

2023 No. 737

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Justices' Allowances (Amendment) Regulations 2023

<i>Made</i> - - - -	<i>29th June 2023</i>
<i>Laid before Parliament</i>	<i>4th July 2023</i>
<i>Coming into force</i> - -	<i>25th July 2023</i>

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 15(8) and 108(6) of the Courts Act 2003(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Justices' Allowances (Amendment) Regulations 2023 and come into force on 25th July 2023.

(2) These Regulations extend to England and Wales.

Amendment of the Justices' Allowances Regulations 2015

2.—(1) The Justices' Allowances Regulations 2015(b) are amended as follows.

(2) In regulation 2 (requirements applying to lay justices who submit claims)—

(a) omit paragraphs (1) to (3);

(b) after paragraph (3) insert—

“(3A) A lay justice who wishes to submit any claim must—

(a) do so in writing, and

(b) include the following particulars in relation to the claim—

(i) the type of lay justice duty undertaken,

(ii) the date of the duty,

(iii) the location where the duty was undertaken, and

(iv) the times of departure for, and arrival back from, the location where the duty was undertaken.

(3B) Where the lay justice is submitting a claim for travelling allowance(c), they must also provide—

(a) 2003 c. 39.

(b) S.I. 2015/1423.

(c) See the definition of “travelling allowance” in section 15(3) of the Courts Act 2003.

- (a) the location departed from before, and returned to after, the performance of the duty,
- (b) the total distance travelled for the purpose of performing the duty, if driving,
- (c) the engine capacity of the vehicle used, if driving,
- (d) the total value of other expenditure directly incurred on travelling, such as public transport costs, tolls and fees, if any,
- (e) evidence in relation to sub-paragraph (d), if applicable, and
- (f) a declaration that they have necessarily incurred expenditure on travelling for the purpose of enabling them to perform their duties as a lay justice.

(3C) Where the lay justice is submitting a claim for subsistence allowance^(a), they must also provide—

- (a) the total value of expenditure incurred on subsistence,
- (b) evidence in relation to sub-paragraph (a), and
- (c) a declaration that they have necessarily incurred expenditure on subsistence for the purpose of enabling them to perform their duties as a lay justice.

(3D) Where the lay justice is submitting a claim for financial loss allowance^(b), they must also provide—

- (a) evidence of loss of earnings or social security benefits suffered by reason of the performance of the duty, if any,
- (b) the total value of any other expenditure incurred by reason of the performance of the duty, if any,
- (c) evidence in relation to sub-paragraph (b), if applicable, and
- (d) a declaration that they have suffered loss of earnings or social security benefits, or incurred any other expenditure, by reason of the performance of their duties as a lay justice.”;

(c) in paragraph (4), for “make” substitute “submit”.

(3) Omit regulation 3 (transitional provision).

(4) Omit Schedules 1 and 2.

Saving provision

3. The amendments made by regulation 2 of these Regulations do not apply to any claim submitted before 25th July 2023.

29th June 2023

Mike Freer
Parliamentary Under Secretary of State
Ministry of Justice

(a) See the definition of “subsistence allowance” in section 15(4) of the Courts Act 2003.
(b) See the definition of “financial loss allowance” in section 15(5) of the Courts Act 2003.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Justices' Allowances Regulations 2015 (S.I. 2015/1423) ("the 2015 Regulations"), which govern the claiming of allowances by lay justices for travelling, subsistence or financial loss under section 15 of the Courts Act 2003.

Regulation 2 amends regulation 2 of the 2015 Regulations. It removes the requirement for lay justices to submit an Annual Declaration and to use a prescribed claim form in order to claim allowances, as well as removing the authorisation for lay justices to submit claims in a different format with the agreement of the Lord Chancellor. It also revokes the Schedules to the 2015 Regulations containing the prescribed forms.

Regulation 2 also prescribes in detail the generic particulars to be provided in order to submit an allowances claim, as well as additional particulars to be provided for a claim for travelling, subsistence or financial loss allowances.

A full regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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