1954 No. 265 (S. 28)

The Local Government (Travelling Allowances, etc.) (Scotland) Regulations, 1954

Made - - - -	*9th March*, 1954
Laid before Parliament	*9th March*, 1954
Coming into Operation	*12th March*, 1954

In exercise of the powers conferred on me by sections 112, 113, and 117 as read with section 118 of the Local Government Act, 1948(a), and as amended by section 16 of the Local Government (Miscellaneous Provisions) Act, 1953(b), I hereby make the following Regulations :—

1. These regulations may be cited as the Local Government (Travelling Allowances, etc.) (Scotland) Regulations, 1954, and shall come into operation on the 12th day of March, 1954, from which date the proviso to subsection (1) of section 112 of the Local Government Act, 1948, shall cease to have effect.

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

"the Act" means the Local Government Act, 1948, as amended by section 16 of the Local Government (Miscellaneous Provisions) Act, 1953;

"body" means any body to which Part VI of the Act applies for the time being; and

"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(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The rates to be determined by bodies for the payment of travelling allowances, subsistence allowances and financial loss allowances shall not exceed the maximum rates mentioned, and shall be subject to the provisions contained, in the First, Second and Third Schedules hereto respectively.

4. Every member of a body who desires to claim any payment by way of travelling allowance, subsistence allowance or financial loss allowance, shall complete and submit to that body an application in the appropriate form set out in the Fourth Schedule hereto or in a form substantially to the like effect.

5. Every body shall, so far as is in its opinion practicable, make arrangements for the issue to its members of tickets, or of vouchers, warrants or similar documents for exchange by such members for tickets, to cover journeys in respect of which payments by way of travelling allowance would otherwise fall to be made.

6.—(1) Every body shall keep records of all payments to members made by it under Part VI of the Act, indicating the amounts paid to each member and

(a) 11 & 12 Geo. 6. c. 26. (b) 1 & 2 Eliz. 2. c. 26. (c) 52 & 53 Vict. c. 63.

the heads under which they were paid, and such records shall be open to inspection at all reasonable hours by any local government elector for the area of the body.

(2) For the purposes of this regulation expenditure incurred in the issue to a member of any ticket or other document under regulation 5 shall be deemed to have been paid to that member.

7.—(1) Where a person necessarily suffers or incurs any loss or expense to which section 112 of the Act applies, or necessarily incurs expenditure on travelling or subsistence in respect of the performance by him in any one period of twenty-four hours of approved duties as a member of more than one body, he shall be entitled to receive and there shall be payable by the bodies concerned, in respect of the performance of those duties, such payments by way of financial loss allowance, travelling allowance and subsistence allowance as will, under any of those heads, be equal in the aggregate to the payment to which he would have been entitled under that head had all the said duties been performed by him as a member of one only of these bodies.

(2) Where in any one period of twenty-four hours a person becomes entitled in respect of the performance of any duties to receive payments by way of, or in the nature of, financial loss allowance, travelling allowance or subsistence allowance both under Part VI of the Act and under any other enactment, the amount which he shall be entitled to receive under either of those enactments in respect of any of the heads aforementioned shall be reduced by any amount received by him in respect of that head under the other of those enactments, and any claim for any such payment as aforesaid shall contain particulars of any amount so received.

8. The Local Government (Travelling Allowances, etc.) (Scotland) Regulations, 1948(**a**), and the Local Government (Travelling Allowances, etc.) (Scotland) Amendment Regulations, 1950(**b**) and 1952(**c**), are hereby revoked.

Dated this 9th day of March, nineteen hundred and fifty-four.

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

St. Andrew's House,
Edinburgh 1.

FIRST SCHEDULE

Maximum Rates of Payments by way of Travelling Allowance, and Provisions Relating Thereto.

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 body determines, either generally or specially, that first class fares shall be substituted:

(a) S.I. 1948/1789 (Rev. XII, p. 614: 1948 I, p. 1753).
(b) S.I. 1950/1182 (1950 I, p. 1257).
(c) S.I. 1952/1178 (1952 II, p. 1577).

Provided that the said rate may be increased by supplementary allowances not exceeding expenditure actually incurred—

(*a*) on Pullman car or similar supplements, reservation of seats, and deposit or porterage of luggage, and

(*b*) on sleeping accommodation engaged by the member for an over-night journey, subject, however, to reduction by one-third of any subsistence allowance payable to him for that night.

2. The rate for travel by taxi-cab or cab—

(*a*) in cases of urgency or where no public service is reasonably available, shall not exceed the amount of the actual fare and any reasonable gratuity paid, and

(*b*) in any other case, shall not exceed the amount of the fare for travel by an appropriate public service.

3. The rate for travel by a member's own private motor vehicle where in the opinion of the body it is reasonable that he should so travel rather than by public service shall not exceed—

(*a*) in the case of a motor car or tri-car exceeding 10 horse-power, 9½d. a mile for the first 2,000 miles in any year, 7¾d. a mile for the next 5,000 miles in that year, and thereafter in the same year 6½d. a mile ;

(*b*) in the case of a motor car or tri-car of cylinder capacity exceeding 500 c.c. and not exceeding 10 horse-power, 7¾d. a mile for the first 2,000 miles in any year, 6d. a mile for the next 5,000 miles in that year, and thereafter in the same year 4¾d. a mile ;

(*c*) in the case of a motor car or tri-car of cylinder capacity of 500 c.c. or less, a motor cycle with side-car, or a motor cycle of cylinder capacity exceeding 500 c.c., 4d. a mile ;

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

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

(*f*) in the case of a motor cycle of cylinder capacity of 120 c.c. or less, an auto-cycle, a motor-assisted pedal-cycle or any other vehicle of a similar type, 2d. a mile.

For such travel in circumstances other than those mentioned above the rate shall not exceed 2d. a mile, irrespective of the type of vehicle :

Provided that the above rates may be increased by—

(i) not more than ½d. a mile for the carriage of each additional person to whom an allowance for travelling would otherwise be payable, on journeys qualifying for the rates of allowances set out in sub-paragraphs (*a*) to (*f*) above ;

(ii) not more than 1d. a mile, subject to a limit of 4d. a mile for four or more passengers, for the carriage of each additional person to whom an allowance for travelling would otherwise be payable, on journeys not qualifying for the rates of allowances set out in sub-paragraphs (*a*) to (*f*) above ;

(iii) not more than the amount of any expenditure incurred on tolls, ferries or parking fees ;

(iv) in the case of absence overnight from the usual place of residence, not more than 2s. 6d. a night for garaging a car or tri-car, or 1s. 6d. a night for garaging a motor vehicle of any other type.

Provided further—

(v) that when a member changes from using a motor car or tri-car of 10 horse-power or less to using a motor car or tri-car of over 10 horse-power, or vice versa, account will be taken of the previous mileage for which the lower, or higher, rates of allowance were paid ;

(vi) that for the purpose of calculating mileage under sub-paragraphs (*a*) and (*b*) no account shall be taken of mileage for which the rate, excluding any allowances for passengers, does not exceed 2d. a mile.

For the purpose of this paragraph the horse-power of a motor car or tri-car shall be calculated in the manner prescribed by Regulation 34 of the Road Vehicles (Registration and Licensing) Regulations, 1953(a).

4. The rate for travel by a hired motor vehicle other than a taxi-cab or cab shall not exceed the rate which would have been applicable had the vehicle belonged to the member who hired it: provided that where the body so approves, the rate may be increased to an amount not exceeding the actual cost of the hiring.

5. The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in financial loss allowance and subsistence allowance consequent on travel by air:

Provided that, where the body resolves, either generally or specially, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding

(*a*) the ordinary, or any available cheap, fare for travel by regular air service, or

(*b*) where no such service is available or in case of urgency, the fare actually paid by the member.

SECOND SCHEDULE

Maximum Rates of Payments by way of Subsistence Allowance, and Provisions Relating Thereto.

1. For an absence, not involving an absence over-night, from the usual place of residence—

(*a*) of more than four hours but not more than eight hours, the rate shall not exceed 7s. 6d.;

(*b*) of more than eight hours but not more than twelve hours, the rate shall not exceed 12s. 0d.; and

(*c*) of more than twelve hours, the rate shall not exceed 20s. 0d.

2. The rate for an absence over-night from the usual place of residence shall not exceed the sum of 42s. 0d.; provided that for such an absence in London or for the purpose of attendance at an annual conference of such associations of bodies to which Part VI of the Act applies as the Secretary of State may for the time being approve for the purpose, the rate may be increased by a supplementary allowance not exceeding 8s. 0d.

The rate determined under this paragraph shall be deemed to cover a continuous period of absence of twenty-four hours.

3. An amount payable by any body by way of subsistence allowance shall be reduced by an appropriate sum in respect of any meal provided for the claimant by that body, free of charge, during the period to which the allowance relates.

THIRD SCHEDULE

Maximum Rates of Payments by way of Loss of Earnings or Additional Expense, and Provisions Relating Thereto.

The payment which a member of a body shall be entitled to receive by way of financial loss allowance in respect of any one period of twenty-four hours shall not exceed—

(i) where the period of time over which earnings are lost or additional expenses are incurred is not more than four hours, the sum of 15s. 0d.;

(ii) where the said period of time is more than four hours the sum of 30s. 0d.

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

FOURTH SCHEDULE

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES

Date (1)	Place and time of departure (2)	Place and time of return (3)	Description of approved duties (4)	Mode and class of travel (5)	No. of miles travelled by private motor vehicle, other than taxi-cab or cab, and rate applicable (6)	Fares and other authorised payments (7)	Travelling allowance claimed (8)	Subsistence allowance claimed (9)
					Totals			
Particulars of amounts received or claimed by way of travelling or subsistence allowance from other authorities or bodies.								
					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 approved duties as a member of....., that I have actually paid the fares and made the other payments, shown above, and that the amounts claimed are strictly in accordance with the rates determined by.....

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 Member.....

FORM OF APPLICATION FOR FINANCIAL LOSS ALLOWANCE

Date (1)	Place and time of departure (2)	Place and time of return (3)	Description of approved duties (4)	Amount claimed (5)

Particulars of amounts received or claimed by way of financial loss allowance from other authorities or bodies.

Amount now claimed ... ...

I declare that I have actually and necessarily—

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

(*b*) incurred additional expense, other than expense on account of travelling or subsistence,

for the purpose of enabling me to perform approved duties as a member of .....and that the amount of such loss and expense is not less than the sum claimed.

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 Member.....

EXPLANATORY NOTE

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

These Regulations consolidate with amendments the Local Government (Travelling Allowances, etc.) (Scotland) Regulations which made provision as to the maximum rates of allowances payable by bodies specified in Part VI of the Local Government Act, 1948, to their members who, in the

performance of approved duty as defined by section 115 of that Act, incur expenditure on travel by public transport or private vehicle or by way of subsistence expenses, or who suffer financial loss.

New maximum rates are prescribed for day and night subsistence allowances and mileage allowances for travel by private motor car.

The Regulations also prescribe, in pursuance of section 16 of the Local Government (Miscellaneous Provisions) Act, 1953, the maximum amounts which may be paid to members of the bodies referred to by way of financial loss allowance for loss of earnings or additional expenses (other than travelling or subsistence) incurred in the performance of their duties as such members.

Regulation 1 prescribes consequentially the date on which the proviso to section 112 of the Local Government Act, 1948, (which previously limited the amounts of payments by way of financial loss allowance) is to cease to have effect.

1954 No. 400 (S. 40)

The Local Government (Travelling Allowances, etc.) (Scotland) Amendment Regulations, 1954

Made - - - -	*25th March*, 1954
Laid before Parliament	*26th March*, 1954
Coming into Operation	*29th March*, 1954

In exercise of the powers conferred on me by sections 112, 113 and 117 as read with section 118 of the Local Government Act, 1948(**a**), and as amended by section 16 of the Local Government (Miscellaneous Provisions) Act, 1953(**b**), I hereby make the following Regulations :—

1. These regulations may be cited as the Local Government (Travelling Allowances, etc.) (Scotland) Amendment Regulations, 1954, and shall come into operation on the 29th day of March, 1954.

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

3. For " 12s. 0d." in subparagraph (*b*) of paragraph 1 of the Second Schedule to the Local Government (Travelling Allowances, etc.) (Scotland) Regulations, 1954(**d**), there shall be substituted " 12s. 6d.".

Dated this 25th day of March, nineteen hundred and fifty-four.

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

St. Andrew's House,
Edinburgh, 1.

(**a**) 11 & 12 Geo. 6. c. 26. (**b**) 1 & 2 Eliz. 2. c. 26.
(**c**) 52 & 53 Vict. c. 63. (**d**) S.I. 1954/265, p. 1159 above.