1958 No. 191 (S. 6)

The National Health Service (Travelling Allowances, etc.) (Scotland) Regulations, 1958

Made - - - -	*3rd February*, 1958
Laid before Parliament	*11th February*, 1958
Coming into Operation	*12th February*, 1958

In exercise of the powers conferred on me by the following provisions of the National Health Service (Scotland) Act, 1947(**a**), as amended by Part II of the Schedule to the National Health Service (Amendment) Act, 1949(**b**), namely—

(*a*) subsection (2) of section 39,

(*b*) paragraph 2 of the First Schedule,

(*c*) paragraph 3 of the Second Schedule,

(*d*) paragraph 2 of Part IV of the Fourth Schedule,

(*e*) paragraph 4 of the Sixth Schedule,

(*f*) paragraph 3 of the Seventh Schedule, and

(*g*) paragraph 6 of the Eighth Schedule,

and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1. These regulations may be cited as the National Health Service (Travelling Allowances, etc.) (Scotland) Regulations, 1958, and shall come into operation on the 12th day of February, 1958.

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

"approved duty" in relation to a member of a body, of a Medical Education Committee or of an Ophthalmic Services Committee means any of the following duties, that is to say—

(*a*) attendance at a meeting of the body or committee as the case may be or of any committee or sub-committee thereof;

(*b*) the doing of any other thing approved by the body or committee as the case may be for the purpose of or in connection with the discharge of the functions of the body or committee or of any committee or sub-committee thereof;

(*c*) in the case of a member of the body or committee as the case may be, attendance as a representative of the body or committee at a conference or meeting convened by one or more such bodies or committees or by any association of such bodies or committees whose objects are approved by the Secretary of State;

"body" means any body mentioned in the First Schedule hereto;

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

(2) For the purpose of these regulations—

(*a*) a member of a committee or sub-committee of a body shall be deemed to be a member of the body;

(**a**) 10 & 11 Geo. 6. c. 27. (**b**) 12, 13 & 14 Geo. 6. c. 93.

(*b*) a member of a Medical Education Committee shall be deemed to be a member of the Regional Hospital Board for the area;

(*c*) a member of an Ophthalmic Services Committee shall be deemed to be a member of the Executive Council in whose area the meetings of the Ophthalmic Services Committee of which he is a member are held.

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

3. The Secretary of State may pay to the members of a body mentioned in Part I of the First Schedule hereto such remuneration for their services as he may with the consent of the Treasury determine.

4.—(1) A member of a body mentioned in Part II or Part III of the First Schedule hereto shall be entitled to receive a payment in respect of any loss of earnings he would otherwise have made or any additional expenses (other than expenses on account of travelling or subsistence) to which he would not otherwise have been subject, being loss or expenses necessarily suffered or incurred for the purpose of enabling him to perform any approved duty as a member of that body.

(2) Any payment made under this regulation in respect of any one period of 24 hours shall not exceed—

(*a*) where the period of time over which earnings are lost or expenses are incurred is not more than four hours, the sum of 20s.; or

(*b*) where the said period of time is more than four hours, the sum of 40s.

(3) Any payment under this regulation in respect of an approved duty performed by any person as a member of a body mentioned in Part II of the First Schedule hereto shall be made by the Secretary of State and any payment in respect of an approved duty performed by any person as a member of a body mentioned in Part III of the said First Schedule shall be made by the body.

5.—(1) Subject to the provisions of these regulations a member of a body shall be entitled to receive payments in respect of travelling or subsistence expenses where expenditure on travel or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any approved duty as a member of that body.

(2) The rules contained in Part I and Part II of the Second Schedule hereto shall apply to the making of payments in respect of travelling expenses and subsistence expenses respectively.

(3) Any payment under this regulation in respect of an approved duty performed by any person as a member of a body mentioned in Part I or Part II of the First Schedule hereto shall be made by the Secretary of State and any payment in respect of an approved duty performed by any person as a member of a body mentioned in Part III of the said First Schedule shall be made by the body.

6. Notwithstanding anything in these regulations—

(*a*) a member of a body other than an Executive Council shall not be entitled to receive any payment in respect of travelling or subsistence

(a) 52 & 53 Vict. c. 63.

expenses unless they have been incurred in the performance of an approved duty at a distance of more than three miles from his usual place of residence;

(*b*) a member of an Executive Council for the area of a local health authority who are the town council of a large burgh shall not be entitled without the authority of the Secretary of State to receive any payment in respect of travelling or subsistence expenses unless they have been incurred in the performance of an approved duty at a place situated outside the area of the Executive Council; and

(*c*) a member of an Executive Council for any area other than as aforesaid shall not be entitled to receive any payment in respect of travelling or subsistence expenses unless they have been incurred in the performance of an approved duty at a distance of more than three miles from his usual place of residence or at a place situated outside the area of the Executive Council.

7. 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 expenses are concerned, the expenses were actually and necessarily incurred whilst engaged on an approved duty; and

(ii) that any claim for payment in respect of loss of earnings or additional expenses (other than expenses on account of travelling or subsistence) is in respect of actual loss of earnings or additional expenses necessarily suffered or incurred whilst engaged on an approved duty;

and on—

(*b*) the observance of such conditions as the Secretary of State or the body authorised to make the payment may in their discretion or on the direction of the Secretary of State impose.

8. Where under these regulations a person is entitled to receive payments in connection with approved duties as a member of more than one body (or where a member would have been entitled to receive such payments had the conditions as to time contained in Part II of the Second Schedule hereto been fulfilled) in respect of periods falling within any one period of 24 hours he shall be entitled to receive and there shall be payable such payments in respect of travelling expenses, subsistence expenses, loss of earnings or additional expenses as will, under any of these heads, be equal in the aggregate to the payment to which he would have been entitled under these heads had all the said duties been performed by him as a member of one only of these bodies.

9. 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.

10. The National Health Service (Travelling Allowances, etc.) (Scotland) Regulations, 1952(a), as amended(b), are hereby revoked, but without prejudice to any payment made or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Dated this 3rd day of February, 1958.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrews' House,
Edinburgh 1.

FIRST SCHEDULE

PART I

Bodies whose members may receive remuneration from the Secretary of State and payments from him in respect of travelling and subsistence expenses:—

The Scottish Medical Practices Committee;

the Scottish Dental Estimates Board; and

the Tribunal constituted under section 43 of the National Health Service (Scotland) Act, 1947.

PART II

Bodies whose members may receive payments from the Secretary of State in respect of travelling and subsistence expenses and loss of earnings or additional expenses:—

The Scottish Health Services Council;

any standing advisory committee of that Council; and

the Hospital Endowments Commission.

PART III

Bodies whose members may receive payments therefrom in respect of travelling and subsistence expenses and loss of earnings or additional expenses:—

Regional Hospital Boards;

Boards of Management; and

Executive Councils.

SECOND SCHEDULE

PART I

Rules as to payments in respect of travelling expenses

1. The rate for travel by public service shall not exceed the amount of the ordinary, or any available cheap, first-class fare:

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

(a) S.I. 1952/1297 (1952 II, p. 2110). (b) S.I. 1952/1907, 1954/806, 1447, 1956/322, 1957/1088 (1952 II, p. 2116; 1954 I, pp. 1378, 1379; 1956 I, p. 1620; 1957 I, p. 1508).

(*b*) on sleeping accommodation engaged by the member for an overnight journey, subject to reduction by one-half 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.—(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 where, in the opinion of the Secretary of State, where payment is made by him, or of the body, it is reasonable that the member should so travel rather than by public service, 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, 7¼d. 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 journeys in respect of which he has been, or is entitled to be paid travelling expenses under these regulations, 6d. a mile for the next 5,000 miles in the same year, and thereafter in the same year 4¼d. a mile;

(*b*) in the case of a motor car or tri-car exceeding 500 cubic centimetres cylinder capacity and exceeding 10 horse power, 9¼d. 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 journeys in respect of which he has been, or is entitled to be paid travelling expenses under these regulations, 7¼d. a mile for the next 5,000 in the same year, and thereafter in the same year 6¼d. a mile;

(*c*) in the case of a motor car or tri-car not exceeding 500 cubic centimetres cylinder capacity, a motor cycle combination, or a motor cycle exceeding 500 cubic centimetres cylinder capacity, 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, an auto cycle or a motor-assisted pedal cycle, 2d. a mile.

(3) The rates mentioned in sub-paragraphs (1) and (2) hereof may be increased—

(*a*) by not more than ½d. a mile for the carriage otherwise than by motor cycle, auto cycle 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, by 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.

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

(*b*) For the purpose of this paragraph—

"horse-power" and "cylinder capacity" 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 motor car has been rebored, the calculation shall be based on the engine as it was when new.

"motor cycle" does not include "motor cycle combination".

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 Secretary of State, where payment is made by him directs, or 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 compensation for loss of earnings or for additional expenses and subsistence allowance consequent on travel by air:

Provided that, where the Secretary of State, where payment is made by him directs, or 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.

PART II

Rules as to payments in respect of subsistence expenses

1.—(1) An allowance not exceeding 48s. 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, and such allowance shall be reduced after the first seven nights at one place to 39s. 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 Secretary of State 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 not more than eight hours and at the rate of 12s. when his absence exceeds eight hours:

Provided that where the member orders and pays for lunch or dinner on a train or boat, the above rates shall be respectivcly increased to 8s. 6d. and 15s.; or where lunch and dinner are both so ordered and paid for during an absence exceeding eight hours, 16s. 6d.

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

EXPLANATORY NOTE

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

These regulations consolidate the existing regulations relating to the payment of travelling allowances, etc., to members of bodies set up under the National Health Service (Scotland) Acts. They also increase the allowances previously payable in respect of meals taken on a train or boat.

SPECIAL CLASSES

1958 No. 924

The National Health Service (Employers of Mariners Contributions) Amendment Regulations, 1958

For the text of these Regulations, *see* Pt. II, p. 1554, of this volume.

NATIONAL INSURANCE

ADMINISTRATION

1958 No. 701

The National Insurance (Determination of Claims and Questions) Amendment Regulations, 1958

Made - - - -	*25th April*, 1958
Laid before Parliament	*1st May*, 1958
Coming into Operation	*5th May*, 1958

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 43 of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Determination of Claims and Questions) Amendment Regulations, 1958, shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations, 1948(b), as amended(c) (hereinafter referred to as "the principal regulations") and shall come into operation on the 5th May, 1958.

(a) 9 & 10 Geo. 6. c. 67.
(b) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).
(c) The relevant amending regulations are S.I. 1955/1788, 1957/1340 (1955 I, p. 1583; 1957 I, p. 1520).