STATUTORY INSTRUMENTS

1964 No. 872 (S. 60)

JUSTICES OF THE PEACE

The Justices Allowances (Scotland) Regulations 1964

Made - - - -	15*th June* 1964
Laid before Parliament	19*th June* 1964
Coming into Operation	22*nd June* 1964

In exercise of the powers conferred upon me by section 8(6) and (7) of the Justices of the Peace Act 1949(a), as amended by section 31 of the Administration of Justice Act 1964(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, Commencement and Revocation

1.—(1) These regulations may be cited as the Justices Allowances (Scotland) Regulations 1964, and shall come into operation on 22nd June 1964.

(2) The Justices Allowances (Scotland) Regulations 1953 and 1960(c) are hereby revoked.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

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

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

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

Allowances to Justices

3. The rates of travelling and subsistence allowance payable under section 8 of the Act to a justice of the peace for any area in Scotland 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.

4. 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 Schedule 3 to these regulations or in a form substantially to the like effect.

5. An authority shall keep a record of every payment made by it 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.

(a) 12, 13 & 14 Geo. 6. c. 101.
(b) 1964 c. 42.
(c) S.I. 1953/572, 1960/219 (1953 I, p. 922 ; 1960 II, p. 1737).
(d) 52 & 53 Vict. c. 63.

6. Where expenditure on travelling or subsistence, 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 1959 and 1962(a) and an allowance of the same nature, 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 8 in respect of such expenditure shall be reduced by the aggregate amount received by him under such other enactment; and

(*b*) 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 such other enactment.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

15th June 1964.

(a) 7 & 8 Eliz. 2. c. 51 and 10 & 11 Eliz. 2. c. 51.

SCHEDULE 1 Regulation 3

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 second 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 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 available public service.

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

(*a*) in circumstances which in the opinion of the authority 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 Schedule I to the Local Government (Travelling Allowances etc.) (Scotland) Regulations 1954(a), as amended(b), 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 sub-paragraph (*a*) of this paragraph shall be the maximum rate prescribed from time to time in the said paragraph 3, as it may be amended, for travel by a member's own private motor vehicle in circumstances other than those mentioned in the said sub-paragraph (*a*).

4. The rate for travel by air in circumstances which in the opinion of the authority 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 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.

SCHEDULE 2 Regulation 3

RATES OF SUBSISTENCE ALLOWANCE

1. The rates of subsistence allowance to which a justice shall be entitled shall be such rates, and shall be subject to such conditions, as may from time to time be prescribed in Schedule 2 to the Local Government (Travelling Allowances etc.) (Scotland) Regulations 1954, as amended.

Provided that in the application to justices of the said Schedule, the proviso to paragraph 2 shall be of no effect and any reference to a body shall be construed as a reference to an authority.

(a) S.I. 1954/265 (1954 I, p. 1159).
(b) S.I. 1959/1282, 1962/935, 1834 (1959 I, p. 1615; 1962 II, pp. 1077, 2172).

SCHEDULE 3

Regulation 4

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES PAYABLE TO A JUSTICE OF THE PEACE UNDER SECTION 8 OF THE JUSTICES OF THE PEACE ACT 1949

Date	Place and time of departure	Place and time of return	Description of duties	Mode and class of travel	Number of miles travelled by justice's own private motor vehicle and rate applicable	Fares and other authorised payments	Travelling allowance claimed	Subsistence allowance claimed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
						Totals		
Particulars of amounts received or claimed, or which it is intended to claim, from any other body or person 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		

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, 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 1964.

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 allowances in connection with any journey or absence claimed for above.

Date.....

Signature of justice.....

Address .....

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NOTE:—A justice is not entitled to subsistence allowance if the duties are performed not more than three miles from his normal place of residence.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations consolidate, with certain amendments, the Justices Allowances (Scotland) Regulations 1953 and 1960. The amendments, which are consequential upon section 31 of the Administration of Justice Act 1964, provide for the payment to justices, under Section 8 of the Justices of the Peace Act 1949, of subsistence allowances instead of lodging allowances. Schedule 2 to these regulations provides that subsistence allowances shall be paid to justices at the rates, and on the conditions, appropriate to members of local authorities.