



Representation of the People Act 1991

1991 CHAPTER 11

An Act to make provision with respect to charges for returning officers' services rendered, and expenses incurred, for or in connection with a parliamentary election. [9th May 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Charges for returning officers' services and expenses

(1) Section 29 of the Representation of the People Act 1983 (payments by and to returning officers) shall be amended as follows.

(2) For subsections (3) and (4) there shall be substituted—

“(3) A returning officer shall be entitled to recover his charges in respect of services properly rendered, or expenses properly incurred, for or in connection with a parliamentary election if—

- (a) the services or expenses are of a kind specified in an order made by the Treasury; and
- (b) the charges are reasonable.

(4) In any order made under subsection (3) above the Treasury may specify a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (4A) below, the returning officer may not recover more than that amount in respect of any such services or expenses.

(4A) The Treasury may, in a particular case, authorise the payment of more than the specified maximum amount for any specified services or expenses if satisfied—

- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses; and
- (b) that the charges in question are reasonable.

Status: This is the original version (as it was originally enacted).

- (4B) Any order under subsection (3) above which specifies a maximum amount for services or expenses of a particular description may—
- (a) provide for that amount to increase at prescribed dates, or after prescribed periods, by reference to such formula or other method of determination as may be specified in the order; and
 - (b) make such transitional provision in connection with any such increase as the Treasury consider appropriate.
- (4C) The power to make orders under subsection (3) above shall be exercised by statutory instrument.”
- (3) In subsection (5), for the words “such charges” there shall be substituted “charges recoverable in accordance with this section”.
- (4) After subsection (8) there shall be inserted the following subsection—
- “(9) If the functions of the Treasury under subsections (3) and (4) above are transferred to another Minister of the Crown (as defined in section 8(1) of the Ministers of the Crown Act 1975) by an order under that Act, this section shall have effect as if it required the consent of the Treasury to the exercise of any such function.”

2 Regulations: consequential amendments

- (1) In regulation 99 of the Representation of the People Regulations 1986 and regulation 97 of the Representation of the People (Scotland) Regulations 1986—
- (a) in paragraph (1), after the words “subsections (3), (4)” there shall be inserted “(4A), (4B)”; and
 - (b) in paragraph (3), the words “in the scale of maximum charges which they are required to prescribe” shall be omitted.
- (2) Those amendments shall not be taken to prejudice the power to make regulations varying or revoking those regulations.

3 Short title, commencement and extent

- (1) This Act may be cited as the Representation of the People Act 1991.
- (2) This Act shall come into force on such day as may be appointed by order made by the Treasury by statutory instrument.
- (3) This Act, with the exception of section 2, extends to Northern Ireland.