

---

STATUTORY INSTRUMENTS

---

**1991 No. 764 (N.I. 8)**

**NORTHERN IRELAND**

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

<i>Made</i>	- - - -	<i>20th March 1991</i>
<i>Laid before Parliament</i>		<i>3rd April 1991</i>
<i>Coming into Operation</i>		<i>10th April 1991</i>

At the Court at Buckingham Palace, the 20th day of March 1991

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of section 128 of the Finance Act 1990(1):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 128(8) of the said Act of 1990) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Title and commencement**

1.—(1) This Order may be cited as the Repayment of Fees and Charges (Northern Ireland) Order 1991.

(2) This Order shall come into operation on the expiration of 21 days from the day on which it is made.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954(2) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

---

(1) 1990 c. 29

(2) 1974 c. 28

### **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 negatived, 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(3), but does not include a statutory rule within the meaning of Article 4 of the Statutory Rules (Northern Ireland) Order 1979(4).

*G. I. de Deney*  
Clerk of the Privy Council

---

(3) 1954 c. 33 (N.I.)

(4) 1954 c. 33 (N.I.)

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made only for purposes corresponding to those of section 128 of the Finance Act 1990. It authorises the making of provision for the repayment of certain fees and charges payable under existing statutory provisions which apply in Northern Ireland.