STATUTORY INSTRUMENTS

1971 No. 413

JUSTICES OF THE PEACE

The Justices' Allowances Regulations 1971

Made - - - -	11*th March* 1971
Laid before Parliament	22*nd March* 1971
Coming into Operation	1*st April* 1971

In exercise of the powers conferred upon me by section 8(6) and (7) of the Justices of the Peace Act 1949(a) as extended by section 31 of the Administration of Justice Act 1964(b) and section 4 of the Justices of the Peace Act 1968(c), I hereby make the following Regulations:—

1. These Regulations may be cited as the Justices' Allowances Regulations 1971 and shall come into operation on 1st April 1971.

2.—(1) In these Regulations unless the context otherwise requires—

"authority" means any authority responsible, by virtue of section 8(5) of the Act or paragraph 20(1) of Schedule 3 to the Administration of Justice Act 1964, for the payment of allowances under that section;

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

(2) The Interpretation Act 1889(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if these Regulations and the Regulations revoked by these Regulations were Acts of Parliament.

3. The Justices' Allowances Regulations 1964(e), the Justices' Allowances Regulations 1965(f) and the Justices' Allowances (Amendment) Regulations 1970(g) are hereby revoked.

4. The rates of travelling and subsistence allowance payable under section 8 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 subsistence, 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 Schedules 1 and 2 to these Regulations respectively.

(a) 1949 c. 101.
(b) 1964 c. 42.
(c) 1968 c. 69.
(d) 1889 c. 63.
(e) S.I. 1964/853 (1964 II, p. 1810).
(f) S.I. 1965/1522 (1965 II, p. 4407).
(g) S.I. 1970/1038 (1970 II, p. 3215).

5. The rate of financial loss allowance payable under section 8 of the Act to a justice of the peace for any area in England or Wales where for the purpose of enabling him to perform any of his duties as a justice there is incurred by him any expenditure (other than expense on account of travelling or subsistence) to which he would not otherwise be subject or there is suffered by him any loss of earnings or of benefit under the National Insurance Acts 1965 to 1967**(a)** which he would otherwise have made or received shall be the amount of that expenditure or loss:

Provided that the allowance payable in respect of any one period of 24 hours shall not exceed—

(*a*) where the period of time over which earnings or benefit are lost or additional expense incurred is not more than 4 hours, the sum of £2·00; or

(*b*) where the said period of time is more than 4 hours, the sum of £4·00.

6. A justice who desires to claim financial loss, travelling or subsistence allowance shall complete and submit to the authority an application in the appropriate form set out in Schedule 3 to these Regulations or in a form substantially to the like effect.

7. 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.

8—(1) An authority shall keep a record of every payment made under section 8 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 7 of these Regulations shall be deemed to be an amount paid to that justice.

9. Where any expenditure or loss entitles a person to receive an allowance under section 8 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 8 on account of the said expenditure or loss 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 8 shall contain particulars of any amount so received or claimed, or which it is intended to claim, under the other enactment.

R. Maudling,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

11th March 1971.

(a) 1965 c. 51; 1966 c. 6; 1967 c. 73.

SCHEDULE 1 Regulation 4

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 motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be—

(*a*) for the use of a motor cycle of cylinder capacity not exceeding 120 cubic centimetres, of an autocycle or of a motor-assisted pedal cycle, 1·15p a mile;

(*b*) for the use of a motor cycle of cylinder capacity exceeding 120 cubic centimetres but not exceeding 150 cubic centimetres, 1·46p a mile;

(*c*) for the use of a motor cycle of cylinder capacity exceeding 150 cubic centimetres but not exceeding 500 cubic centimetres, 1·67p a mile.

(2) The rate for travel by a justice's own private motor vehicle, or one belonging to a member of his family or otherwise provided for his use, other than a motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be 1·67p a mile unless such travel—

(*a*) results in a substantial saving of the justice's time; or

(*b*) is otherwise reasonable, in which case the rate shall be—

(i) for the use of a motor cycle of cylinder capacity exceeding 500 cubic centimetres, a motor cycle combination, or a motor car of cylinder capacity not exceeding 500 cubic centimetres, 2·4p a mile;

(ii) for the use of a motor car of cylinder capacity—

(*a*) exceeding 500 c.c. but not exceeding 999 c.c., 4·69p a mile;

(*b*) exceeding 999 c.c. but not exceeding 1199 c.c., 5·31p a mile;

(*c*) exceeding 1199 c.c., 5·94p 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 1·67p a mile, by ·21p 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 1·57p a mile, by ·42p 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 2½p 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 12½p a night in the case of a motor car or 7½p 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 there shall be added any mileage in that year for which the justice receives a travelling allowance under section 8 or section 36 of the Act, other than mileage for which the rate, excluding any allowance for passengers, does not exceed 1·67p a mile.

(5) For the purposes of this paragraph—

"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 subsistence allowance consequent upon travel by air.

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

Regulation 4

SCHEDULE 2

Rates of Subsistence Allowance

1.—(1) The rate of subsistence allowance shall be—

(*a*) in the case of an absence, not involving an absence overnight, from the usual place of residence—

(i) of more than four but not more than eight hours, £0·95;

(ii) of more than eight but not more than twelve hours, £1·75;

(iii) of more than twelve but not more than sixteen hours, £2·50;

(iv) of more than sixteen hours, £2·95;

(*b*) in the case of an absence overnight from the usual place of residence, £5·50:

Provided that for such an absence overnight in Greater London the rate may be increased by a supplementary allowance not exceeding £0·50.

(2) Any rate determined under the preceding sub-paragraph shall be deemed to cover a continuous period of absence of twenty-four hours.

2.—(1) The rates specified in the preceding paragraph shall be reduced by an appropriate amount in respect of any meal provided free of charge by any local authority during the period to which the allowance relates.

(2) In the preceding sub-paragraph "local authority" means the corporation of the City of London, the Greater London Council or the council of an administrative county, a borough, a metropolitan borough, an urban district, a rural district or a rural parish.

Regulation 6

SCHEDULE 3

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES

1 Date	2 Place and time of departure	3 Place and time of return	4 Description of duties	5 Mode and class of travel	6 Number of miles travelled by private motor vehicle, and rate applicable	7 Fares and other authorised payments	8 Toll, ferry and parking fees and garaging allowance	9 Travelling allowance claimed	10 Subsistence allowance claimed
If the rate claimed is related to the type of vehicle and cylinder capacity, state what these are:— TOTALS									
If the rate claimed is more than 1·67p a mile, state grounds on which higher rate is claimed:—									
Particulars of amounts received or claimed, or which it is intended to claim, under any other enactment by way of travelling allowance or subsistence allowance, or any equivalent allowance by whatever name called, in connection with any journey or absence claimed for above.									
AMOUNTS NOW CLAIMED									

SCHEDULE 3—(*continued*).

I declare that I have actually and necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform duties as a justice of the peace and that I have actually paid the fares and made the other payments shown in column 7 and paid the fees shown in column 8 above. 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 1971.

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 subsistence expenses or allowances in connection with the duties indicated above.

Date.....

Signature of justice.....

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

FORM OF APPLICATION FOR FINANCIAL LOSS ALLOWANCE

1 Date	2 Place and time of departure	3 Place and time of return	4 Description of duties	5 Period of time over which earnings were lost or expense was incurred	6 Amount claimed
				TOTALS ...	
Particulars of amounts received or claimed, or which it is intended to claim, under any other enactment by way of financial loss allowance, or any equivalent allowance by whatever name called, in connection with the duties indicated above.					
				AMOUNTS NOW CLAIMED ...	

I declare that I have actually and necessarily—

*(*a*) suffered loss of earnings which I would otherwise have made,

*(*b*) incurred additional expense, other than expense on account of travelling or subsistence, to which I would not otherwise have been subject,

for the purpose of enabling me to perform duties as a justice of the peace. 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 1971.

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 financial loss allowance in connection with the duties indicated above.

Date..... Signature of justice.....

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

*Delete as appropriate

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the Regulations revoked by Regulation 3 which relate to the payment of certain allowances to justices of the peace. The only substantial amendment is as follows. Section 4 of the Justices of the Peace Act 1968 amends section 8 of the Justices of the Peace Act 1949, under which these Regulations are made, so as to provide for the payment to justices of a financial loss allowance at a prescribed rate. This rate is prescribed in Regulation 5.