JUSTICES OF THE PEACE

1953 No. 435

The Justices' Allowances Regulations, 1953

Made - - - -	16*th March*, 1953
Laid before Parliament	17*th March*, 1953
Coming into Operation	1*st April*, 1953

In pursuance of the powers conferred upon me by subsections (6) and (7) of section eight of the Justices of the Peace Act, 1949(a), I hereby make the following Regulations:—

1. The rates of travelling and lodging allowance payable under section eight of the Act to a justice of the peace for any area in England or Wales in respect of expenditure on travelling, or, as the case may be, on accommodation for the night, necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice shall be the rates set out in the First and Second Schedules to these Regulations.

2. A justice who claims payment of either of the said allowances shall complete and submit to the authority an application in the form set out in the Third Schedule to these Regulations or in a form substantially to the like effect.

3. An authority shall, so far as practicable, arrange for the issue to a justice of a ticket, or a document which can be exchanged for a ticket, to cover a journey in respect of which a travelling allowance would otherwise fall to be paid.

4.—(1) An authority shall keep a record of every payment made under section eight of the Act showing the amount and nature of the payment and the name of the justice to whom it is paid; and payments made in respect of duties as chairman, deputy chairman or member of a court of quarter sessions shall be kept separate from other payments in the said record.

(2) For the purposes of this Regulation expenditure incurred in the issue to a justice of a ticket or other document under Regulation 3 shall be deemed to be an amount paid to that justice.

5. Where expenditure on travelling or accommodation for the night, or both, entitles a person to receive an allowance under section eight of the Act in respect of duties as a justice and an allowance of the same nature, by whatever name called, under any other enactment in respect of duties in some other capacity, the aggregate amount which that person shall be entitled to receive under the said section eight on account of the said expenditure shall be reduced by the aggregate amount received by him on that account under the other enactment, and any claim made under the said section eight shall contain particulars of any amount so received or claimed, or which it is intended to claim, under the other enactment.

(a) 12, 13 & 14 Geo. 6. c. 101.

6.—(1) In these Regulations—

" authority " means any authority responsible, by virtue of subsection (5) of section eight of the Act, for the payment of allowances under that section ;

" the Act " means the Justices of the Peace Act, 1949.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

7. These Regulations may be cited as the Justices' Allowances Regulations, 1953, and shall come into operation on the first day of April, 1953.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
16th March, 1953.

FIRST SCHEDULE

Rates of Travelling Allowance

1.—(1) The rate for travel by public service shall be the amount of the fare of the class in which the justice chooses to travel but, subject to any supplementary allowances payable under sub-paragraph (2) of this paragraph, shall not exceed the lowest available first class fare.

(2) The rate payable under the foregoing sub-paragraph shall, if the justice so claims, be increased by supplementary allowances not exceeding the expenditure incurred on deposit or porterage of luggage, on reservation of seats, or on Pullman Car or similar supplements (other than expenditure on refreshment or sleeping accommodation).

2. The rate for travel by hired motor vehicle shall be—

(*a*) in cases 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 service.

3.—(1) The rate for travel by a justice's own private motor vehicle shall, subject as hereinafter mentioned, be 2d. a mile.

(2) The rate for travel by a justice's own private motor vehicle in circumstances which involve a substantial saving in his time, or where such travel is otherwise reasonable, shall, subject to any increase payable under sub-paragraph (3) of this paragraph, be—

(*a*) in the case of a motor car exceeding 500 cubic centimetres cylinder capacity and exceeding 10 horse power, 9¼d. a mile for the first 2,000 miles for which in any year the justice uses a private motor car, 7¾d. a mile for the next 5,000 miles in the same year, and thereafter in the same year 6¼d. a mile ;

(*b*) in the case of a motor car exceeding 500 cubic centimetres cylinder capacity and not exceeding 10 horse power, 7¾d. a mile for the first 2,000 miles for which in any year the justice uses a private motor car, 6d. a mile for the next 5,000 miles in the same year, and thereafter in the same year 4¼d. a mile ;

(a) 52 & 53 Vict. c. 63.

(*c*) in the case of a motor car not exceeding 500 cubic centimetres cylinder capacity, of a motor cycle exceeding 500 cubic centimetres cylinder capacity, or of a motor cycle combination, 4d. a mile ;

(*d*) in the case of a motor cycle exceeding 150, but not exceeding 500, cubic centimetres cylinder capacity, 3d. a mile ;

(*e*) in the case of a motor cycle exceeding 120, but not exceeding 150, cubic centimetres cylinder capacity, 2½d. a mile ;

(*f*) in the case of a motor cycle not exceeding 120 cubic centimetres cylinder capacity, of an autocycle or of a motor-assisted pedal cycle, 2d. a mile.

(3) The appropriate rate specified in the foregoing provisions of this paragraph shall, if the justice so claims, be increased—

(*a*) where the rate exceeds 2d. a mile, by ½d. a mile for the carriage, otherwise than by motor cycle, of each additional person to whom an allowance for travelling would otherwise be payable under any enactment ;

(*b*) where the rate is 2d. a mile, by 1d. a mile for the carriage, otherwise than by motor cycle, autocycle or motor-assisted pedal cycle, of each additional person as aforesaid, so, however, that the rate when so increased shall not exceed 6d. a mile ;

(*c*) in the case of an absence overnight from the usual place of residence, by the amount of any expenditure incurred on garaging a motor vehicle, not exceeding 2s. 6d. a night in the case of a motor car or 1s. 6d. a night in the case of a vehicle of any other type ;

(*d*) in any case, by the amount of any expenditure incurred on tolls, ferries or parking fees.

(4) In calculating the mileage in any year for the purposes of sub-paragraph (2) of this paragraph, no account shall be taken of mileage for which the rate, excluding any allowances for passengers, does not exceed 2d. a mile, but, subject thereto, there shall be added any mileage in that year for which the justice receives an allowance under section thirty-six of the Act.

(5) For the purpose of this paragraph—

" horse power " shall be calculated in the manner prescribed by Regulation 34 of the Road Vehicles (Registration and Licensing) Regulations, 1953(a), so, however, that where the engine of a motor vehicle has been rebored, the calculation shall be based on the engine as it was when new ;

" motor car " includes a tri-car ;

" motor cycle combination " means a motor cycle with a side car ;

" motor cycle " means a motor cycle without a side car.

4. The rate for travel by air shall not exceed the fare paid but, subject thereto, shall be the rate applicable to travel by the appropriate public service together with an allowance equivalent to the amount of any saving in lodging allowance consequent upon travel by air.

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

SECOND SCHEDULE

Rates of Lodging Allowance

The rate of lodging allowance for each night in respect of which expenditure on accommodation for the night is necessarily incurred by a justice for the purpose of enabling him to perform any of his duties as a justice shall—

(*a*) where expenditure is so incurred on sleeping accommodation in a railway train, be 32s. in the case of a single berth compartment and 21s. in any other case ;

(*b*) where expenditure is so incurred otherwise than on sleeping accommodation in a railway train, be 30s. if the duties are performed in London and 23s. in any other case.

(a) S.I. 1953/231; 1953 II, p. 1887.

THIRD SCHEDULE

Form of application for travelling and lodging allowances payable to a justice of the peace under section eight of the Justices of the Peace Act, 1949

Date (1)	Place and time of departure (2)	Place and time of return (3)	Description of duties (4)	Mode and class of travel (5)	Number of miles travelled by justice's own private motor vehicle and rate applicable (6)	Fares and other authorised payments (7)	Travelling allowance claimed (8)	Lodging allowance claimed (9)
					TOTALS			
Particulars of amounts received or claimed, or which it is intended to claim, under any other enactment by way of travelling allowance or lodging allowance, or any equivalent allowance by whatever name called, in connection with any journey or absence claimed for above.								
					AMOUNTS NOW CLAIMED ...			

I declare that I have actually and necessarily incurred expenditure on travelling and lodging for the purpose of enabling me to perform duties as a justice of the peace, that I have actually paid the fares and made the other payments shown in column 7 above and that the amounts claimed do not exceed the amounts which I am entitled to receive in accordance with the rates prescribed by the Justices' Allowances Regulations, 1953.

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for travelling or lodging allowances in connection with any journey or absence claimed for above.

Date.....

Signature of justice.....

Address (usual place of residence).....

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Note:—A justice is not entitled to any allowance under section eight if the duties are performed not more than three miles from his usual place of residence.