STATUTORY INSTRUMENTS

1967 No. 144 (S.12)

JURIES

The Jurors' Allowances (Scotland) Regulations 1967

Made - - - - 8*th February* 1967

Coming into Operation 13*th February* 1967

In exercise of the powers conferred on me by sections 24(1) and 32(1) of the Juries Act 1949(a), as amended by the Juries Act 1954(b), I hereby, with the consent of the Treasury, make the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Jurors' Allowances (Scotland) Regulations 1967 and shall come into operation on 13th February 1967.

(2) The Jurors' Allowances (Scotland) Regulations 1962(c), the Jurors' Allowances (Scotland) Amendment Regulations 1966(d) and the Jurors' Allowances (Scotland) Amendment (No. 2) Regulations 1966(e) are hereby revoked.

Interpretation

2.—(1) In these Regulations any reference to a juror shall include a reference to a person who, in obedience to a citation to serve on a jury, attends for service as a juror notwithstanding that he is not subsequently impanelled, and any reference to service as a juror shall be construed accordingly.

(2) In these Regulations the expression "the Act" means the Juries Act 1949 as amended by the Juries Act 1954.

(3) The Interpretation Act 1889(f) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and section 38(2) of that Act shall apply as if these Regulations were an Act of Parliament and the Regulations revoked by these Regulations were enactments repealed thereby.

Travelling Allowance

3. The travelling allowance to which a juror is entitled under section 24 of the Act shall be in accordance with the rates set out in the Schedule hereto.

Subsistence Allowance

4.—(1) The subsistence allowance to which a juror is entitled under section 24 of the Act shall be calculated in accordance with paragraphs (2) and (3) of this regulation.

(a) 12, 13 & 14 Geo. 6. c. 27.
(b) 2 & 3 Eliz. 2. c. 41.
(c) S.I. 1962/2148 (1962 III, p. 2731).
(d) S.I. 1966/127 (1966 I, p. 239).
(e) S.I. 1966/496 (1966 I, p. 1011).
(f) 1889 c. 63.

(2) In respect of any period other than a period in respect of which a subsistence allowance is payable under paragraph (3) of this regulation, or during which meals are provided for him, the subsistence allowance shall be—

(*a*) if the period on any one day during which a juror is necessarily absent from his place of residence, business or employment for the purpose of serving as a juror does not exceed four hours, six shillings in respect of that day;

(*b*) if the said period on any one day exceeds four hours but does not exceed eight hours, twelve shillings and sixpence in respect of that day;

(*c*) if the said period on any one day exceeds eight hours but does not exceed twelve hours, twenty-three shillings in respect of that day;

(*d*) if the said period on any one day exceeds twelve hours but does not exceed sixteen hours, thirty-three shillings in respect of that day;

(*e*) if the said period on any one day exceeds sixteen hours, forty shillings in respect of that day.

(3) If a juror is necessarily absent overnight from his place of residence, business or employment for the purpose of serving as a juror, and board and lodging is not provided for him, the subsistence allowance shall be sixty-eight shillings in respect of each period of twenty-four hours or fraction thereof during which he is so absent overnight.

Financial Loss Allowance

5. The compensation for loss of earnings which a juror would otherwise have made or additional expense (other than expense on account of travelling or subsistence) to which he would not otherwise have been subject, to which he is entitled under section 24 of the Act, shall be the amount of the said loss or additional expense:

Provided that the amount payable under this regulation to a person in respect of his services as a juror on any one day shall not exceed—

(*a*) where the period of time over which the earnings are lost or additional expense is incurred does not exceed four hours, the sum of thirty-two shillings and sixpence; or

(*b*) where the said period of time exceeds four hours, the sum of sixty-five shillings,

except that, where in obedience to a citation to serve on a jury he has served as a juror on more than ten days and the court so directs, the amount so payable in respect of his services as a juror in obedience to the same citation on any one day after the tenth such day may exceed the sum specified above but shall not exceed one hundred and thirty shillings.

William Ross,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
8th February 1967.

Harry Gourlay,

W. Howie,

We consent,

Two of the Lords Commissioners of Her Majesty's Treasury.

8th February 1967.

SCHEDULE

Regulation 3

TRAVELLING ALLOWANCE

1. Where a person travels by railway, steamer or other public conveyance, the allowance shall be the amount of the fare actually paid:

Provided that—

(*a*) unless for a special reason the court otherwise directs, only the amount of the second class fare shall be allowed for travel by railway;

(*b*) if the journey is by steamer and a cabin is occupied, cabin fare shall be allowed.

2. Where a person travels by a hired vehicle, the allowance shall be—

(*a*) in a case of urgency or where no public service is reasonably available, the amount of the fare and any reasonable gratuity paid; and

(*b*) in any other case, the amount of the fare for travel by the appropriate public services.

3. Where a person travels by private conveyance, the allowance shall, in a case where the use of a private conveyance results in a substantial saving of time or is otherwise reasonable, be at a rate not exceeding sevenpence halfpenny a mile for each mile necessarily travelled to and from court, and, in any other case, be at a rate not exceeding threepence a mile for each mile necessarily travelled as aforesaid.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the Jurors' Allowances (Scotland) Regulations 1962, the Jurors' Allowances (Scotland) Amendment Regulations 1966 and the Jurors' Allowances (Scotland) Amendment (No. 2) Regulations 1966. The general effect of the regulations now consolidated was to lay down the rates of travelling allowance for jurors, the rates of day and night subsistence allowance and the rates for compensation for loss of earnings or additional expenses (other than travelling or subsistence expenses). The principal amendments increase the subsistence allowance payable to a juror where the period of time on any one day during which he is necessarily absent from his place of residence, business or employment exceeds eight hours (Regulation 4(1)), and increase the maximum amounts payable to a juror as compensation for loss of earnings or additional expense (Regulation 5). Provision is made for a fixed sum to be payable as subsistence allowance in respect of any period of twenty-four hours or less during which a juror is necessarily absent overnight from his place of residence, business or employment, instead of specifying the maximum amount payable in respect of expenses incurred for board and lodging (Regulation 4(3)).