1964 No. 904

PROBATION OF OFFENDERS

The Probation (Allowances) Rules 1964

Made - - - - *20th June* 1964

Coming into Operation *22nd June* 1964

In pursuance of the powers conferred upon me by Schedule 5 to the Criminal Justice Act 1948(a), as extended by section 36(4) of the Justices of the Peace Act 1949(b) as amended by section 31 of the Administration of Justice Act 1964(c), I hereby make the following Rules:—

1. The rates of travelling and subsistence allowance payable under section 36 of the Act of 1949 to a member in respect of expenditure on travelling, or, as the case may be, on subsistence, 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 Schedules 1 and 2 to these Rules respectively.

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 Schedule 3 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 under section 36 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 of these Rules shall be deemed to be an amount paid to that member.

5. Where expenditure on travelling or subsistence or both, entitles a person to receive an allowance under section 36 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 36 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 36 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 or appointed under Schedule 5 to the Criminal Justice Act 1948 or section 22 of the Administration of Justice Act 1964;

"proper officer", in relation to the probation committee for the inner London area to which subsection (2) of the said section 22 relates or a case committee appointed under subsection (3) of the said section 22, 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 36 of the Act of 1949;

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

(a)11 & 12 Geo. 6. c. 58. (b) 12, 13 & 14 Geo. 6. c. 101. (c) 1964 c. 42.

(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, and as if these Rules and the Rules revoked by these Rules were Acts of Parliament.

7. The Rules specified in Schedule 4 to these Rules are hereby revoked.

8. These Rules may be cited as the Probation (Allowances) Rules 1964 and shall come into operation on 22nd June 1964.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
20th June 1964.

SCHEDULE 1 Rule 1

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 motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be—

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

(*b*) for the use of a motor cycle of cylinder capacity exceeding 120 cubic centimetres but not exceeding 150 cubic centimetres, 2½d. a mile ;

(*c*) for the use of a motor cycle of cylinder capacity exceeding 150 cubic centimetres but not exceeding 500 cubic centimetres, 3d. a mile.

(2) The rate for travel by a member's own private motor vehicle other than a motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be 3d. a mile unless such travel—

(*a*) results in a substantial saving of the member's time ; or

(*b*) is otherwise reasonable,

in which case the rate shall be—

(i) for the use of a motor cycle of cylinder capacity exceeding 500 cubic centimetres, a motor cycle combination, or a motor car of cylinder capacity not exceeding 500 cubic centimetres, 4d. a mile ;

(ii) for the use of a motor car of cylinder capacity exceeding 500 cubic centimetres, but not exceeding 1,199 cubic centimetres—

for the first 2,000 miles in any year, 7¼d. a mile ;

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

for the next 5,000 miles in the same year, 6d. a mile ;
for any further miles in the same year, 4½d. a mile ;

(iii) for the use of any other vehicle—
for the first 2,000 miles in any year, 9½d. a mile ;
for the next 5,000 miles in the same year, 7½d. a mile ;
for any further miles in the same year, 6½d. 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 3d. 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 3d. 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 there shall be added any mileage in that year for which the justice receives a travelling allowance under section 8 or section 36 of the Act of 1949, other than mileage for which the rate, excluding any allowance for passengers, does not exceed 4d. a mile.

(5) For the purposes of this paragraph—

" 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 subsistence allowance consequent upon travel by air.

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

Rule 1

SCHEDULE 2

Rates of Subsistence Allowance

1.—(1) The rate of subsistence allowance shall be—

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(*a*) in the case of an absence, not involving an absence overnight, from the usual place of residence—

(i) of more than four but not more than eight hours, 10s.;

(ii) of more than eight but not more than twelve hours, 17s. 6d. ;

(iii) of more than twelve but not more than sixteen hours, 25s. ;

(iv) of more than sixteen hours, 30s. ;

(*b*) in the case of an absence overnight from the usual place of residence, 55s.:

Provided that for such an absence overnight in Greater London the rate may be increased by a supplementary allowance not exceeding 10s.

(2) Any rate determined under the preceding sub-paragraph shall be deemed to cover a continuous period of absence of twenty-four hours.

2.—(1) The rates specified in the preceding paragraph shall be reduced by an appropriate amount in respect of any meal provided free of charge by any local authority during the period to which the allowance relates.

(2) In the preceding sub-paragraph " local authority " means the corporation of the City of London, the Greater London Council or the council of an administrative county, a borough, a metropolitan borough, an urban district, a rural district or a rural parish.

SCHEDULE 3

Rule 2

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES PAYABLE TO A MEMBER UNDER SECTION 36 OF THE JUSTICES OF THE PEACE ACT 1949

Date	Place and time of departure (2)	Place and time of return (3)	Description of duties (4)	Mode and class of travel (5)	Number of miles travelled by member's own private motor vehicle 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, or which it is intended to claim, under any other enactment by way of travelling allowance or subsistence 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 subsistence 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

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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 1964.

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 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 subsistence allowance if the duties are performed not more than three miles from his usual place of residence.

SCHEDULE 4

Rule 7

RULES REVOKED

Rules	References
The Probation (Allowances) Rules 1953.	S.I. 1953/476 (1953 II, p. 1675).
The Probation (Allowances) Rules 1954.	S.I. 1954/1205 (1954 II, p. 1837).
The Probation (Allowances) Rules 1957.	S.I. 1957/272.
The Probation (Allowances) Rules 1960.	S.I. 1960/169 (1960 II, p. 2776).
The Probation (Allowances) Rules 1962.	S.I. 1962/2071 (1962 III, p. 2499).

EXPLANATORY NOTE

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

These Rules consolidate the Rules specified in Schedule 4, which relate to the payment of certain allowances to members of probation committees and case committees. Section 31 of the Administration of Justice Act 1964 amends section 36 of the Justices of the Peace Act 1949 so as to substitute references to subsistence allowance for the references to lodging allowance and these Rules accordingly are in terms of subsistence allowance instead of lodging allowance, the rates of subsistence allowance payable to members being set out in Schedule 2.