

2015 No. 1423

JUSTICES OF THE PEACE, ENGLAND AND WALES

The Justices' Allowances Regulations 2015

Made - - - - *18th June 2015*

Laid before Parliament *26th June 2015*

Coming into force - - *1st August 2015*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 15(8) and 109(4) and (5) of the Courts Act 2003(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Justices' Allowances Regulations 2015 and come into force on 1st August 2015.

(2) In these Regulations—

“claim” means a claim for a travelling, subsistence or financial loss allowance under section 15 of the Courts Act 2003.

Requirements applying to lay justices who submit claims

2.—(1) A lay justice who wants to submit a claim must submit an Annual Declaration each year in the form set out in Schedule 1 at a time stipulated by the Lord Chancellor.

(2) A lay justice must complete and submit any claim to the Lord Chancellor in the form set out in Schedule 2 and in accordance with the requirements specified in that form.

(3) A lay justice may only submit a claim in a different format from that set out in Schedule 2 if the Lord Chancellor agrees.

(4) A lay justice must make any claim within 1 month of the date on which the expenditure or loss to which the claim relates was incurred.

Transitional provision

3. These Regulations apply to any claim submitted on or after 1st August 2015.

(a) 2003 c. 39. Section 15 has been amended by section 15(1) and paragraphs 308 and 317 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4). Section 109 has been amended by section 15(1) of, and paragraphs 308 and 349 of Schedule 4 to, the Constitutional Reform Act 2005.

Revocations

4. The Justices' Allowances Regulations 1976(a) and the Justices' Allowances (Amendment) Regulations 1976(b) are revoked, except to the extent necessary for the purposes of dealing with any claim submitted in accordance with those Regulations before 1st August 2015.

18th June 2015

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

-
- (a) S.I. 1976/117, as amended by S.I. 1976/2118 and S.I. 1985/1383. S.I. 1976/117 was made under the powers contained in Part III of Schedule 1 to the Administration of Justice Act 1973 (c.15), as repealed by Schedule 3 to the Justices of the Peace Act 1979 (c.55), and re-enacted under section 12 of the Justices of the Peace Act 1979. The provisions of section 12 were repealed by Schedule 6 to, and re-enacted by section 10 of, the Justices of the Peace Act 1997 (c.25). Section 10 of the Justices of the Peace Act 1997 was repealed by s.109(3) of and Schedule 10 to, the Courts Act 2003 (c.39) and re-enacted by section 15 of that Act. By virtue of section 17 of the Interpretation Act 1978 (c.30), the 1976 regulations continued to have effect under the enabling powers as re-enacted.
- (b) S.I. 1976/2118.

SCHEDULE 1

Regulation 2(1)

Schedule 1



**HM Courts &
Tribunals Service**



Gwasanaeth Llysoedd
a Thribiwnlysoedd EM
HM Courts &
Tribunals Service

MAGISTRATES' ANNUAL DECLARATION FORM FOR FY

ANNEX B

1. Personal details

Justices' Expense Account Number	
Magistrates Name	
Home Address	
Home Post Code	
Work Address	
Work Post Code	
Telephone Number	
Email Address	
Bench	
Court Location A	
Court Location B	
Court Location C	
Court Location D	
Employment status	<input type="checkbox"/> Employed full-time <input type="checkbox"/> Employed part-time : hours per week <input type="checkbox"/> Self-employed <input type="checkbox"/> Not employed <input type="checkbox"/> Carer provision
<i>Please tick appropriate box(es)</i>	
Nature of employment / vocation	

2. Financial Loss

I attach the following supporting documentation, in line with the flowchart requirements at Annex A of the policy notes.	<input type="checkbox"/> SA302 – tax return from HMRC
	<input type="checkbox"/> P60 – tax certificate from employer
	<input type="checkbox"/> Payslip – showing deduction for judicial duties
	<input type="checkbox"/> Letter from employer – Letter headed
	<input type="checkbox"/> Profit & Loss Account / Comprehensive Income Statement
	<input type="checkbox"/> Employment Contract terms / Allowance schedules
	<input type="checkbox"/> Stand In form – replacement / ad-hoc employee (Annex C)
	<input type="checkbox"/> Carer Certificate – (Annex D)
I will inform the Magistrates Expenses Team (MET) if my employment circumstances change	

Please turn over

Page 1

3. Mileage and Travel Allowance

The engine capacity of the principle vehicle available for my use on judicial duties is: cc.	
Where more than one vehicle is available, Magistrates' should claim the appropriate rate based on the engine capacity of the vehicle in use on that day.	
The return home to court A distance, via the most direct route is:	miles.
The return work to court A distance, via the most direct route is:	miles.
The return home to court B distance, via the most direct route is:	miles.
The return work to court B distance, via the most direct route is:	miles.
The return home to court C distance, via the most direct route is:	miles.
The return work to court C distance, via the most direct route is:	miles.
The return home to court D distance, via the most direct route is:	miles.
The return work to court D distance, via the most direct route is:	miles.
In signing this form I certify that the information provided herein is true and correct. That I have read and understood the "Magistrates Expenses Policy" document and that all subsequent expense claims made are done so legitimately and in accordance with the information provide herein.	
Signed (Magistrate):	Date:

4. HMCTS MET Authorisation	Approved to claim FLA up to: £
Signed:	Date:

Please return completed form to:

**MET, HMCTS FINANCE DIRECTORATE
 MANCHESTER CIVIL JUSTICE CENTRE, LEVEL 1
 PO BOX 4237
 1, BRIDGE STREET WEST
 MANCHESTER
 M60 1TE**

DX 724780 MANCHESTER 44

SCHEDULE 2

Regulation 2(2)

SCHEDULE 2



**HM Courts &
Tribunals Service**

Magistrates expenses claim form

To be completed by court staff

Log Number

Completed forms should be submitted to the court unless other directions have been received.

Section A – Personal Detail

Title	Initials	Surname
Address		Post Code
Engine Capacity		
Justices Expenses Account Number (JEAN)		Bench

Declaration

With respect to the claim as detailed in section B of this form, I have actually and necessarily

- 1 incurred expenditure on travelling and subsistence
- 2 suffered loss of earnings which I would otherwise have made
- 3 incurred additional expenditure to which I would otherwise not have been subject

for the purpose of enabling me to perform my judicial duties.

The amounts claimed do not exceed those which I am entitled to receive in accordance with the rates prescribed from time to time by the Lord Chancellor and assessed as appropriate by HMCTS officials.

I declare that the above statements are correct. I accept that all claims submitted via a nominated email address and quoting the appropriate code are submitted on the understanding that the claim declaration is deemed to have been signed by me.

I am signing that all information I have provided is accurate.

Signature of claimant / Pass code	Date	
	Tel Number	

Accounting Information: TO BE COMPLETED BY COURT STAFF				
Operating Unit	Business Entity Code	Natural Account Code	Amount (£ and p)	Description
2	0	224420		Travel & Subsistence
2	0	224421		Employed - FL
2	0	224422		Self Employed - FL
Total (See section B of claim form – Total Claim)				Total authorised for payment

Instructions for the completion of the Justices / Advisory Committee Expenses Claim Form

SECTION A: Personal Details	
Complete Section A of the claim form in full	
Personal Details	Complete all the fields in the Personal Details box. Once the information has been entered and saved it will be held in the claim form and will only need to be changed if any of the Magistrates personal details need to be amended.
Justices Expense Account Number (JEAN)	The Justices Expense Account Number is a unique account number allocated to each individual Magistrate, by HMCTS and must be entered on each claim form. If you have not received your Justices Expenses Account Number, please email the Magistrates Data Maintenance Team (MDMT) at: MDMT@HMCTS.GSI.GOV.UK.
Signature of Claimant / Passcode	If submitting this claim form via email the Passcode field must be completed. Please note the form requires the completion of this information each time a claim is submitted, as the form automatically defaults to clear this field. This is a security measure.
PLEASE INFORM THE MDMT TEAM OF ANY CHANGE TO ADDRESS, BANK DETAILS, EMAIL ETC TO ENSURE PAYMENTS ARE NOT DELAYED.	
SECTION B: Details of the claim	
Date Travelled:	Enter the date for which you are making the claim in the format DD/MM/YYYY.
Time & Point of Departure:	You would normally depart from home or work. Enter in the box "Home" or "Work" and the time of departure in the format HH:MM.
Time & Point of Return:	Enter the time you arrived home or at your place of work, traveling directly from the place you carried out your judicial duty, in the format HH:MM.
Location visited:	Enter the venue / location where you carried out your judicial duty.
Purpose:	Enter the purpose of the journey.
Mileage Travelled (A):	Enter the number of miles you are claiming. This should include fractions of miles where appropriate (i.e. 5.2 miles).
Mileage Rate (B):	The rate you are claiming for the mileage is determined by the engine capacity of the vehicle you use for the journey. The personal details box is where you select the appropriate CC.
Total Mileage Claimed:	The form will automatically calculate the monetary value of the mileage claimed multiplied by the rate attributed to the CC of the vehicle.
Fares & Other Travel:	Enter the monetary value for train fares, taxi fares, car parking, etc. The form will total the amount claimed in the total box at the foot of the column. Please note: justification for such amounts must be given, particularly in the case of email submissions. Magistrates should retain receipts, in case they are required for audit purposes.
Subsistence:	Four options are available here. The "exact cost" allows a Magistrate to enter the amount they wish to claim subject to upper limits. The "calculated cost" works out entitlement subject to the hours. Overnight subsistence (within and without London) is also available where appropriate and covers accommodation and evening meal.
Other Expenses:	Enter expenditure on postage, photocopying, printing (from PC at home), telephone calls and other expenditure of a similar nature incurred through carrying out Magistrates' duties. Please note: justification for such amounts must be given, particularly in the case of email submissions. Magistrates should retain receipts, in case they are required for audit purposes.
Financial Loss:	<p>a. Enter the amount of financial loss you are claiming.</p> <p>b. Please indicate whether you are claiming financial loss as an employed or self-employed person. The spreadsheet will total the amount claimed in the total box at the foot of the column.</p>
Total Claim:	The spreadsheet will total the amount for each claim date in the total box at the end of each line and also the total amount of the completed claim in the total box at the foot of the column.
Print / Email Completed Claim Form:	Once you have completed the claim form, the claim form can be printed and signed or submitted via email with a Passcode.
So that you can check that you have been paid the amount you have claimed, keep either a copy of your claim form or a note of the total amount claimed. This information is also useful to HMCTS staff in tracing a claim.	

HOW TO MAKE A CLAIM

Justices / Advisory Committees' Expense Claim Form

GENERAL INFORMATION

1.	In order that the claim can be processed for payment with the minimum of delay it is essential that the claim form is fully completed and signed (or includes the passcode). An incomplete claim form will be rejected. Please cross through any unused lines on the paper claim form. email submission of claim forms must be via the designated email account and include the passcode, otherwise it will be returned unprocessed.
2.	If you are unsure as to whether you are able to make a claim, please contact your local court/office. The court/office is your point of contact for any claim related queries. Magistrates should refer to the HMCTS Magistrates Expenses Policy document to check entitlement to claim expenses.
3.	All claims must be for expenditure or loss incurred as a result of carrying out Judicial or Advisory Committee duties.
4.	All claims must be made on the HMCTS claim form. If you cannot download the form please ask the local court to provide you with a paper copy. The form is available as a Microsoft Excel or Adobe PDF document which will enable those Magistrates, who wish to do so, the facility to complete and submit the form electronically. The form can also be printed out and submitted to the court in paper format.
5.	Claims should be submitted on a monthly basis to facilitate correct accounting of expenditure. All claims for the preceding financial year (ending 31st March) must be submitted by the 14th April.
6.	The form automatically uses the prevalent expense rates and will be updated as and when rates change. Please ensure you have the most current version of the form.
7.	The boxes surrounded by a double line are for completion by HMCTS staff processing the claim.
8.	The declaration. Please read this declaration carefully and then sign and date the claim form. There must be an original signature on the paper claim form or a Passcode number supplied with the emailed claim form. the Passcode number is your electronic signature, so please keep it secure.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Justices' Allowances Regulations 1976 (S.I. 1976/117) and the Justices' Allowances (Amendment) Regulations 1976 (S.I. 1976/2118) governing the claiming of allowances by lay justices for travelling, subsistence or financial loss under section 15 of the Courts Act 2003.

Regulation 2 requires any lay justice who wants to claim their allowances to submit an Annual Declaration. Schedule 1 prescribes the form of the Annual Declaration.

Regulation 2 requires any lay justice who wants to claim their allowances to do so on the prescribed form set out at Schedule 2 to the Regulations. A different format (such as an electronic format) may be used with the Lord Chancellor's agreement.

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

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