EXPANATORY MEMORANDUM TO

THE JUSTICES' ALLOWANCES REGULATIONS 2015

2015 No. 1423

1. This explanatory memorandum has been prepared by the Ministry of Justice (MoJ) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations provide for the administration of claims of allowances by lay justices for travelling, subsistence or financial loss relating to the performance of their duties as magistrates.

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3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Section 15 of the Courts Act 2003 provides the Lord Chancellor with the power to pay lay magistrates for travelling, subsistence of financial loss allowances.

4.2 The Justices' Allowances Regulations 2015 revoke and replace the Justices' Allowances Regulations 1979 (S.I. 1976/117), and the Justices' Allowances (Amendment) Regulations 1976 (S.I. 1976/2118).

5. Territorial Extent and Application

5.1 This Order extends to England and Wales

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 This instrument supports the continued commitment to reduce the overall burden of regulation.

7.2 Her Majesty's Courts & Tribunals Service (HMCTS) has introduced a centralised approach to administration of Justices allowances to simplify and ensure consistency in the application of the policy that them. The simplification of the Regulations supports that aim in bringing clarity to the administrative procedure.

8. Consultation outcome

8.1 No public consultation has been undertaken in relation to the Regulations. The Courts Act 2003 Section 21 requires the Lord Chancellor to consult with lay Justices on matters that affect them in performance of their duties. Under the protocol established between HMCTS and the Magistracy, the simplification of the Regulations does not require formal consultation.

8.2 HMCTS has communicated and consulted widely with the Magistracy on policy and procedural changes affecting Justices' Allowances. Agreement was reached with the Magistrates Association, National Bench Chairman's Forum and Her Majesty's Revenue & Customs, in respect of the content of that policy. The revised Regulations enshrine the agreed policy.

9. Guidance

9.1 HMCTS produces comprehensive policy in respect of the circumstances in which lay justices may claim allowances. This is issued to all serving lay justices and is available via the HMCTS and Magistrates Association websites and via the judicial portal.

9.2 In addition a dedicated team, helpline and email helpdesk facility is available to justices seeking advice on whether they are entitled to allowances. The policy document is updated as required to reflect changes in procedure.

10. Impact

10.1 As the impact on business, charities, voluntary bodies and the public sector is nil an impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 This legislation does not impact on small businesses

12. Monitoring & Review

12.1 HMCTS regularly monitors the administration of lay justices' allowances, and the levels of rates payable are reviewed periodically. A centralised team in HMCTS monitors this area of administration on a daily basis.

13. Contact

13.1 Steve Howarth, at Her Majesty's Courts & Tribunals Service can answer queries regarding the instrument. Telephone 0161 240 5801 or email: Steven.Howarth@HMCTS.GSI.GOV.UK