
STATUTORY INSTRUMENTS

1991 No. 1728

MINISTERS OF THE CROWN

**The Transfer of Functions (Returning
Officers' Charges) Order 1991**

<i>Made</i>	- - - -	<i>24th July 1991</i>
<i>Laid before Parliament</i>		<i>1st August 1991</i>
<i>Coming into force</i>	- -	<i>22nd August 1991</i>

At the Court at Buckingham Palace, the 24th day of July 1991

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Returning Officers' Charges) Order 1991.

(2) In this Order “the 1983 Act” means the Representation of the People Act 1983(2) and “the 1991 Act” means the Representation of the People Act 1991(3).

(3) This Order shall come into force on 22nd August 1991.

Transfer of functions

2. The functions of the Treasury under sections 29 and 47(1) of the 1983 Act as amended by the 1991 Act are hereby transferred to the Secretary of State.

Consequential amendments

3.—(1) Section 29 of the 1983 Act shall be amended as follows.

(1) 1975 c. 26.
(2) 1983 c. 2.
(3) 1991 c. 11.

(2) In subsections (3), (4) and (6) for the words “the Treasury” there shall be substituted the words “the Secretary of State” and in subsection (4A) for the words “The Treasury” there shall be substituted the words “The Secretary of State”.

(3) In subsection (4B)(b) for the words “the Treasury consider” there shall be substituted the words “the Secretary of State considers”.

(4) In subsection (5) for the words “the Treasury, but the Treasury may if they think fit” there shall be substituted the words “the Secretary of State, but the Secretary of State may if he thinks fit”.

(5) In subsection (7) for the words “the Treasury may, on such terms as they think fit” there shall be substituted the words “the Secretary of State may, on such terms as he thinks fit”.

(6) For subsections (8) and (9) there shall be substituted—

“(8) Regulations may make provision as to the time when and the manner and form in which accounts are to be rendered to the Secretary of State for the purposes of the payment of a returning officer’s charges.

(9) Any exercise by the Secretary of State of his functions under subsections (3) and (4) above shall require the consent of the Treasury.”

4. In section 47(1) of the 1983 Act for the words “the Treasury” there shall be substituted the words “the Secretary of State”.

5. In section 201 of the 1983 Act—

(a) in subsection (1) after the words “the Secretary of State” there shall be inserted the words “and except in the case of regulations under section 29(8)”;

(b) in subsection (2), as amended by paragraph 69 of Schedule 4 to the Representation of the People Act 1985(4), after the words “otherwise than under” there shall be inserted the words “section 29(8) above or”.

6. In regulation 99(3) of the Representation of the People Regulations 1986(5) and regulation 97(3) of the Representation of the People (Scotland) Regulations 1986(6), as amended by section 2 of the 1991 Act, for the words “the Treasury” there shall be substituted the words “the Secretary of State”.

Saving

7. Nothing in this Order affects the functions of the Treasury under section 29(5), (6) or (7) of the 1983 Act in relation to charges in respect of services rendered and expenses incurred for or in connection with an election that has already taken place before the coming into force of this Order.

G. I. de Deney
Clerk of the Privy Council

(4) 1985 c. 50.

(5) S.I. 1986/1081.

(6) S.I. 1986/1111.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Secretary of State the functions of the Treasury under sections 29 and 47(1) of the Representation of the People Act 1983 (1983 Act as amended by the Representation of the People Act 1991. The functions transferred relate to returning officers' services and expenses in respect of parliamentary elections, and the loan of equipment for local elections. Various consequential and supplementary amendments are made to the 1983 Act and to the Representation of the People Regulations 1986 (S.I.1986/1081) and the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111). There is a saving for charges in respect of elections which have already taken place before the coming into force of the Order.