

**2010 No. 424**

**JURIES**

**The Jurors' Allowances (Scotland) Regulations 2010**

*Made* - - - - *30th November 2010*

*Coming into force* - - *10th January 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 24(1) and 32 of the Juries Act 1949(a) and all other powers enabling them to do so.

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Jurors' Allowances (Scotland) Regulations 2010 and come into force on 10th January 2011.

(2) The Jurors' Allowances (Scotland) Regulations 1977(b) are revoked.

**Interpretation**

2.—(1) In these Regulations any reference to a juror includes a reference to a person who, in obedience to a citation to serve on a jury, attends for service as a juror notwithstanding that he is not subsequently empanelled, and any reference to service as a juror shall be construed accordingly.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Juries Act 1949;

“determined” means determined by the Scottish Ministers from time to time; and

“public service” means any service provided for travel by the public by railway, ship, vessel, omnibus or aeroplane.

**Travelling allowance**

3. The travelling allowance to which a juror is entitled under section 24 (payments in respect of jury service in Scotland) of the Act shall be in accordance with the rates determined in accordance with the Schedule.

**Subsistence allowance**

4.—(1) The subsistence allowance to which a juror is entitled under section 24 of the Act shall be calculated in accordance with paragraph (2).

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(a) 1949 c.27. Section 24(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55), section 28(1), Schedule 2, paragraph 3 and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2 (Part IV), paragraph 1. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1977/445.

(2) In respect of any period other than a period during which meals are provided for jurors, the subsistence allowance shall be—

- (a) if the period on any one day during which a juror is necessarily absent from their place of residence, business or employment for the purpose of serving as a juror does not exceed ten hours, a fixed rate in respect of that day as determined;
- (b) if the said period on any one day exceeds ten hours, a fixed rate in respect of that day as determined.

### **Financial loss allowance**

5.—(1) Jurors will be entitled to make a claim for financial loss in respect of—

- (a) loss of earnings or welfare benefits (under enactments relating to social security) or additional expense in accordance with paragraphs (2) and (3), and
- (b) where necessary additional expenditure has been incurred, any additional childminding or carer expenses in accordance with paragraph (4).

(2) The compensation for loss of earnings or welfare benefits which a juror would otherwise have received or additional expense (other than expense on account of travelling or subsistence) to which they would not otherwise have been subject and to which they are entitled under section 24 of the Act, shall be the amount of that loss or additional expense except as provided in paragraphs (3) and (4).

(3) Where in obedience to a citation to serve on a jury, a person performs services as a juror, the amount payable under paragraph (1)(a) to a person shall be a rate payable which shall not exceed the rate to be determined in respect of the following periods:—

- (a) where a juror has served for not more than four hours;
- (b) where a juror has served for at least four hours but no more than five days;
- (c) where a juror has served for at least six days but no more than one hundred days;
- (d) where a juror has served for at least one hundred and one days.

(4) Where in obedience to a citation to serve on a jury, a person performs services as a juror, the amount payable under this regulation to a person shall be the additional expense the juror incurred in employing a childminder, other child carer, or carer for a dependent adult to which the juror would not otherwise have been subject, provided that the amount shall not exceed the fixed amount to be determined.

*KENNY MACASKILL*

A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
30th November 2010

## SCHEDULE

Regulation 3

### TRAVELLING ALLOWANCE

1. The rate for travel by public service shall not exceed the amount of the fare actually paid provided that unless for a special reason the court otherwise directs, only the amount of the standard class fare shall be allowed.

2. The rate for travel by a taxi or private hire car—

- (a) in cases of urgency or where no public service is reasonably available, shall not exceed the amount of the actual fare and any reasonable gratuity paid; and
- (b) in any other case, shall not exceed the amount of the fare for travel by an appropriate public service.

3.—(1) Where a person travels by private motor-cycle the allowance shall be at a rate not exceeding a fixed pence per mile rate each way as determined, except where the court accepts that there was no alternative public transport available or said travel is otherwise reasonable, in which case the allowance shall be at a rate not exceeding a fixed pence per mile rate each way, as determined.

(2) Subject to sub-paragraph (3), where a person travels by private motor car, the allowance shall be—

- (a) a rate not exceeding a fixed pence per mile rate each way as determined; or
- (b) where the court accepts that there was no alternative public transport available, or use of a private motor car was reasonable, a rate not exceeding a fixed pence per mile rate each way as determined.

(3) The rates specified in sub-paragraph (2) above shall be increased by a supplement, to be determined, of a fixed pence per mile rate for each passenger carried and to whom an allowance would otherwise have been payable under this Schedule.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations consolidate the Jurors' Allowances (Scotland) Regulations 1977 and establish the scheme for allowances payable to jurors. They introduce new bandwidths and higher rates to be payable to jurors where trials extend between 1-5 days, 6-100 days and 101 days and over. They also introduce a new heading under which jurors can claim, being childminder and dependent adult carer costs.

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