STATUTORY INSTRUMENTS

1976 No. 116

PROBATION AND AFTER-CARE

The Probation (Allowances) (Amendment) Rules 1976

Made - - - -	*27th January* 1976
Laid before Parliament	*5th February* 1976
Coming into Operation	*1st March* 1976

In exercise of the powers conferred upon me by Schedule 3 of the Powers of Criminal Courts Act 1973(**a**), I hereby make the following Rules:—

1. These Rules may be cited as the Probation (Allowances) (Amendment) Rules 1976 and shall come into operation on 1st March 1976.

2. The Probation (Allowances) Rules 1971(**b**) as amended(**c**) shall be amended

(*a*) by substituting, for Rule 5 (which relates to financial loss allowances), the following Rule:

"5.—(1) Subject to paragraph (2) below, the rate of financial loss allowance payable under paragraph 13 of Schedule 3 to the Powers of Criminal Courts Act 1973 to a member where for the purposes of enabling him to perform any of his duties as a member there is incurred by him any expenditure (other than expenses on account of travelling or subsistence) to which he would not otherwise be subject or there is suffered by him any loss of earnings or of benefit under enactments relating to social security, which he would otherwise have made or received shall be the amount of that expenditure or loss:

Provided that the allowance payable in respect of any one period of 24 hours shall not exceed—

(*a*) where the period of time over which earnings or benefit are lost additional expense incurred is not more than 4 hours, the sum of £4.00; or

(*b*) where the said period of time is more than 4 hours, the sum of £8.00.

(2) For the purposes of paragraph (1) above, a member shall not be treated as having incurred any expenditure or suffered any loss for the purpose of enabling him to perform any of his duties as a member insofar as the expenditure was also incurred or the loss also suffered for

(**a**) 1973 c. 62. (**b**) S.I. 1971/414 (1971 I, p. 1225).
(**c**) The relevant amending Rules are S.I. 1974/1954 (1974 III, p. 6758).

the purpose of enabling the member to perform an approved duty within the meaning of the Local Government Act 1972(a).".

(*b*) by inserting in Schedule 3, in the form of application for financial loss allowance, after "the [Petty Sessional Division] of.....", the following sentence: —

"I declare that no claim is made in respect of any expenditure or loss also incurred for the purpose of enabling me to perform an approved duty within the meaning of the Local Government Act 1972.".

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
27th January 1976.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Probation (Allowances) Rules 1971 by replacing Rule 5 (which relates to financial loss allowance). The amendment prevents claims being made for financial loss allowance in respect of loss or expenditure for which a member may also receive an attendance allowance or a financial loss allowance under the Local Government Act 1972. A consequential amendment is made to the form of application for financial loss allowance. The other main consequence of the amendment is an increase in the maximum rates of financial loss allowance from £3.35 to £4.00, for a period of less than 4 hours, and from £6.70 to £8.00, for a period of more than 4 hours in any 24 hours.

(a) 1972 c. 70.

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