1953 No. 572 (S. 53)

The Justices Allowances (Scotland) Regulations, 1953

Made - - - -	*27th March*, 1953
Laid before Parliament	*30th March*, 1953
Coming into Operation	*1st April*, 1953

In exercise of the powers conferred upon me by subsections (6) and (7) of section 8 of the Justices of the Peace Act, 1949(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Justices Allowances (Scotland) Regulations, 1953, and shall come into operation on the first day of April, 1953.

2.—(1) In these regulations—

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

"authority" means any authority responsible by virtue of subsection (5) of section 8 of the Act, as applied to Scotland by subsection (8) of the said section 8, for the payment of allowances under that section;

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

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

3. The First and Second Schedules to these regulations shall have effect for the purpose of prescribing the rates of travelling and lodging allowances payable to a justice of the peace under section 8 of the Act.

4. A justice who claims payment of either of the said allowances shall complete and submit to the authority an application in the form or as nearly as may be of the form set out in the Third Schedule to these regulations.

5. 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 was paid.

6. Where expenditure on travelling or accommodation for the night, or both, entitles a person to receive an allowance under section 8 of the Act in respect of duties as a justice, otherwise than as a member of a licensing court or court of appeal under the Licensing (Scotland) Acts, 1903 to 1949(c), and any like allowance, by whatever name called, under any other enactment in respect of duties in some other capacity—

(*a*) the aggregate amount which that person shall be entitled to receive under the said section in respect of such expenditure shall be reduced by the aggregate amount received by him under such other enactment; and

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(a) 12, 13 & 14 Geo. 6. c. 101. (b) 52 & 53 Vict. c. 63.
(c) *See* 12, 13 & 14 Geo. 6. c. 59, s. 15.

(*b*) any claim made under the said section shall contain particulars of any amount received, claimed, or to be claimed under such other enactment.

Dated this 27th day of March, 1953.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

Rates of travelling allowance

1.—(1) The rate for travel by public service shall not exceed the amount of the ordinary, or any available cheap, fare, and where more than one class of fare is available the rate shall be determined, in the case of travel by ship, by reference to first class fares, and in any other case by reference to third class fares, unless the justices for a county in quarter sessions determine, either generally or specially, that first class fares shall be substituted.

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

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 available public service.

3. The rate for travel by a justice's own private motor vehicle—

(*a*) in circumstances which involve a substantial saving in his time or are otherwise reasonable shall be such rate as may from time to time be prescribed in paragraph 3 of the First Schedule to the Local Government (Travelling Allowances etc.) (Scotland) Regulations, 1948(a), as amended, as the maximum rate for travel by a member's own private motor vehicle where in the opinion of the body concerned it is reasonable that he should so travel rather than by public service; and

(*b*) in circumstances other than those mentioned in (*a*) of this paragraph shall be the maximum rate prescribed from time to time in the said paragraph 3, as amended, for travel by a member's own private motor vehicle in circumstances other than those mentioned in (*a*).

4. The rate for travel by air in circumstances which involve a substantial saving in a justice's time or are otherwise reasonable shall be the fare paid by the justice; for such travel in other circumstances the rate shall be that applicable to travel by the available public service together with an allowance equivalent to the amount of any saving in lodging allowance consequent upon travel by air.

SECOND SCHEDULE

Rates of Lodging Allowance

1. 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 be 23/-.

(a) S.I. 1948/1789; Rev. XII, p. 614; 1948 I, p. 1753.

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 to be claimed from any other body or person 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 (Scotland) 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 the journey or absence claimed for above.

Date ..... Signature of Justice .....

Address .....

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NOTE: A justice is not entitled to any allowance under section 8 if the duties are performed not more than 3 miles from his usual place of residence.