CHAPTER 43

Public Authorities (Allowances) Act, 1961

ARRANGEMENT OF SECTIONS

Section
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An Act to provide for the amendment of the conditions giving entitlement to payment of certain allowances to members of bodies to which Part VI of the Local Government Act, 1948, applies, and to members of certain bodies constituted under the National Health Service Act, 1946, and the National Health Service (Scotland) Act, 1947, and to payment of travelling allowances to justices of the peace and members of probation and other committees constituted under the Criminal Justice Act, 1948; and for matters connected therewith. [19th July, 1961]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendments as to restrictions on payment of allowances under s. 113 of Local Government Act, 1948.

1.—(1) Paragraph (*a*) of the proviso to subsection (1) of section one hundred and thirteen of the Local Government Act, 1948 (by which a member of the council of a borough, of an urban district or of a rural parish is not entitled to payments under that section by way of travelling allowance or subsistence allowance in respect of the performance of an approved duty within the area of that council) shall cease to apply to a member of the council of a borough (including a metropolitan borough) or of an urban district.

(2) Paragraph (*b*) of the said proviso (by which a member of a body other than a council specified in the said paragraph (*a*) who is a member of that body as the representative of such a council

is not entitled to any such payment under that section in respect of the performance of an approved duty within the area of that council) is hereby repealed.

(3) Paragraph (*c*) of the said proviso (by which a member of a body is not entitled to any payment under that section in respect of the performance of any approved duty within the area of that body except in respect of duties performed at a distance of more than three miles from his usual place of residence) shall cease to apply in relation to payments by way of travelling allowance.

(4) The said paragraph (*c*) shall have effect in relation to a payment to a member of a body by way of subsistence allowance in respect of the performance of an approved duty outside the area of the body as well as to such a payment in respect of the performance of a duty within that area.

(5) Accordingly, for paragraph (*a*) of the proviso to the said subsection (1), there shall be substituted the following paragraph:—

"(*a*) a member of the council of a rural parish shall not be entitled to a payment under this section in respect of the performance of an approved duty within the area of that council;",

and for paragraph (*c*) of that proviso there shall be substituted the following paragraph:—

"(*c*) without prejudice to paragraph (*a*) of this proviso, a member of a body shall not be entitled to a payment under this section by way of subsistence allowance in respect of the performance of an approved duty except in respect of a duty performed at a distance of more than three miles from his usual place of residence".

Amendments as to restrictions on payment of allowances under s. 113 of Local Government Act, 1948, as it applies to Scotland.

2.—(1) It shall no longer be a requirement of entitlement to travelling allowance under the said section one hundred and thirteen, as read with subsection (5) of section one hundred and eighteen of the said Act of 1948 (which section as so read provides in Scotland for the payment of travelling and subsistence allowances in respect of the performance of approved duties to members of public bodies subject to certain restrictions),—

(*a*) in the case of a member of a town council of a burgh, that the approved duty be performed outside the burgh, or

(*b*) in the case of a member of any body, that the said duty, if performed within the area of the body, shall be performed at a distance of more than three miles from his usual place of residence.

(2) It shall no longer be a requirement of entitlement to subsistence allowance in respect of the performance of an approved duty under the said section one hundred and thirteen, read as

aforesaid, in the case of a member of a town council of a burgh, that the duty shall have been performed outside the burgh.

(3) The requirement of entitlement to subsistence allowance in respect of the performance of an approved duty as aforesaid by a member of a body that the duty shall have been performed at a distance of more than three miles from his usual place of residence shall obtain whether or not that performance is within the area of that body.

(4) For the purpose of giving effect to the foregoing provisions of this section, for the proviso to subsection (1) of the said section one hundred and thirteen, read as aforesaid, there shall be substituted the following proviso:—

" Provided that a member of a body shall not be entitled to any payment under this section by way of subsistence allowance in respect of the performance of any approved duty as a member of that body, except in respect of duties performed at a distance of more than three miles from his usual place of residence ".

Amendment of definition of " approved duty " in Part VI of Local Government Act, 1948.

3.—(1) In section one hundred and fifteen of the Local Government Act, 1948, paragraph (*d*) (by which " approved duty " in relation to a member of a body includes, where, in circumstances therein mentioned, he has been appointed by or on the nomination of a body to which Part VI of that Act applies to be a member of a prescribed other body, the doing of anything as a member of that other body for the purposes therein mentioned) shall cease to be subject to the proviso to that section (by which proviso the said paragraph (*d*) is not to apply where the appointee is a member of a committee or sub-committee of the appointing body and is for that reason only deemed by virtue of subsection (2) of section one hundred and eleven of that Act to be for the purposes of that Act a member of the appointing body) and accordingly that proviso and, in the said subsection (2), the words " save as otherwise expressly provided " are hereby repealed.

(2) Performance of the duties of a judge of a burgh court, police court or the court of the bailie of the River and Firth of Clyde by a town councillor of a burgh shall be an approved duty within the meaning of the said section one hundred and fifteen, and accordingly after subsection (6) of the said section one hundred and eighteen there shall be inserted the following subsection:—

" (6A) Section one hundred and fifteen of this Act shall have effect as if there were added after paragraph (*d*) the following paragraph—

' (*e*) performance of any of his duties as a judge of a burgh court, police court or the court of the bailie of the River and Firth of Clyde, including attendance at a course of instruction in the aforesaid duties '."

Removal of restrictions on payments of travelling allowances to members of bodies concerned with hospitals under the National Health Service.

4.—(1) The power of the Minister of Health to provide by regulations made by virtue of sub-paragraph (*c*) of paragraph 2 of Part IV of the Third Schedule to the National Health Service Act, 1946, for making payments in respect of travelling expenses to members of Regional Hospital Boards, Boards of Governors of teaching hospitals, Hospital Management Committees, and committees appointed under that paragraph, and the like power of the Secretary of State in relation to members of Regional Hospital Boards or Boards of Management in Scotland, by virtue of sub-paragraph (*c*) of paragraph 2 of Part IV of the Fourth Schedule to the National Health Service (Scotland) Act, 1947, shall cease to be subject to the qualification imposed by those paragraphs that those expenses must have been incurred by them for the purpose of enabling them to perform a duty required to be performed at a distance of more than three miles from their usual place of residence.

(2) Accordingly, for head (ii) of each of those paragraphs there shall be substituted the following heads:—

"(ii) any travelling expenses necessarily incurred by them for the purpose of enabling them to perform any approved duty; or

(iii) any subsistence expenses necessarily incurred by them for the purpose of enabling them to perform any approved duty required to be performed at a distance of more than three miles from their usual place of residence".

Amendments as to restrictions on payment of travelling and subsistence allowances to members of Executive Councils and committees thereof.

5.—(1) The following provisions shall have effect with respect to the proviso to paragraph 3 of the Fifth Schedule to the National Health Service Act, 1946 (by paragraph (i) of which proviso a member of an Executive Council for the area of a local health authority who are the council of a county borough or a member of a committee appointed by such an Executive Council is not entitled to any payment under regulations made under sub-paragraph (*c*) of the said paragraph 3 in respect of travelling or subsistence expenses in respect of a duty performed within the area of the Executive Council, except with the authority of the Minister of Health, and by paragraph (ii) of which a member of an Executive Council for the area of a local health authority who are the council of a county or for the area of two or more local health authorities or a member of a committee appointed by such an Executive Council is not entitled to any such payment as aforesaid in respect of a duty performed within the area of the Executive Council except in respect of a duty performed at a distance of more than three miles from his usual place of residence) that is to say,—

(*a*) neither paragraph (i) nor paragraph (ii) shall apply in relation to any payment in respect of travelling expenses;

(*b*) paragraph (i) shall not apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty at a distance of more than three miles from his usual place of residence, and the exception from that paragraph of payments authorised by the Minister shall cease to have effect;

(*c*) paragraph (i) and paragraph (ii) shall apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty outside the area of the Executive Council as well as to such a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty within that area.

(2) The following provisions shall have effect with respect to the proviso to paragraph 4 of the Sixth Schedule to the National Health Service (Scotland) Act, 1947 (paragraph (i) of which makes the like provision as paragraph (i) of the proviso referred to in subsection (1) above in relation to a member of an Executive Council for the area of a local health authority who are the council of a large burgh, or a member of a committee appointed by such an Executive Council, and paragraph (ii) of which makes the like provision as paragraph (ii) of the proviso last mentioned in relation to a member of an Executive Council for any area other than a large burgh) that is to say,—

(*a*) neither paragraph (i) nor paragraph (ii) shall apply in relation to any payment in respect of travelling expenses;

(*b*) paragraph (i) shall not apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty at a distance of more than three miles from his usual place of residence, and the exception from that paragraph of payments authorised by the Secretary of State shall cease to have effect;

(*c*) paragraph (i) and paragraph (ii) shall apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty outside the area of the Executive Council as well as to such a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty within that area.

(3) Accordingly, for each of the said provisos there shall be substituted the following proviso:—

" Provided that a member of an Executive Council or a committee appointed by an Executive Council shall not be

entitled to a payment under sub-paragraph (*c*) of this paragraph in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty at a distance of not more than three miles from his usual place of residence".

Amendments as to attendance at conferences and meetings for which allowances are payable to members of bodies having functions under the National Health Service.

6.—(1) The Minister of Health may by regulations made under the National Health Service Act, 1946, provide that attendance at a conference or meeting shall not be treated as an approved duty—

(*a*) within paragraph 5 of Part IV of the Third Schedule to the said Act of 1946 for the purpose of enabling a payment to be made to a member of a Regional Hospital Board, Board of Governors of a teaching hospital, Hospital Management Committee, or a committee of any of those bodies, in respect of travelling or subsistence expenses under sub-paragraph (*c*) of paragraph 2 of the said Part IV, or

(*b*) within paragraph 7 of the Fifth Schedule to the said Act of 1946 for the purpose of enabling a payment to be made to a member of an Executive Council or a committee of such a Council in respect of travelling or subsistence expenses under sub-paragraph (*c*) of paragraph 3 of that Schedule,

unless that attendance is in such a case and in compliance with such conditions as may be prescribed by those regulations.

(2) There shall be included among the conferences or meetings attendance at which is included in the expression "approved duty" for the purposes of the said paragraph 5 or the said paragraph 7 any conference or meeting or class of conferences or meetings approved by the Minister for the purposes of the said paragraph 5 or the said paragraph 7.

(3) The Secretary of State may, by regulations made under the National Health Service (Scotland) Act, 1947, provide that an attendance at a conference or meeting shall not be treated as an approved duty—

(*a*) within paragraph 5 of Part IV of the Fourth Schedule to the said Act of 1947 for the purpose of enabling a payment to be made to a member of a Regional Hospital Board or Board of Management, or a committee of any of those bodies, in respect of travelling or subsistence expenses under sub-paragraph (*c*) of paragraph 2 of the said Part IV, or

(*b*) within paragraph 8 of the Sixth Schedule to the said Act of 1947 for the purpose of enabling a payment to be

made to a member of an Executive Council, or a committee of such a Council, in respect of travelling or subsistence expenses under sub-paragraph (*c*) of paragraph 4 of that Schedule,

unless that attendance is in such a case and in compliance with such conditions as may be prescribed by those regulations.

(4) There shall be included among the conferences or meetings attendance at which is included in the expression "approved duty" for the purposes of paragraph 5 last mentioned or the said paragraph 8 any conference or meeting or class of conferences or meetings approved by the Secretary of State for the purposes of the said paragraph 5 or the said paragraph 8.

Removal of restriction on entitlement to travelling allowances under Justices of the Peace Act, 1949.

7.—(1) The following provisions of the Justices of the Peace Act, 1949, that is to say—

(*a*) paragraph (*a*) of subsection (3) of section eight (by virtue of which a justice of the peace is not entitled to payments under subsection (1) of that section by way of travelling allowance or lodging allowance in respect of any duties if the duties are performed not more than three miles from his usual place of residence); and

(*b*) subsection (2) of section thirty-six (by which a member of a probation committee or case committee constituted under the Criminal Justice Act, 1948, or of a committee constituted for the metropolitan stipendiary court area or any part thereof under paragraph 7 of the Fifth Schedule to that Act is not entitled to payments under subsection (1) of that section by way of travelling allowance or lodging allowance in respect of any duties if the duties are performed not more than three miles from his usual place of residence),

shall cease to apply in relation to payments by way of travelling allowance.

(2) Accordingly,—

(*a*) for paragraph (*a*) of the said subsection (3) there shall be substituted the following paragraph:—

"(*a*) in the case of a payment by way of lodging allowance, if those duties are performed not more than three miles from his usual place of residence; or",

(*b*) for the said subsection (2) there shall be substituted the following subsection:—

"(2) A member of a committee shall not be entitled to any payment under this section by way of lodging allowance in respect of any duties if the duties are performed not more than three miles from his usual place of residence".

Financial provisions.

8. There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

Short title, interpretation, commencement and extent.

9.—(1) This Act may be cited as the Public Authorities (Allowances) Act, 1961.

(2) Any reference in this Act to any enactment is a reference thereto as amended by any other enactment, including, except where the context otherwise requires, this Act.

(3) This Act, except sections four, five and six thereof, shall come into force on the expiration of the period of one month beginning with the day on which this Act is passed, and the said sections four, five and six shall come into force on such day (not being earlier than the expiration of the said period) as the Minister of Health and the Secretary of State, acting jointly, may by order made by statutory instrument appoint.

(4) This Act does not extend to Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947...	10 & 11 Geo. 6. c. 27.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Justices of the Peace Act, 1949...	12, 13 & 14 Geo. 6. c. 101.