STATUTORY INSTRUMENTS

1971 No. 220 (S.34)

JURIES

The Jurors' Allowances (Scotland) Regulations 1971

Made - - - - 8*th February* 1971

Coming into Operation 15*th February* 1971

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), and of all other powers enabling me in that behalf, 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 1971 and shall come into operation on 15th February 1971.

(2) The Jurors' Allowances (Scotland) Regulations 1967(c) and the Jurors' Allowances (Scotland) Amendment Regulations 1970(d) 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, unless the context otherwise requires:—

"the Act" means the Juries Act 1949 as amended by the Juries Act 1954; and

"public service" means any service provided for travel by the public by railway, ship, vessel, omnibus, trolley vehicle or tramway.

(3) The Interpretation Act 1889(e) 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as if these regulations were an Act of Parliament and the regulations revoked by these regulations were enactments repealed thereby.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.

(a) 1949 c. 27.
(b) 2 & 3 Eliz. 2. c. 41.
(c) S.I. 1967/144 (1967 I, p. 231).
(d) S.I. 1970/262 (1970 I, p. 1011).
(e) 1889 c. 63.

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.

(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, 45p in respect of that day;

(*b*) if the said period on any one day exceeds four hours but does not exceed eight hours, 95p in respect of that day;

(*c*) if the said period on any one day exceeds eight hours but does not exceed twelve hours, £1·75 in respect of that day;

(*d*) if the said period on any one day exceeds twelve hours but does not exceed sixteen hours, £2·50 in respect of that day;

(*e*) if the said period on any one day exceeds sixteen hours, £2·95 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 £5·50 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 £2·00; or

(*b*) where the said period of time exceeds four hours, the sum of £4·00,

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 £8·00.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh.

4th February 1971.

We consent,

Bernard Weatherill,

Walter Clegg,

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

8th February 1971.

SCHEDULE Regulation 3

Travelling Allowance

1. The rate for travel by public service shall not exceed 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. The rate for travel by a hired vehicle—

(*a*) in cases of urgency or where no public service is reasonably available, shall not exceed the amount of the actual fare and any reasonable gratuity paid, and

(*b*) in any other case, shall not exceed the amount of the fare for travel by an appropriate public service.

3. Where the use of a private motor vehicle results in a substantial saving of time or is otherwise reasonable, the rate shall not exceed—

(*a*) for the use of a vehicle of cylinder capacity of 1,000 c.c. or less, 3½p a mile;

(*b*) for the use of a vehicle of cylinder capacity from 1,001 c.c. to 1,750 c.c., 4½p a mile;

(*c*) for the use of a vehicle of cylinder capacity over 1,751 c.c. 5p a mile;

for each mile necessarily travelled to and from court. In any other case the rate shall not exceed 2p 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 1967 and the Jurors' Allowances (Scotland) Amendment Regulations 1970. The regulations now consolidated laid 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 rates for mileage allowances for travel by private motor vehicle which allowances now depend on the cylinder capacity of the vehicle (Regulation 3) and also the subsistence allowances payable to a juror where he is necessarily absent from his place of residence, business or employment (Regulation 4(1)).