

## Serial Number 1952/125



**THE MAGISTRATES' TRAVELLING ALLOWANCES  
REGULATIONS 1952**

FREYBERG, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 16th day of June 1952

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Magistrates' Courts Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

**1.** (1) These regulations may be cited as the Magistrates' Travelling Allowances Regulations 1952.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2.** The regulations referred to in the Schedule to these regulations are hereby revoked.

**3.** (1) Where the duties of a Magistrate require him to be absent from his headquarters for a continuous period of twenty-four hours or longer or a period involving his leaving from or returning to his headquarters on successive days, there shall be payable to him a subsistence allowance at such daily rate as the Minister of Finance from time to time approves in that behalf.

(2) For the purposes of this regulation the daily rate shall be computed in respect of each period of twenty-four hours of absence commencing at the hour of departure from headquarters, and where a subsistence allowance is payable in respect of an absence of part of a day the rate shall be one twenty-fourth of the full daily rate for each hour's absence:

Provided that, in computing a subsistence allowance, a fraction of an hour less than a half shall not be taken into account and a fraction of an hour of a half or more shall be deemed to be a full hour.

(3) Where the absence is for a period of less than twenty-four hours and the Magistrate leaves from and returns to his headquarters on the same day, there shall be payable to him, instead of the subsistence allowance referred to in subclause (1) of this regulation, his actual and reasonable out-of-pocket expenses, but so that the payment (excluding fares and other locomotion expenses) is not greater than he would be entitled to as a subsistence allowance for a period of twenty-four hours.

(4) Where a Magistrate when travelling by train at night is provided with a sleeping-berth the subsistence allowance shall be reduced by a quarter of one day's allowance.

(5) Where a Magistrate when travelling by sea is provided with a breakfast, midday meal, or evening meal or at night is provided with sleeping accommodation, the subsistence allowance shall be reduced by a quarter of one day's allowance for each such occasion.

**4.** (1) Where a Magistrate is entitled to any payment under regulation 3 hereof, there shall be paid to him in addition all fares and other locomotion expenses actually and reasonably incurred in travel, including the provision of first-class accommodation by railway, ship, aircraft, motor vehicle, or other public conveyance plying for hire on the route traversed, and ordinary sleeping berths on trains and deck cabins on ship.

(2) Where in any such case a Magistrate is authorized to use a private means of conveyance there shall be payable to him a mileage allowance at the maximum rate (according to the horsepower of the vehicle used) for the time being payable to officers of the Government service travelling on public business, together with garage expenses incurred up to 2s. 6d. a night for every night that the vehicle has to be kept away from the usual place of residence of the Magistrate.

(3) The mileage allowance shall be computed in respect of the total length of the shortest practicable route for the journey.

**5.** Where the duties of a Magistrate require him to be absent from his headquarters and, in the opinion of the Minister of Justice, the Magistrate is required to travel in special circumstances, the Minister of Justice, with the approval of the Minister of Finance, may authorize the payment of travelling allowances and expenses at special rates.

**6.** No payment shall be made under these regulations until the Magistrate claiming the payment has completed the appropriate form setting out:—

(a) The particulars of the amounts payable, to which shall be attached vouchers for every disbursement in excess of 5s. other than disbursements for fares and locomotion expenses in public conveyances;

(b) The duty on which the Magistrate was travelling; and

(c) That the expenses set out in the particulars were actually incurred and that the claim is correct in all respects.

**7.** Every claim for payment under these regulations shall be signed and certified by the claimant and certified as correct by an employee in the Department of Justice authorized to certify vouchers.

**8.** The provisions of these regulations shall apply only to travel within New Zealand.

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## SCHEDULE

Reg. 2]

## REGULATIONS REVOKED

Regulations Revoked.	Published in <i>Gazette</i> .	
	Year.	Page.
Regulations made under section 10 of the Magistrates' Courts Act 1928 on the 2nd day of July 1934	1934	2093
	Published in Statutory Regulations.	
	Serial Number.	Page.
The Stipendiary Magistrates (Travelling Allowance) Amendment Regulations 1948	1948/75	248

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations provide for the payment of travelling allowances to Magistrates.

The rates of subsistence allowances (which are allowances designed to recoup Magistrates for out-of-pocket expenses other than fares) will be fixed by the Minister of Finance. The rates of mileage allowances (which are allowances to cover the expense of the use of a private vehicle) will be the same as those paid to officers of the Government service.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 June 1952.

These regulations are administered in the Department of Justice.