



Justices of the Peace Act 1949

1949 CHAPTER 101

PART I

PROVISIONS AS TO INDIVIDUAL JUSTICES

8 Travelling and lodging allowances

- (1) Subject to the provisions of this section, a justice of the peace shall be entitled to receive payments at the prescribed rates by way of travelling allowance or lodging allowance where expenditure on travelling or, as the case may be, on accommodation for the night is necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice.
- (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 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—
 - (a) if the duties are performed not more than three miles from his usual place of residence; or
 - (b) if in respect of those duties a travelling or lodging allowance may be paid to him under arrangements made apart from this section or regulations provide that this section shall not apply.
- (4) A stipendiary magistrate or recorder shall not be entitled to any payment under this section in respect of his duties as such, and a paid chairman or paid deputy chairman of quarter sessions shall also not be entitled as aforesaid except in so far as may be agreed between the court of quarter sessions and the authority paying his salary at the time his salary is determined.
- (5) Allowances under this section shall be paid as follows:—
 - (a) any allowance to a justice for the City of London in respect of his duties as such shall be paid by the corporation of the City ;

Status: This is the original version (as it was originally enacted).

- (b) any allowance to a county justice or a borough justice in respect of his duties as such shall be paid by the county council or borough council, as the case may be.
- (6) Regulations may make provision as to the manner in which this section is to be administered, and in particular—
 - (a) for prescribing the rates of allowances, and the forms to be used and the particulars to be provided for the purpose of claiming payment thereof; 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 by resolution of either House of Parliament.
- (8) This section shall in its application to Scotland have effect subject to the following modifications:—
 - (a) references to recorders and paid chairmen or paid deputy chairmen of quarter sessions shall be omitted;
 - (b) for subsection (5) there shall be substituted the following subsection:—
 - “(5) Section one hundred and eighty-seven of the Local Government (Scotland) Act, 1947 (which relates to expenses of justices of the peace), shall apply to the allowances payable to justices under this section in like manner as it applies to the sums mentioned in the said section one hundred and eighty-seven”;
 - (c) the provisions of this section shall not apply in relation to the duties of a justice as a member of a licensing court or court of appeal under the Licensing (Scotland) Acts, 1903 to 1934.