

**REIMBURSEMENT OF MEMBERS' EXPENSES SCHEME – STAFF TRAVEL PROVISION DEFINITION.**

**Executive Summary**

1. This paper invites the SPCB to consider the definition of the time period covered by the term “day” as listed at 5.1.4 of the Reimbursement of Members' Expenses Scheme.

**Issues and Options**

2. The provision made at 5.1.4 of the Reimbursement of Members' Expenses Scheme states:-

*5.1.4 A member is entitled to reimbursement of the cost of travel within Scotland undertaken by a member of staff, volunteer or intern in support of the member's parliamentary duties. A member's entitlement to reimbursement under this paragraph is limited to the cost of a maximum of 74 journeys per member in any financial year. A member who submits a claim under this paragraph shall certify the purpose of the journeys undertaken. A journey shall be all such travel completed within one day, but shall not include daily commuting journeys by a member of staff, volunteer or intern to a normal place of work.*

3. There is no definition of the term ‘one day’ included in the definitions listed at Section 9 of the Scheme. In administering the Scheme the Allowances Office has determined the term day to mean a 24 hour period that has one calendar date for example “Monday 15<sup>th</sup> August” and not a consecutive 24 hour period that carries over two calendar dates, for example from lunchtime on 15<sup>th</sup> August until lunchtime on 16<sup>th</sup> August.

4. The legal advice received states there is no legal definition of the term “day” and, if a statute contains a term that is not defined in it, they would look at the Interpretation Acts, and if the term is not there, to the dictionary definition, which in this case confirms the Allowances Office view, that a day would be a calendar day ending at midnight on that particular day.

5. The Allowances Office has received a request from Willie Coffey MSP to bring the matter of the definition of the term “day” to the SPCB. His view is that the term day is a 24 hour period which could cover two calendar dates and that the Allowances Office's definition is unreasonable as the clock starts ticking on the calendar day at midnight which means 7 hours of the day is already lost if a traveller sets off by 7am. He considers it is unrealistic asking staff from Kilmarnock and further to get to Edinburgh, to work all day and get home on the same calendar day in order for the travel incurred to qualify for one journey out of the 74 available. He has also advised that if the 24 hour

period definition was adopted he would receive more support in Edinburgh from staff coming up from his local office in Kilmarnock.

6. The definition proposed by Mr Coffey would require an individual making a claim against the staff travel provision to provide times of travel.

### **Resource Implications**

7. There would be potential for additional travel costs incurred if the definition proposed by Mr Coffey was adopted, and claim forms would have to be redrafted to allow for the capture of travel times. There is also the possibility that additional overnight costs would be incurred. Such overnight costs would be met from the capped Office Cost Provision.

8. There are sufficient funds in the overall expenses budget to meet any additional costs.

### **Governance Issues**

7. This paper takes account of the advice from the Office of the Solicitor to the Parliament.

### **Publication Scheme**

8. This paper can be published.

### **Next Steps**

9. Advise the Member of the SPCB's determination.

### **Decision**

10. The SPCB is invited to determine whether, in terms of 5.1.4 of the of Reimbursement of Members' Expenses Scheme, a day is defined as:-

- a 24 hour period with the same calendar date for example "Monday 15<sup>th</sup> August": or
- a 24 hour period which could cover two calendar dates, for example starting at 10am on Monday 15 August and ending at 9.59 on Tuesday 16 August.