STATUTORY INSTRUMENTS

1977 No. 445 (S.43)

JURIES

The Jurors' Allowances (Scotland) Regulations 1977

Made - - - -	*4th March* 1977
Coming into Operation	*1st April* 1977

In exercise of the powers conferred on me by sections 24(1) (as amended by section 1(1) of the Juries Act 1954**(a)**) and 32(1) of the Juries Act 1949**(b)** and of all other powers enabling me in that behalf, and as read with the Minister for the Civil Service Order 1971**(c)** I hereby, with the consent of the Minister for the Civil Service, make the following regulations:—

Citation, commencement and revocation

1.—(1) These regulations may be cited as the Jurors' Allowances (Scotland) Regulations 1977 and shall come into operation on 1st April 1977.

(2) The Jurors' Allowances (Scotland) Regulations 1971**(d)** as amended**(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, 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 or aeroplane.

(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as if these regulations were an Act of Parliament and the regulations revoked by these regulations were enactments repealed thereby.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) 1954 c. 41. (b) 1949 c. 27.
(c) S.I. 1971/2099 (1971 III, p. 6186). (d) S.I. 1971/220 (1971 I, p. 651).
(e) The amending instruments are S.I. 1971/2022, 1972/2012, 1973/1129, 1686, 1974/1484, 1975/747, 1434, 1936 (1971 III, p. 5795; 1972 III, p. 5963; 1973 II, p. 3483; III, p. 5163; 1974 III, p. 5682; 1975 II, p. 2762; III, pp. 4822, 7203).
(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, 0.75p in respect of that day;

(*b*) if the said period on any one day exceeds four hours but does not exceed eight hours £1.65 in respect of that day;

(*c*) if the said period on any one day exceeds eight hours but does not exceed twelve hours £2.90 in respect of that day;

(*d*) if the said period on any one day exceeds twelve hours but does not exceed sixteen hours, £4.10 in respect of that day;

(*e*) if the said period on any one day exceeds sixteen hours, £4.90 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 £10.40 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 £4.90, or

(*b*) where the said period of time exceeds four hours, the sum of £9.80

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 £19.60.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
3rd March 1977.

Consent of the Minister for the Civil Service given under his Official Seal on 4th March 1977.

P. F. Clifton,
Authorised by the Minister
for the Civil Service.

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.—(1) Where a person travels by private motor-cycle the allowance shall be at a rate not exceeding:—

(*a*) for the use of a motor-cycle of engine capacity not exceeding 150 cc, 2.5p a mile each way;

(*b*) for the use of a motor-cycle of engine capacity exceeding 150 cc but not exceeding 245 cc, 3.1p a mile each way;

(*c*) for the use of a motor-cycle of engine capacity exceeding 245 cc but not exceeding 500 cc, 4.2p a mile each way;

(*d*) for the use of a motor-cycle of engine capacity exceeding 500 cc, 5.2p a mile each way except where the use of such a motor-cycle results in a substantial saving of time or is otherwise reasonable in which case the allowance shall be at a rate not exceeding 5.4p a mile each way.

(2) Subject to subparagraph (3) below, where a person travels by private motor car, the allowance shall be at a rate not exceeding 5.2p a mile each way, except where the use of a motor car results in a substantial saving of time or is otherwise reasonable, in which case the allowance shall be at a rate not exceeding:—

(i) for the use of a motor car of engine capacity not exceeding 1,000 cc, 9.4p a mile each way;

(ii) for the use of a motor car of engine capacity exceeding 1,000 cc but not exceeding 1,750 cc, 11.0p a mile each way;

(iii) for the use of a motor car of engine capacity exceeding 1,750 cc, 12.0p a mile each way.

(3) The rates specified in subparagraph (2) above shall be increased by a supplement of 0.5p a mile for each passenger carried and to whom an allowance would otherwise have been payable under this Schedule.

EXPLANATORY NOTE

(*This Note is not Part of the Regulations.*)

These Regulations consolidate the Jurors' Allowances (Scotland) Regulations 1971 as amended, and also provide for increases in the rates of travelling and financial loss allowances.

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