



Justices of the Peace Act 1979

1979 CHAPTER 55

PART I

GENERAL

Justices other than stipendiary magistrates

12 Travelling, subsistence and financial loss allowances

- (1) Subject to the provisions of this section, a justice of the peace shall be entitled—
 - (a) to receive payments by way of travelling allowance or subsistence allowance where expenditure on travelling or, as the case may be, on subsistence is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice, and
 - (b) to receive payments by way of financial loss allowance where for that performance there is incurred by him any other expenditure to which he would not otherwise be subject or there is suffered by him any loss of earnings or of benefit under the enactments relating to social security which he would otherwise have made or received.
- (2) For the purposes of this section, a justice following a course of instruction under a scheme made in accordance with arrangements approved by the Lord Chancellor, or a course of instruction provided by the Lord Chancellor, shall be deemed to be acting in the performance of his duties as a justice.
- (3) A justice shall not be entitled to any payment under this section in respect of any duties, if in respect of those duties a payment of the like nature may be paid to him under arrangements made apart from this section or if regulations provide that this section shall not apply; and a stipendiary magistrate shall not be entitled to any payment under this section in respect of his duties as such.
- (4) Allowances payable under this section shall be paid at rates determined by the Secretary of State with the consent of the Minister for the Civil Service.

Status: This is the original version (as it was originally enacted).

- (5) An allowance payable under this section in respect of duties as a justice in the Crown Court shall be paid by the Lord Chancellor; and an allowance otherwise payable under this section to a justice for any commission area in respect of his duties as such shall be paid by the appropriate authority in relation to that area, that is to say—
- (a) in relation to the City of London, the Common Council;
 - (b) in relation to the inner London area, the Receiver ;
 - (c) in relation to any of the outer London areas, the Greater London Council;
 - (d) in relation to a non-metropolitan county, the county council;
 - (e) in relation to a metropolitan county, the council of the metropolitan district which is or includes the petty sessions area for which the justice acts.
- (6) Regulations may make provision as to the manner in which this section is to be administered, and in particular—
- (a) for prescribing the forms to be used and the particulars to be provided for the purpose of claiming payment of allowances; and
 - (b) for avoiding duplication between payments under this section and under other arrangements where expenditure is incurred for more than one purpose, and otherwise for preventing abuses.
- (7) Regulations for the purposes of this section shall be made by the Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.