

**2007 No. 644**

**NORTHERN IRELAND**

**The New Northern Ireland Assembly Elections (Returning Officer's Charges) (Amendment) Order 2007**

*Made* - - - - - *28th February 2007*

*Coming into force* - - - *1st March 2007*

The Secretary of State, in exercise of the powers conferred by section 29(3) and (4) of the Representation of the People Act 1983(a), as applied by article 3 of, and Schedule 1 to, the Northern Ireland Assembly (Elections) Order 2001(b), makes the following Order with the consent of the Treasury:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the New Northern Ireland Assembly Elections (Returning Officer's Charges) (Amendment) Order 2007 and shall come into force on the day after the day on which it is made.

(2) In this Order “the 1998 Order” means the New Northern Ireland Assembly Elections (Returning Officer's Charges) Order 1998(c).

**Expenses of returning officer for which maximum recoverable amounts are specified**

2. In article 2(1) of the 1998 Order after “4(1)” insert “, 5(1), 6(1) and 7”.

3.—(1) Part A (expenses of returning officer for which maximum recoverable amounts are specified) of the Schedule to the 1998 Order is amended as follows.

(2) The amounts set out in the right-hand column opposite the entries in the left-hand column specified below shall be substituted as follows(d)—

- (a) in paragraph 1(2) for “£135.00” substitute “£200”;
- (b) in paragraph 2(2) for “£90.00” substitute “£150.00”;

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(a) 1983 c. 2; section 29(3) and (4) were substituted by section 1(1) and (2) of the Representation of the People Act 1991 (c. 11) and were amended by the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728) and the functions formerly conferred on the Treasury have been transferred to the Secretary of State by that Order. The powers in section 29(3) are extended by sections 29(4) to (4C), as so amended. Subsections (3) to (9) of section 29 have been substituted by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41) (“2000 Act”), which have yet to be brought into force. The amendments made by the 2000 Act have in turn been amended by paragraph 107 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) (“2006 Act”), but these amendments have not been brought into force. Section 68 of the 2006 Act amends section 29 by substituting existing subsections (3) to (4B) with new subsections (3), (3A), (3B) and (3C). These amendments are in force in England and Wales by virtue of the Electoral Administration Act 2006 (Commencement No. 2, Transitional and Savings Provisions) Order 2006 (S.I. 2006/3412 (C. 128)), but have not yet been brought into force for Northern Ireland.

(b) S.I. 2001/2599.

(c) S.I. 1998/1493; this Order was made under section 29(3) and (4) of the Representation of the People Act 1983, as applied by the New Northern Ireland Assembly (Elections) Order 1998 (S.I. 1998/1287) and, by virtue of section 17(2)(b) and section 23 of the Interpretation Act 1978 (c. 30), now has effect as if made under section 29(3) and (4) of the Representation of the People Act 1983 as applied by the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).

(d) The current amounts in the 1998 Order were substituted by the New Northern Ireland Assembly Elections (Returning Officer's Charges) (Amendment) Order 2003 (S.I.2003/3029).

- (c) in paragraph 3(2) for “£1.65” substitute “£1.73”;
  - (d) in paragraph 4(2) for “£5,731.36” substitute “£6,001.00”;
  - (e) in paragraph 4(3) for “£52.65” substitute “£55.12”;
  - (f) in paragraph 4(4) for “£47.81” substitute “£50.06”; and
  - (g) in paragraph 5(2)(a) for “£12,222.22” substitute “£13,136.44”.
- (3) After paragraph 1(3) add—
- “(4) Where a presiding officer receives training (including a presiding officer who, owing to incapacity or other reason, does not discharge the duties of presiding officer on polling day) the maximum recoverable amount in respect of that training is £40.00.”
- (4) After paragraph 2(2) add—
- “(3) Where a poll clerk receives training (including a poll clerk who, owing to incapacity or other reason, does not discharge the duties of a poll clerk on polling day) the maximum recoverable amount in respect of that training is £40.00.”
- (5) After paragraph 5(2) add—
- “(3) Where a person employed in connection with the count receives training (including count staff who, owing to incapacity or other reason, do not discharge their duties at the count) the maximum recoverable amount in respect of training is £40.00.”
- (6) After paragraph 5 add—
- “6—(1) This paragraph makes provision for a returning officer’s expenses in respect of persons employed to provide training in accordance with paragraphs 1(4), 2(3) and 5(3).
- (2) The maximum recoverable amount in respect of each training session is £150.00.
- (3) The number of training sessions shall not exceed 90.
7. The maximum recoverable amount for the returning officer’s expenses in respect of providing training for deputy returning officers appointed under section 14A(1) of the Electoral Law Act (Northern Ireland) 1962(b) is £2,094.”

#### **Expenses of returning officer for which no maximum recoverable amounts are specified**

- 4.—(1) Part B (expenses of returning officer for which no maximum recoverable amounts are specified) of the Schedule to the 1998 Order is amended as follows.
- (2) After paragraph 1(ba) omit “and”.
- (3) After paragraph 1(c) add—
- “; and
- (d) any person performing functions delegated to him by the returning officer in accordance with section 14A(1) of the Electoral Law Act (Northern Ireland) 1962.”
- (4) In both paragraph 7, in both places, and paragraph 8 after “provision” insert “and storage”.
- (5) In paragraph 11 after “provision of” insert “electoral registers,”.
- (6) After paragraph 12 add—
- “13. Expenses in connection with the provision to each polling station of the large version of the ballot paper and of the prescribed devices for assisting voters with disabilities.”

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(a) Paragraph 5 was inserted by article 2(3) of the New Northern Ireland Assembly Elections (Returning Officer’s Charges) (Amendment) Order 2003 (S.I.2003/3029).

(b) 1962 c. 14; section 14A(1) was inserted by the Electoral Law (Northern Ireland) Order 1972 (S.I.1972/1264 (N.I. 13)). It allows the Chief Electoral Officer to appoint persons to assist him. Section 14A(2) authorises him to delegate any of his functions to persons appointed under section 14A(1). Article 5(3) of the 2001 Order provides that section 14A(2) of the 1962 Act shall have effect in relation to the Chief Electoral Officer in his capacity as returning officer for Assembly elections under the 2001 Order.

**Expenses of returning officer for which the maximum recoverable amounts are specified for the purposes of the election held on 7th March 2007**

5.—(1) For the purposes of the election held on 7th March 2007 Part A of the Schedule to the 1998 Order shall have effect as if there were inserted after paragraph 7—

“8.—(1) This paragraph makes provision for returning officer’s expenses in respect of the additional payment of a single sum of money to persons employed in connection with the election to be held on 7th March 2007.

(2) Subject to sub-paragraph (3), the amount for the expenses specified in sub-paragraph (1) in respect of each presiding officer is £40.00.

(3) Where at a polling place there is more than one polling station, the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of only one of the presiding officers at such a polling station is increased by £5.00.

(4) The maximum recoverable amount for expenses specified in sub-paragraph (1) in respect of each poll clerk is £25.00.”

(2) For the purposes of the election held on 7th March 2007, article 2(1) of the 1998 Order shall have effect as if after “, 5(1), 6(1) and 7”, as inserted by article 2 of this Order, there is inserted “ and 8(1)”.

**Revocation**

6. The New Northern Ireland Assembly Elections (Returning Officer’s Charges) (Amendment) Order 2003(a) is revoked.

Northern Ireland Office  
28th February 2007

*Peter Hain*  
One of Her Majesty’s Principal Secretaries of State

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(a) S.I. 2003/3029.

## EXPLANATORY NOTE

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

Under section 29(3) of the Representation of the People Act 1983 (c. 2) (as substituted by the Representation of the People Act 1991 (c. 11) and applied to elections to the Northern Ireland Assembly by the Northern Ireland Assembly (Elections) Order 2001 (S.I.2001/2599)), the entitlement of a returning officer at an Assembly election to recover his charges in respect of his expenses for or in connection with such an election depends upon—

- (a) the expenses being of a kind specified in an order under that provision;
- (b) the expenses being properly incurred, and
- (c) the charges in respect of them being reasonable.

The New Northern Ireland Assembly Elections (Returning Officer's Charges) Order 1998 (S.I.1998/1493) ("1998 Order") specifies the kind of expenses incurred by a returning officer for or in connection with an Assembly election in respect of which he is entitled to recover his charges together (in the case of Part A) with the maximum recoverable amounts in relation to those charges. Article 3(2) of this Order amends the Schedule to the 1998 Order to increase the maximum amounts specified in Part A.

Article 3(3) to (6) enables the returning officer to recover expenses related to the training of deputy returning officers, presiding officers, count staff and poll clerks.

Article 4 amends Part B of the Schedule to the 1998 Order to enable the returning officer to recover expenses in relation to the travelling and subsistence expenses of persons to whom he has delegated his functions, the storage of certain furniture and equipment, the provision of electoral registers and equipment to assist voters with disabilities.

Article 5 enables the returning officer to pay a recruitment allowance to those employed at the March 2007 election only.

£3.00

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