STATUTORY INSTRUMENTS

1971 No. 414

PROBATION AND AFTER-CARE

The Probation (Allowances) Rules 1971

Made - - - 11*th March* 1971

Coming into Operation 1*st April* 1971

In exercise of the powers conferred upon me by Schedule 5 to the Criminal Justice Act 1948(**a**), as extended by section 36 of the Justices of the Peace Act 1949(**b**) (as amended by section 31 of the Administration of Justice Act 1964(**c**) and section 4 of the Justices of the Peace Act 1968(**d**)), I hereby make the following Rules:—

1. These Rules may be cited as the Probation (Allowances) Rules 1971 and shall come into operation on 1st April 1971.

2.—(1) In these Rules—

"member" means a member of a probation and after-care 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 and after-care 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 and after-care 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.

(2) The Interpretation Act 1889(**e**) 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.

3. The Probation (Allowances) Rules 1964(**f**), the Probation (Allowances) Rules 1965(**g**) and the Probation (Allowances) (Amendment) Rules 1970(**h**) are hereby revoked.

4. 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.

5. The rate of financial loss allowance payable under section 36 of the Act

(**a**) 1948 c. 58.
(**b**) 1949 c. 101.
(**c**) 1964 c. 42.
(**d**) 1968 c. 69.
(**e**) 1889 c. 63.
(**f**) S.I. 1964/904 (1964 II, p.1922).
(**g**) S.I. 1965/1521 (1965 II, p. 4406).
(**h**) S.I. 1970/1039 (1970 II, p. 3219).

of 1949 to a member where for the purpose of enabling him to perform any of his duties as a member there is incurred by him any expenditure (other than expense 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 the National Insurance Acts 1965 to 1967(a) 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 or additional expense incurred is not more than 4 hours, the sum of £2·00 ; or

(*b*) where the said period of time is more than 4 hours, the sum of £4·00.

6. A member who desires to claim financial loss, travelling or subsistence allowance shall complete and submit to the proper officer an application in the appropriate form set out in Schedule 3 to these Rules or in a form substantially to the like effect.

7. 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.

8.—(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 7 of these Rules shall be deemed to be an amount paid to that member.

9. Where any expenditure or loss 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 or loss 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.

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
11th March 1971.

(a) 1965 c. 51.; 1966 c.6; 1967 c.73.

SCHEDULE 1 Rule 4

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, 1·15p a mile;

(*b*) for the use of a motor cycle of cylinder capacity exceeding 120 cubic centimetres but not exceeding 150 cubic centimetres, 1·46p a mile;

(*c*) for the use of a motor cycle of cylinder capacity exceeding 150 cubic centimetres but not exceeding 500 cubic centimetres, 1·67p a mile,

(2) The rate for travel by a member's own private motor vehicle, or one belonging to a member of his family or otherwise provided for his use, other than a motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be 1·67p 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, 2·4p a mile;

(ii) for the use of a motor car of cylinder capacity—

(*a*) exceeding 500 c.c. but not exceeding 999 c.c., 4·69p a mile;

(*b*) exceeding 999 c.c. but not exceeding 1199 c.c., 5·31p a mile:

(*c*) exceeding 1199 c.c., 5·94p 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 1·67p a mile, by ·21p 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 1·67p a mile, by ·42p 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 2½p 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 12½p a night in the case of a motor car or 7½p 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 member 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 1·67p 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 4

SCHEDULE 2

Rates of Subsistence Allowance

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

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

(i) of more than four but not more than eight hours, £0·95;

(ii) of more than eight but not more than twelve hours, £1·75;

(iii) of more than twelve but not more than sixteen hours, £2·50;

(iv) of more than sixteen hours, £2·95;

(*b*) in the case of an absence overnight from the usual place of residence, £5·50:

Provided that for such an absence overnight in Greater London the rate may be increased by a supplementary allowance not exceeding £0·50.

(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.

Rule 6

SCHEDULE 3

Form of Application for Travelling and Subsistence Allowances

1 Date	2 Place and time of departure	3 Place and time of return	4 Description of duties	5 Mode and class of travel	6 Number of miles travelled by private motor vehicle, and rate applicable	7 Fares and other authorised payments	8 Toll, ferry and parking fees and garaging allowance	9 Travelling allowance claimed	10 Subsistence allowance claimed
If the rate claimed is related to the type of vehicle and cylinder capacity, state what these are:— TOTALS									
If the rate claimed is more than 1·67p a mile, state grounds on which higher rate is claimed:—									
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 and after-care committee/case committee for the [Petty Sessional Division] of
and that I have actually paid the fares and made the other payments shown in column 7 and paid the fees shown in column 8 above. The amounts claimed do not exceed the amount which I am entitled to receive in accordance with the rates prescribed by the Probation (Allowances) Rules 1971.

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).....

FORM OF APPLICATION FOR FINANCIAL LOSS ALLOWANCE

1 Date	2 Place and time of departure	3 Place and time of return	4 Description of duties	5 Period of time over which earnings were lost or expense was incurred	6 Amount Claimed
				TOTAL ...	
Particulars of amounts received or claimed, or which it is intended to claim, under any other enactment by way of financial loss allowance, or any equivalent allowance by whatever name called, in connection with the duties indicated above.					
				AMOUNTS NOW CLAIMED ...	

I declare that I have actually and necessarily—

*(*a*) suffered loss of earnings which I would otherwise have made,

*(*b*) incurred additional expense, other than expense on account of travelling or subsistence, to which I would not otherwise have been subject,

for the purpose of enabling me to perform duties as a member of the probation and after-care committee/case committee for the [Petty Sessional Division] of .... 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 1971.

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 financial loss allowance in connection with the duties indicated above.

Date..... Signature of member.....

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

*Delete as appropriate

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate the Rules revoked by Rule 3 which relate to the payment of certain allowances to members of probation and after-care committees and case committees. The only substantial amendment is as follows. Section 4 of the Justices of the Peace Act 1968 amends section 36 of the Justices of the Peace Act 1949 (which extends Schedule 5 to the Criminal Justice Act 1948 under which these Rules are made) so as to provide for the payment to members of a financial loss allowance at a prescribed rate. This rate is prescribed in Rule 5.