (ii) the day the Bill completes the stage in the United Kingdom Parliament during which an amendment is made to the Bill which makes it a Bill to which this order applies;
 - (b) in respect of a Bill which is a Private Member’s Bill—
 - (i) the day the Bill completes the first stage at which it may be amended in the House of the United Kingdom Parliament in which it was introduced; or, if later,
 - (ii) the day the Bill completes the stage in the United Kingdom Parliament during which an amendment is made to the Bill which makes it a Bill to which this order applies.
- (12) This order does not apply in respect of Bills which are consolidation Bills or Statute Law Revision Bills.’

43. Scrutiny of Statutory Rules

- (1) Every statutory rule or draft statutory rule which -
- (a) is laid before the Assembly; and
 - (b) is subject to Assembly proceedings,
- shall stand referred to the appropriate committee for scrutiny.
- (2) The appropriate committee may also scrutinise any statutory rule which -
- (a) deals with a transferred matter (within the meaning of the Northern Ireland Act 1998); and
 - (b) is not subject to Assembly proceedings,
- whether or not the statutory rule is laid before the Assembly.
- (3) To assist committees in the scrutiny of instruments under this order there shall be an officer of the Assembly known as the Examiner of Statutory Rules who shall carry out any functions delegated to him or her under paragraph (4)(b).
- (4) The appropriate committee may -
- (a) scrutinise the instrument itself; or
 - (b) delegate to the Examiner of Statutory Rules any of its functions in relation to the technical scrutiny of the instrument.

- (5) Where a committee has delegated functions to the Examiner of Statutory Rules under paragraph (4) (b), references to the committee in the following provisions of this order, in relation to functions so delegated, include references to the Examiner.
- (6) In scrutinising an instrument the appropriate committee shall among other things 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.
- (7) The appropriate committee shall where practicable report on an instrument before any resolution or motion relating to that instrument is moved in the Assembly.
- (8) In this order -
- “committee” means a statutory committee;
- “instrument” means a statutory rule or a draft statutory rule;
- “the parent legislation”, in relation to an instrument, means the legislation under which the instrument is made or is to be made;
- “statutory rule” has the same meaning as in the Statutory Rules (Northern Ireland) Order 1979.
- (9) For the purposes of this order a statutory rule or draft statutory rule is subject to Assembly proceedings if, in pursuance of the parent legislation, proceedings may be taken in the Assembly in relation to it.