PROBATION OF OFFENDERS

1953 No. 476

The Probation (Allowances) Rules, 1953

Made - - - - 18*th March*, 1953
Coming into Operation 1*st April*, 1953

In pursuance of the powers conferred upon me by the Fifth Schedule to the Criminal Justice Act, 1948(a), as extended by subsection (4) of section thirty-six of the Justices of the Peace Act, 1949(b), I hereby make the following Rules:—

1. The rates of travelling and lodging allowance payable to a member under section thirty-six of the Act of 1949 in respect of expenditure on travelling, or, as the case may be, on accommodation for the night, necessarily incurred by him for the purpose of enabling him to perform any of his duties as a member shall be the rates set out in the First and Second Schedules to these Rules.

2. A member who claims payment of either of the said allowances shall complete and submit to the proper officer an application in the form set out in the Third Schedule to these Rules or in a form substantially to the like effect.

3. The proper officer shall, so far as practicable, arrange for the issue to a member of a ticket, or a document which can be exchanged for a ticket, to cover a journey in respect of which a travelling allowance would otherwise fall to be paid.

4.—(1) The proper officer shall keep a record of every payment made by him under section thirty-six of the Act of 1949 showing the amount and nature of the payment and the name of the member to whom it is paid.

(2) For the purposes of this Rule expenditure incurred in the issue to a member of a ticket or other document under Rule 3 shall be deemed to be an amount paid to that member.

5. Where expenditure on travelling or accommodation for the night, or both, entitles a person to receive an allowance under section thirty-six of the Act of 1949 in respect of duties as a member and an allowance of the same nature, by whatever name called, under any other enactment in respect of duties in some other capacity, the aggregate amount which that person shall be entitled to receive under the said section thirty-six on account of the said expenditure shall be reduced by the aggregate amount received by him on that account under the other enactment, and any claim made under the said section thirty-six shall contain particulars of any amount so received or claimed, or which it is intended to claim, under the other enactment.

6.—(1) In these Rules—

"member" means a member of a probation committee or case committee constituted under the Criminal Justice Act, 1948, or a member of a committee constituted for the metropolitan stipendiary court area under paragraph 7 of the Fifth Schedule to the said Act of 1948;

(a) 11 & 12 Geo. 6. c. 58. (b) 12, 13 & 14 Geo. 6. c. 101.

" proper officer ", in relation to a committee constituted under the said paragraph 7, means the Receiver for the Metropolitan Police District, and, in any other case, means the treasurer of the probation committee responsible for the payment of the allowances under section thirty-six of the Act of 1949 ;

" the Act of 1949 " means the Justices of the Peace Act, 1949.

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

7. These Rules may be cited as the Probation (Allowances) Rules, 1953, and shall come into operation on the first day of April, 1953.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

18th March, 1953.

FIRST SCHEDULE

Rates of Travelling Allowance

1.—(1) The rate for travel by public service shall be the amount of the fare of the class in which the member chooses to travel but, subject to any supplementary allowances payable under sub-paragraph (2) of this paragraph, shall not exceed the lowest available first class fare.

(2) The rate payable under the foregoing sub-paragraph shall, if the member so claims, be increased by supplementary allowances not exceeding the expenditure 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 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 in circumstances which involve a substantial saving in his time, or where such travel is otherwise reasonable, shall, subject to any increase payable under sub-paragraph (3) of this paragraph, be—

(*a*) in the case of a motor 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 year the member uses a private motor car, 7¾d. a mile for the next 5,000 miles in the same year, and thereafter in the same year 6¼d. a mile ;

(*b*) in the case of a motor car exceeding 500 cubic centimetres cylinder capacity and not exceeding 10 horse power, 7¾d. a mile for the first 2,000 miles for which in any year the member uses a private motor car, 6d. a mile for the next 5,000 miles in the same year, and thereafter in the same year 4¾d. a mile ;

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

(*c*) in the case of a motor 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.

(3) The appropriate rate specified in the foregoing provisions of this paragraph shall, if the member so claims, be increased—

(*a*) where the rate exceeds 2d. a mile, by ½d. a mile for the carriage, otherwise than by motor cycle, of each additional person to whom an allowance for travelling would otherwise be payable under any enactment;

(*b*) where the rate is 2d. a mile, by 1d. a mile for the carriage, otherwise than by motor cycle, autocycle or motor-assisted pedal cycle, of each additional person as aforesaid, so, however, that the rate when so increased shall not exceed 6d. a mile;

(*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. a night in the case of a motor car or 1s. 6d. a night in the case of a vehicle of any other type;

(*d*) in any case, by the amount of any expenditure incurred on tolls, ferries or parking fees.

(4) In calculating the mileage in any year for the purposes of sub-paragraph (2) of this paragraph, no account shall be taken of mileage for which the rate, excluding any allowances for passengers, does not exceed 2d. a mile, but, subject thereto, there shall be added any mileage in that year for which the member receives an allowance under section eight of the Act of 1949.

(5) 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, 1953(a), so, however, that where the engine of a motor vehicle has been rebored, the calculation shall be based on the engine as it was when new;

"motor car" includes a tri-car;

"motor cycle combination" means a motor cycle with a side car;

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

4. The rate for travel by air shall not exceed the fare paid but, subject thereto, shall be the rate applicable to travel by the appropriate public service together with an allowance equivalent to the amount of any saving in lodging allowance consequent upon travel by air.

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

SECOND SCHEDULE

Rates of Lodging Allowance

The rate of lodging allowance for each night in respect of which expenditure on accommodation for the night is necessarily incurred by a member for the purpose of enabling him to perform any of his duties as a member shall—

(*a*) where expenditure is so incurred on sleeping accommodation in a railway train, be 32s. in the case of a single berth compartment and 21s. in any other case;

(*b*) where expenditure is so incurred otherwise than on sleeping accommodation in a railway train, be 30s. if the duties are performed in London and 23s. in any other case.

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

THIRD SCHEDULE

Form of application for travelling and lodging allowances payable to a member under section thirty-six 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 private motor vehicle and rate applicable	Fares and other authorised payments	Travelling allowance claimed	Lodging 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, under any other enactment by way of travelling allowance or lodging 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 lodging for the purpose of enabling me to perform duties as a member of the probation committee/case committee for the [Petty Sessional Division] of , 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 Probation (Allowances) Rules, 1953.

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

Date.....

Signature of member.....

Address (usual place of residence) .....

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NOTE.—A member is not entitled to any allowance under section thirty-six if the duties are performed not more than three miles from his usual place of residence.