

Judicial Office
for Scotland



**JUDICIAL FINANCE GUIDE FOR TRAVEL AND SUBSISTENCE
FOR MEMBERS OF THE SCOTTISH JUDICIARY**



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Introduction

Welcome to the Judicial Office for Scotland’s judicial finance guide for travel and subsistence for members of the Scottish judiciary.

This guide sets out the conditions on the current rates and general rules relating to travel, accommodation and the completion of claim forms.

This guide applies to the following judicial office holders:

- Senators, Re-employed retired (fee-paid) judges and fee-paid temporary judges;
- Sheriffs Principal, Sheriffs and Summary Sheriffs;
- Chairman, Deputy Chairman and Members of the Scottish Land Court;
- Part-time Sheriffs and Part-time Summary Sheriffs; and
- Re-employed retired Sheriff Principal, Sheriffs and Summary Sheriffs.

Principles

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The aim of this guidance is to ensure that judicial office holders are compensated for any necessary costs arising specifically from the requirement to undertake official travel. Travel and subsistence arrangements are not about remuneration. Receipts must be provided where specified.

The first thing you might ask yourself: Is my journey necessary? Travel has a significant environmental and economic impact and we can all help by being smarter about when and how we travel.

Before arranging official travel, you should consider:

- Is video or teleconferencing an option for you?
- Can you maximise the value of your trip by, for example, arranging your itinerary to include multiple tasks on the same visit?
- Are only necessary people travelling?
- Can your meeting or event be arranged in such a way to minimise the travel requirements for participants?

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3. Official Travel

If you are required to undertake official travel in the course of your duties and you incur extra costs, you will be entitled to claim some or all of your extra costs in accordance with the rules set out in this guidance.

Official travel means travel for the purpose of official business, including:

- attendance at a different location from your permanent base court.
- attending the Judicial Institute for a training course.
- attending an approved meeting / conference / event.

Official travel does not include travel between home and your base court.

The below table provides details of your base court or further information

<u>Judicial Office Holder</u>	<u>Base Court / Further Information</u>
Senator, Re-employed retired (fee-paid) judge and fee-paid temporary judge	Parliament House, Edinburgh
Sheriff Principal/Sheriff/Summary Sheriff (Floating or Residential)	The Direction issued to you on appointment or transfer specifies your base court.
Chairman, Deputy Chairman, Members of the Scottish Land Court	George House, Edinburgh.
All other fee-paid judiciary	Your base court is deemed to be your home address.

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4. Travel by Public Transport

Judicial office holders are expected to travel by the most cost effective method. When traveling by public transport, judicial office holders should take advantage of reduced fares and any discounted arrangement such as, day returns, saver tickets and the use of personal railcards. If a Judicial Office Holder can demonstrate that the savings made are greater than the cost of a personal railcard, this can be reimbursed. The Judicial Office can assist with providing such evidence where travel bookings are made via the Booking Unit. The use of a Scottish National Entitlement Card is strongly encouraged to obtain free bus travel for those over 60. Details of how to apply for this can be found here.

Judicial office holders are encouraged to make travel arrangements via the Booking Unit as soon as they receive confirmation that a business journey will be undertaken to ensure the best value fares can be taken advantage of. All claims should reflect the actual expense incurred and must be supported by the relevant receipts.

Rail Travel – First Class travel

The Judicial Office for Scotland recommends that judicial office holder travel by the cheapest available fare (standard class). However, there may be occasions when it will be appropriate to travel first class, for example:

- Where it is necessary to work on judicial matters during the journey, and the work can only be undertaken within the greater space or with the privacy necessary to ensure confidentiality which is more readily available in a first class coach.
- Where there are no standard class facilities to accommodate those with disabilities, other medical reasons such as back problems, or pregnancy.

The reason for first class must be stated on the claim form when submitting your expenses.

Travel by Taxi

Travel by taxi is not an entitlement and where possible journeys should be made by public transport.

Taxi journeys can only be reimbursed when there is no other suitable method of public transport or in exceptional circumstances, this can be:

- Where heavy luggage has to be transported.
- The saving of time is important.
- Where a taxi can be shared with other colleagues and the fare would be cheaper than the cumulative public transport costs.
- Where the judicial office holder is disabled, for medical reasons, such as back problems, or pregnancy and other means of transport are not practicable.

The reason for using a taxi must be stated on the claimform.

Air Travel – Domestic (UK & Northern Ireland)

Air travel should only be used when there is a business justification either because of cost advantage, official time saving or if urgency justifies the additional cost. Where possible, domestic flights should be booked through the Booking Unit and as far in advance as possible to obtain the best price.

All domestic flights will be booked at an economy fare. An exception to this rule will only be allowed to accommodate those with a disability or other medical reasons.

Air miles and similar benefits earned through official travel should not be used for private purposes. Judicial office holders in receipt of air miles or other frequent flier scheme points should use them for official purposes where possible.

Travel by Private Transport

The Judicial Office for Scotland will reimburse the cost of travel by private car, motor cycle or pedal cycle in accordance with the rates set out in the below table:

Mode of transport	Mileage	Rate per mile	Notes
Private car	First 10,000 miles of any tax year	45p	In addition, parking fees (but not fines) and bridge tolls may be paid where appropriate. Receipts should be submitted with claims.
	Over 10,000	25p	
Motor cycle	All miles travelled	24p	
Pedal cycle	All miles travelled	20p	
Passenger	All miles travelled	5p	The allowance can only be claimed by the judicial office holder driving and is only applicable when the passenger carried is a judicial office holder who would otherwise be entitled to make a claim for the same journey.

The “lesser of” rule

This rule applies when you travel on official business to somewhere other than your base court. The reimbursement you are entitled to receive is limited to the lesser of either:

- The actual travel costs you incur; or
- The costs you would have incurred if your journey had begun from your base court by the shortest practical route.

If journeys start and end at the permanent office the “lesser of” rule need not be applied and full travel costs may be claimed. If an individual does not use a car to get to work or their normal cost of travel to work is nil or negligible then mileage/public transport costs may be claimed for the full journey. Further information on the application of the “lesser of rule” can be found at [AnnexA](#).

Please contact the Judicial Office if you are unsure about what you may claim.

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5. Subsistence

Subsistence allowances are designed to meet the extra cost incurred by judicial office holders working away from their home or base court. Subsistence may be claimed up to the limits set out in this Guide.

Subsistence consists of:

- Lunch Subsistence
- Overnight Subsistence

Lunch Subsistence

Lunch costs can only be claimed if you are working outwith a reasonable distance (**1hr and 30 minutes**) from your base court/home, and there are no facilities to either store or prepare food. The cost for purchasing lunch may be reimbursed up to the value of £5, **as long as a receipt is provided**. Please note that most court buildings will have an appropriate facility to store and prepare your lunch.

Overnight Subsistence – UK & Northern Ireland

Overnight subsistence is available when the judicial office holder cannot reasonably be expected to make a return journey to and from judicial business in the same day. As a general rule, the following would merit a claim for overnight subsistence:

- a single journey in excess of 90 minutes;
- over 50 miles each way;
- exceptional circumstances e.g. when there is a business need that would require an early start or late finish or a long running trial where daily travel is not conducive to effective management of the case.

Overnight Subsistence Allowances

Judicial Office Holder	Subsistence Category	Maximum Reimbursement – per night
Judges and Re-Employed Retired Judges	Hotels or clubs	£140
	Meals & Incidentals for the 24 hour period	£30
All other Judicial Office Holders	Hotels or clubs	£100
	Meals & Incidentals for the 24 hour period	£30
All Judicial Office Holders	Evening meal & incidentals when staying with friends and family	£30

Where possible, all bookings for overnight accommodation should be made through the Booking Unit who will be billed directly for the accommodation and meals taken in the hotel. Where bookings are not made by the Judicial Office and the room rate is above the maximum daily amount, reasons for this will need to be given and approval from Judicial Office sought. This will have no effect on the meals & incidental allowance.

In certain circumstances, such as when an urgent booking is required out with normal business hours, the judicial office holder may book their own accommodation. Receipts for your accommodation, meals and incidentals must be submitted with any claim. Failure to provide the correct documentation may result in your claim being rejected.

When staying with friends and family, the cost of an evening meal and incidentals can be claimed when receipts are provided.

6. Conferences and International Travel

1. Introduction

Attendance at any conference must be approved by the Lord President. Further information can be found in the Guidance Note issued by the Lord President.

2. Principles

When considering the costs of attendance at a conference, judicial office holders should contact the Booking Unit as soon as possible for an estimate of the likely travel and accommodation costs.

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Only once approval has been granted, the judicial office holder is encouraged to contact the Booking Unit as soon as possible to ask them to book the appropriate flights and accommodation.

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International travel

International travel is defined as travel where the final destination is outside of the United Kingdom.

The process for obtaining approval for attendance at international conferences is as per the Lord President's Guidance Note above.

As a general rule only flights that are more than 5 hours will be considered for premium economy or business class. An exception to this rule will only be allowed to accommodate those with a disability or other medical reasons.

To ensure a fair and consistent approach, the Judicial Office for Scotland has elected to use the [benchmark scale rates](#), published by HMRC for judicial office holders traveling outside the UK. The Judicial Office for Scotland will reimburse judicial office holders up-to the limits noted in the tables.

The benchmark rates do not cover allowances that judicial office holders may incur en route – for example, the cost of a tram to the airport in the UK or necessary car parking costs at the airport.

Where a judicial office holder is required to travel overseas on official business, medical insurance should be purchased. The cost of this purchase can be reimbursed by the Judicial Office for Scotland and should be claimed by submitting a T&S form, along with proof of purchase.

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Time Limits

Regular claims submissions allow the Judicial Office to monitor the travel and subsistence budget effectively to ensure that any queries are brought to the judicial office holder's attention in good time. As a general principle, failure to submit a claim within a three month period may result in your claim not being processed. All claims must be submitted within the same financial year. In the event that a claim is submitted out-with this period, you must inform the Judicial Office as to the reason why. It will be for the discretion of the relevant Policy Manager in the Judicial Office to decide whether the claim should be processed.

Completion of T&S Claim Forms

The Judicial Office is required to retain clear and detailed information for audit purposes; this includes claims forms, receipts and bookings. Therefore, claim forms must be fully completed. Failure to complete the form correctly will cause delay in processing your claim.

Where necessary and required under this guidance, receipts must be attached to your claim form. Failure to provide a receipt may mean that you will not be reimbursed for the cost incurred.

We welcome and encourage the submission of electronic claims, as long as the relevant receipts are clearly scanned and there is no reason for the original to be kept.

Annex A

The “lesser of” rule

When travelling on official business, reimbursement is limited to the lesser of the actual costs or the expenses which would have been incurred if the journey had begun at the permanent office by the shortest practicable route.

	Place visited Home 7 25 Office 20	Place visited Home 15 10 Office 7	Place visited Home 10 10 Office 15
1) Home to place visited and back to home	Claim = 14 miles i.e. actual mileage met as shorter than travelling from base to place visited	Claim = 20 miles i.e. limited to return mileage between office and place visited	Claim = 20 miles i.e. actual mileage = distance between office and place visited
2) Office to place visited and back to office	Claim = 50 miles i.e. actual mileage because journey starts and ends at office	Claim = 20 miles i.e. actual mileage because journey starts and ends at office	Claim = 20 miles i.e. actual mileage because journey starts and ends at office
3) Home to place visited to office	Claim = 32 miles i.e. actual mileage met as shorter than return journey between office and place	Claim = 20 miles i.e. actual distance limited to return mileage between office and place visited	Claim = 20 miles i.e. actual mileage = return mileage between office and place visited
4) Office to place visited to home	Claim = 32 miles i.e. actual mileage met as shorter than return journey between office and place visited	Claim = 20 miles i.e. actual distance limited to return mileage between office and place visited	Claim = 20 miles i.e. actual mileage = return mileage between office and place visited