
STATUTORY INSTRUMENTS

1991 No. 764

**The Repayment of Fees and Charges
(Northern Ireland) Order 1991**

Repayment of fees and charges

3.—(1) This Article applies where at the beginning of the day on which this Order comes into operation—

- (a) a statutory provision confers power to make provision for payment of a fee or charge (however described), and
- (b) sums paid in pursuance of provision made in exercise of the power are payable into the Consolidated Fund.

(2) Subject to paragraph (3), the statutory provision shall be treated as also conferring power to make provision about repayment of sums paid, or purported to be paid, in pursuance of provision made in exercise of the power.

(3) Paragraph (2) shall not apply if the fee or charge is one—

- (a) repayment of which is prohibited or regulated by a statutory provision, or
- (b) power to make provision about repayment of which is expressly conferred, or expressly negated, to any extent.

(4) Without prejudice to the generality of the power conferred by virtue of paragraph (2), the provision which may be made by virtue of that paragraph includes provision—

- (a) that repayment shall be made only if a specified person is satisfied that specified conditions are met or in other specified circumstances;
- (b) that repayment shall be made in part only;
- (c) that, in the case of partial repayment, the amount repaid shall be a specified sum or determined in a specified manner; and
- (d) for repayment of different amounts in different circumstances.

(5) In paragraph (4) “specified” means specified in the instrument exercising the power.

(6) In this Article “statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954^{F1}, but does not include a statutory rule within the meaning of Article 4 of the Statutory Rules (Northern Ireland) Order 1979^{F2}.

F1 1954 c. 33 (N.I.)

F2 1954 c. 33 (N.I.)

Changes to legislation:

There are currently no known outstanding effects for the The Repayment of Fees and Charges (Northern Ireland) Order 1991, Section 3.