STATUTORY INSTRUMENTS

1961 No. 1792

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Travelling Allowances, etc.) (No. 2) Regulations, 1961

Made - - - -	19*th September*, 1961
Laid before Parliament	26*th September*, 1961
Coming into Operation	1*st October*, 1961

The Minister of Health in exercise of the powers conferred on him by sections 40, 41 and 54 of, and paragraph 2 of the First Schedule, paragraph 2 of Part IV of the Third Schedule, paragraph 3 of the Fifth Schedule, paragraph 3 of the Sixth Schedule and paragraph 6 of the Seventh Schedule to, the National Health Service Act, 1946(a), as amended by the National Health Service (Amendment) Act, 1949(b), and by the Public Authorities (Allowances) Act, 1961(c), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the National Health Service (Travelling Allowances, etc.) (No. 2) Regulations, 1961, and shall come into operation on the first day of October, 1961.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"enactment" includes an enactment in a regulation,

"the Minister" means the Minister of Health,

"the Act" means the National Health Service Act, 1946.

(2) Any reference in these regulations and in the Schedule hereto to a committee of a body shall be deemed where the body is itself a committee to be a reference to a sub-committee thereof.

(3) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(4) References in any other regulations or order to the regulations revoked by these regulations or to any provision thereof shall be construed as references to these regulations or to the corresponding provision thereof, as the case may be.

(5) The Interpretation Act, 1889(d), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The National Health Service (Travelling Allowances, etc.) Regulations, 1956(e), the National Health Service (Travelling Allowances, etc.) Amendment No. 2 Regulations, 1957(f), the National Health Service (Travelling Allowances, etc.) Amendment Regulations, 1958(g), the National Health

(a) 9 & 10 Geo. 6. c. 81.
(b) 12, 13 & 14 Geo. 6. c. 93.
(c) 9 & 10 Eliz. 2. c. 43.
(d) 52 & 53 Vict. c. 63.
(e) S.I. 1956/265 (1956 I, p. 1593).
(f) S.I. 1957/1080 (1957 I, p. 1483).
(g) S.I. 1958/182 (1958 II, p. 1553).

Service (Travelling Allowances, etc.) Amendment Regulations, 1959(a), and the National Health Service (Travelling Allowances, etc.) Regulations, 1961(b), are hereby revoked:

Provided that—

(*a*) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those regulations;

(*b*) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce any such right, privilege, obligation or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made.

4. The following bodies constituted under the Act, namely the Regional Hospital Boards, the Hospital Management Committees and the Boards of Governors of teaching hospitals may make to their members or the members of any of their committees payments in respect of

(i) any loss of earnings they would otherwise have made and any additional expenses (other than expenses on account of travelling or subsistence) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform any approved duty; or

(ii) any travelling expenses necessarily incurred by them for the purpose of enabling them to perform any approved duty; or

(iii) any subsistence expenses necessarily incurred by them for the purpose of enabling them to perform any approved duty required to be performed at a distance of more than three miles from their usual place of residence:

Provided that any payment under paragraph (i) above shall be in accordance with Part I of the Schedule hereto, any payment in respect of travelling expenses shall be in accordance with Part II of the said Schedule, and any payment in respect of subsistence expenses shall be in accordance with Part III of the said Schedule.

5. Executive Councils may make to their members or to the members of any of their committees or to the members of the Ophthalmic Services Committee for their area payments in respect of any loss of earnings they would otherwise have made and any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform any approved duty:

Provided that a member shall not be entitled to a payment in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty at a distance of not more than three miles from his usual place of residence:

Provided further that any payment in respect of loss of earnings or additional expenses, not being travelling or subsistence expenses, shall be in accordance with Part I of the Schedule hereto, any payment in respect of travelling expenses shall be in accordance with Part II of the said Schedule, and any payment in respect of subsistence expenses shall be in accordance with Part III of the said Schedule.

(a) S.I. 1959/2042 (1959 I, p. 1824). (b) S.I. 1961/1259 (Pt. II, p. 2453).

6. The Minister may pay to the members of the Tribunal constituted under Section 42 of the Act and to the members of the Medical Practices Committee and the Dental Estimates Board such remuneration as he may, with the consent of the Treasury, determine and may further make to such members payments in respect of travelling expenses in accordance with the provisions of Part II of the Schedule hereto and in respect of subsistence expenses in accordance with Part III of the said Schedule, being expenses necessarily incurred by the member for the purpose of performing his duty as a member of the body concerned.

7. The Minister may make to members of the Central Health Services Council or any committee thereof or of any Standing Advisory Committee or any sub-committee thereof payments in respect of loss of earnings they would otherwise have made and any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Central Council or a committee thereof or a Standing Advisory Committee or a sub-committee thereof:

Provided that any payment in respect of loss of earnings or additional expenses, not being travelling or subsistence expenses, shall be in accordance with Part I of the Schedule hereto, any payment in respect of travelling expenses shall be in accordance with Part II of the said Schedule, and any payment in respect of subsistence expenses shall be in accordance with Part III of the said Schedule.

8. The making of any payment under these regulations shall be conditional on:—

(*a*) Certification by the member

(i) that so far as travelling and subsistence allowances are concerned the expenses were actually and necessarily incurred for the purpose of performing his duty as member, and

(ii) that any claim for payment in respect of loss of earnings or expenses (other than travelling or subsistence expenses) is in respect of actual loss suffered or expenses incurred for such purpose, and on

(*b*) The observance of such conditions as the authority responsible for making the payment may, at their discretion, or on the Minister's directions, impose.

9. Where under these regulations a member is entitled to receive payments in respect of loss of earnings or additional expenses (including travelling and subsistence expenses) in relation to the performance by him in a period of 24 hours of duties entitling him to allowances under these regulations, as a member of more than one authority (or where a member would have been entitled to receive such payments had the conditions as to time contained in Part III of the Schedule hereto been fulfilled) he shall be entitled to receive and there shall be payable by the authorities concerned in respect of the performance of those duties such payments as will not exceed in the aggregate the payments to which he would have been entitled had all the said duties been performed by him as a member of one only of those authorities.

10. Where under these regulations and under any other enactment a member would become entitled apart from this regulation to receive duplicate payments in respect of loss of earnings or additional expenses (including travelling and subsistence expenses) in relation to the performance of duties in any one period of 24 hours, the amount which he shall be entitled to receive under these regulations shall be reduced by any amount received by him under the other enactment, and any claim under these regulations shall contain particulars of any amount so received or claimed.

SCHEDULE

PART I

Maximum rates of Payments in respect of loss of earnings or any additional expenses (other than on account of travelling or subsistence)

The payment shall not exceed such amount as is required to indemnify a member against a loss of earnings which he has necessarily suffered or any additional expenses (except travelling or subsistence expenses) to which he would not otherwise have been subject, and in any case shall not in respect of any one period of twenty-four hours exceed:—

(*a*) where the period of time over which earnings are lost or additional expenses are incurred is not more than four hours, the sum of twenty ~~five~~ shillings; or

(*b*) where the said period of time is more than four hours, the sum of ~~forty~~ ~~fifty~~ shillings.

PART II

Maximum rates of Payments in respect of travelling expenses

1. First class fares shall be payable but members shall take the fullest possible advantage of any available cheap fares.

2. The sum paid may include the amount of any expenditure incurred—

(*a*) on Pullman Car or similar supplements, reservations of seats and deposit or porterage of luggage; and

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

3. 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.

4.—(1) The rate for travel by a member's own private motor vehicle shall, subject as hereinafter mentioned, be 2d. a mile.

(2) The rate for travel by a member's own private motor vehicle in circumstances which involve a substantial saving in his time or are otherwise reasonable, or where it is in the interests of the body that he should so travel rather than by public services, shall not exceed:—

(*a*) in the case of a motor car or tri-car exceeding 500 cubic centimetres cylinder capacity and not exceeding 10 horse power, 7½d. a mile for the first 2,000 miles for which in any financial year the member uses a private motor car or tri-car for any official journeys, 6d. a mile for the next 5,000 miles in the same year, and thereafter in the same year 4½d. a mile;

(*b*) in the case of a motor car or tri-car exceeding 500 cubic centimetres cylinder capacity and exceeding 10 horse power, 9½d. a mile for the first 2,000 miles for which in any financial year the member uses a private motor car or tri-car for any official journeys, 7½d. a mile for the next 5,000 miles in the same year, and thereafter in the same year 6½d. a mile;

(*c*) in the case of a motor car or tri-car not exceeding 500 cubic centimetres cylinder capacity, of a motor cycle exceeding 500 cubic centimetres cylinder capacity, or of a motor cycle combination, 4d. a mile;

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

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

(*f*) in the case of a motor cycle not exceeding 120 cubic centimetres cylinder capacity, of an autocycle or of a motor-assisted pedal cycle, 2d. a mile.

1964/2106 (3) The rates mentioned in sub-paragraphs (1) and (2) may be increased:

1964/9 (*a*) by not more than ½d. a mile for the carriage otherwise than by motor cycle, autocycle or motor assisted pedal cycle, of each additional passenger, to whom an allowance would otherwise be payable under these regulations:

Provided that where the mileage rate does not exceed 2d. an increase of 1d. a mile may be allowed for the carriage of each additional passenger, subject to a limit of 4d. a mile for four or more passengers;

(*b*) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees; and

(*c*) in the case of an absence overnight from the usual place of residence the amount of any expenditure incurred on garaging a motor vehicle, not exceeding 2s. 6d. per night for a motor car or tri-car or 1s. 6d. per night for a motor vehicle of any other type.

1964 9 (4) (*a*) For the purpose of calculating mileage under (*a*) and (*b*) of sub-paragraph (2) no account shall be taken of mileage for which the rate, excluding any allowance for passengers, does not exceed 2d. a mile.

1962/2106 (*b*) For the purpose of this paragraph

"horse power" shall be calculated in the manner prescribed by regulation 34 of the Road Vehicles (Registration and Licensing) Regulations, 1955(a): Provided that where the engine of a car has been rebored, the calculation shall be based on the engine as it was when new;

"official journeys" means journeys undertaken by a member of any authority to which these regulations apply, being journeys in respect of which the member is paid his travelling expenses (whether in his capacity as member or in his capacity as officer) by such an authority, the Central Midwives Board, the General Nursing Council or an Area Nurse-Training Committee.

"motor cycle" means a motor cycle without a side car.

5. 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 authority responsible for making the payment so approves, the rate may be increased to an amount not exceeding the actual cost of the hiring.

6. 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 payments which would have been made in respect of loss of earnings and additional expenses including subsistence expenses consequent on travel by air:

Provided that, where, with the approval of the Minister, the authority responsible for making the payment decides that the saving in time is so substantial

(a) S.I. 1955/1664 (1955 II, p. 2353).

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.

7. Except as provided in paragraph 4 hereof any payment made under this Part of the Schedule shall not exceed the amount disbursed by the member in respect of the journey for which the payment is made.

8. In this Part of this Schedule, a public service means any service provided for travel by the public by railway, ship, vessel, omnibus, trolley vehicle or tramway.

PART III

Maximum rates of Payments in respect of subsistence expenses

1.—(1) An allowance not exceeding 53s. 6d. shall be payable in respect of each night when a member is necessarily absent from his home or place of business, on the business of the body or committee, and such allowance shall be reduced after the first seven nights at one place to 43s. 6d. a night for the next twenty-one nights at that place.

(2) Any case in which a member is likely to spend, or does spend, more than twenty-eight nights in one place shall be reported to the Minister who shall fix a special rate in accordance with the circumstances.

2. A night allowance shall be deemed to cover a single period of absence of 24 hours.

3. A day allowance in respect of duties not involving a night's absence shall be payable at the rate of 5s. 6d. when a member is necessarily absent from his home or place of business for more than five hours but for not more than eight hours, and at the rate of 12s. when his absence exceeds eight hours: and where the member orders lunch or dinner (costing respectively 11s. or 12s. or more) on a train or boat, the said rates shall respectively be 9s. 6d. and 16s., or, where lunch and dinner are both so ordered during an absence exceeding eight hours, 19s. 6d.

4. Where the member's absence exceeds twelve hours and he had to commence his journey before he could reasonably be expected to have taken breakfast at home, the day allowance rate mentioned in the preceding paragraph may, at the discretion of the authority concerned with the payment, be increased to 17s. 6d., or, where the member orders one meal on a train or boat, to 21s. 6d., or where two or more meals are so ordered, to 25s.

For the purposes of this paragraph a meal means breakfast, lunch or dinner costing respectively 7s. 6d., 11s. or 12s. or more.

Given under the official seal of the Minister of Health this nineteenth day of September, nineteen hundred and sixty-one.

(L.S.)

J. Enoch Powell,
Minister of Health.

EXPLANATORY NOTE

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

These regulations which prescribe the travelling allowances, etc. payable to members of National Health Service bodies are a consolidation of the National Health Service (Travelling Allowances, etc.) Regulations, 1956 (as amended), with certain amendments modifying restrictions on the payment of travelling and subsistence allowances, so as to give effect to sections 4 and 5 of the Public Authorities (Allowances) Act, 1961.