

Reprint
as at 7 August 2020



Travelling Allowance Regulations 1949 (SR 1949/94)

B C Freyberg, Governor-General

Order in Council

At the Government House at Wellington this 6th day of July 1949

Present:

His Excellency the Governor-General in Council

Pursuant to the Regulations Act 1936, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

Contents

	Page
1	2
2	2
3	2
4	2
5	2
6	3
7	3
8	3
9	3

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Treasury.

10	4
11	4
12	4
13	4
14	4
15	5
16	5
17	5
18	6
19	6

Regulations

1

These regulations may be cited as the Travelling Allowance Regulations 1949.

2

These regulations shall apply to and shall be deemed to be incorporated in all regulations hereafter enacted to which by such regulations it is declared that these regulations shall apply.

3

In these regulations, and in any regulations to which these regulations are declared to apply, unless inconsistent with the context,—

board means the board, commission, committee, council, or other organisation to which the particular regulations relate

committee includes subcommittee

member means a member of the board

particular regulations means the regulations to which these regulations are declared to apply.

4

For the purposes of the 2 next succeeding regulations **a day** means a period of 24 hours commencing at midnight, and every period of absence shall be computed from and to the nearest exact hour to the times of departure from and return to the member's usual place of residence.

5

When his attendance at a meeting of the board or a committee of the board or in transacting any business of the board pursuant to a resolution of the board requires a member to absent himself from his usual place of residence for a continuous period of 24 hours or longer, or a period involving his leaving and

return on successive days, then, subject to regulation 7, there shall be paid to him by way of subsistence allowance in respect of the time during which he is so absent a payment after the rate specified in that behalf in the particular regulations.

6

When his attendance at a meeting of the board or a committee of the board or in transacting any business of the board pursuant to a resolution of the board requires a member to absent himself from his usual place of residence for a continuous period of less than 24 hours, leaving and returning on the same day, then, subject to regulation 7, there shall be paid to him by way of a subsistence allowance his actual reasonable out-of-pocket expenses, but so that the payment is not greater than he would be entitled to for an absence of 24 hours.

7

- (1) Where a member when travelling by train at night is provided with a sleeping berth, the subsistence allowance shall be reduced by one-quarter of 1 day's allowance.
- (2) Where a member when travelling by sea is provided with a breakfast, midday meal, or evening meal or by night is provided with sleeping accommodation, the subsistence allowance shall be reduced by one-quarter of 1 day's allowance for each such occasion.

8

In respect of his attendance at a meeting of the board or a committee of the board or in transacting any business of the board pursuant to a resolution of the board there shall be paid to each member all locomotion expenses actually and reasonably incurred in surface travel, including the provision of first-class accommodation by railway, ship, motor vehicle, or other public conveyance plying for hire on the route traversed, and ordinary sleeping berths on trains and deck cabins on ships.

9

Where the surface journey or any part thereof is served by more than 1 means of public conveyance, then, whichever means be used, the member shall be entitled only to the locomotion expenses payable for travel by the least expensive of such means of conveyance:

provided that locomotion expenses by any alternative of such means of conveyance may be paid, when by reason of the saving of time produced the total expense to the board (including cost of transport and subsistence allowance) does not exceed the total that would have been payable had the least expensive of such means of conveyance been used.

10

Locomotion expenses actually and reasonably incurred in air travel may be paid where such travel is undertaken with the prior authority of the board given by resolution either generally or for a particular case, and where such authority has been given the provisions of the last preceding regulation shall apply with all necessary modifications.

11

Where with the approval of the board given on the ground of exceptional circumstances a private means of conveyance has been used in lieu of a public conveyance for the whole or any part of the journey, the member shall, subject to regulation 14, be entitled to payment of the fare that would have been incurred for travel by the least expensive means of public conveyance serving the same journey.

12

If no public conveyance is reasonably available for the journey or any stage of the journey and a private means of conveyance is used, the member shall be entitled to a mileage allowance computed by the shortest practicable route and to terminal expenses as specified in the next 2 succeeding regulations.

13

The mileage allowances and terminal expenses payable in the circumstances set out in the last preceding regulation shall, for journeys performed on horseback or in a horse-drawn vehicle, be a mileage allowance after the rate specified in that behalf in the particular regulations, counted each way, together with actual cost of stabling, not exceeding the amount specified in the particular regulations, for every night that the horse has to be kept away from home, and for journeys performed in a motor vehicle be a mileage allowance after the rate specified in that behalf in the particular regulations, counted each way, together with actual garage expenses, not exceeding the amount specified in the particular regulations, for every night that the vehicle has to be kept away from home.

14

Where more members than 1 travel by the same private conveyance only 1 allowance for terminal expenses shall be payable to all those members, and the total payment to be made to all those members under regulation 11 or regulation 12 shall be the fare or mileage allowance payable to 1 member increased by one-fourth for every additional member so travelling, and such total payment shall, unless the members concerned otherwise agree, be paid to them in equal shares.

15

No travelling allowance, locomotion expenses, subsistence allowance, or subsistence expenses shall under these regulations as applied by the particular regulations be paid to any member in respect of any period or occasion for which the member—

- (a) has received; or
- (b) intends to receive; or
- (c) being entitled to receive does not disclaim,—

any sum in the nature of a travelling allowance, locomotion expenses, subsistence allowance, or subsistence expenses from any person, firm, company, or body corporate, including any private trust, or from any other person or administrative body, including Her Majesty and any organ of the General Government; and if a member at any time receives any such sum from any such source as aforesaid he shall be liable to refund any payment made in respect of the same period or occasion under these regulations as applied by the particular regulations.

16

No payment of travelling allowance, locomotion expenses, subsistence allowance, or subsistence expenses shall be made until approved by a specific resolution of the board.

17

No payment shall be made under these regulations until the member claiming the payment has signed a statement setting out—

- (a) the particulars of the amounts payable, to which are attached vouchers for every disbursement in excess of 50 cents, other than disbursements for railway or aircraft fares, sleeping berths on trains, and passage money, and deck cabins on ships:
- (b) that on the days for which a claim is made he was engaged in attending a meeting of the board or a committee thereof or engaged in transacting business of the board pursuant to a resolution of the board, or travelling to or returning from such meeting or the transaction of such business:
- (c) that the expenses set out in the particulars were incurred and that the claim is correct in all respects:
- (d) that the member has not already been paid by and is not entitled to receive and will not claim or accept from any other source any sum in the nature of a travelling allowance, locomotion expenses, subsistence allowance, or subsistence expenses in respect of the period for which his claim as a member of the board is made.

18

If any person in the service of Her Majesty other than honorary service (except a person who by his retainer, commission, agreement, or the nature of his employment is not required to give and does not give his whole time to the public service and who is allowed to perform work for other persons outside the public service for his own pecuniary advantage and in his private capacity) is a member of the board, then—

- (a) if he is appointed by reason of his holding some position in the public service, the rates and amounts of subsistence allowance and the amounts of locomotion expenses hereinbefore and in the particular regulations prescribed shall not apply to such member, but he shall be entitled to receive subsistence allowance at such rate or of such amount and such amounts of locomotion expenses as would be payable to him in the capacity of an officer of the public service travelling on public business:
- (b) if he is appointed in his private capacity and not by reason of his holding some position in the public service, the provision of the last preceding paragraph of this regulation shall not apply and the other provisions hereof shall have full force and effect.

Regulation 18(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Regulation 18(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

19

These regulations shall apply only to travel within or between North Island and South Island and other islands adjacent to and not more than 100 miles distant from the coast of the North Island or South Island.

T J Sherrard,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 7 July 1949.

Reprints notes

1 *General*

This is a reprint of the Travelling Allowance Regulations 1949 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Public Service Act 2020 (2020 No 40): section 135