



Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

1951 CHAPTER 65 14 and 15 Geo 6

PART V **E+W+S**

PAYMENTS TO MAKE UP CIVIL REMUNERATION

Modifications etc. (not altering text)

C1 Part V (ss. 46–53) extended by [New Towns Act 1981 \(c.64\), s. 35\(3\)](#)

46 **General provisions as to payments to make up civil remuneration.** **E+W+S**

- (1) Where a person occupied in any capacity specified in the first column of Part I or Part II of the Second Schedule to this Act ceases to be so occupied in order to perform relevant service to which this Part of this Act applies, there may, subject to the provisions of this Part of this Act, be made to or in respect of him such payments as are hereafter in this section provided.
- (2) While any such person is performing relevant service to which this Part of this Act applies, there may be paid to him, or to or for the benefit of his [^{F1}spouse or civil partner] or other dependants nominated by him, a sum which shall not exceed the remuneration which he would have received if he had continued to be occupied in the said capacity, after deducting therefrom the amount of his service pay:

Provided that, in applying this subsection in the case of a person occupied in several capacities specified as aforesaid, account shall be taken, in relation to any one of those capacities, of the appropriate proportion only of his service pay, and not of the whole.
- (3) In the event of the death of any such person while performing relevant service to which this Part of this Act applies, then, unless that person leaves—
[^{F2}(a)] a [^{F3}surviving spouse entitled to a surviving spouse's pension] by virtue of—

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- [^{F4}(i) regulations made under section 7 or 10 of the ^{M1}Superannuation Act 1972; or
(ii) any local Act scheme; or]
(iii) the [^{F5}Fire and Rescue Services Act 2004]; or
(iv) [^{F6}the ^{M2}Police Pensions Act 1976]; [^{F7}or]
^{F8}(b) a surviving civil partner entitled to a surviving civil partner's pension by virtue of any of those provisions,]
there may, during a period not exceeding twenty-six weeks from the date of the death, be paid to or for the benefit of [^{F9}that person's surviving spouse, surviving civil partner] or other dependants such sum as might have been paid to him under the last foregoing subsection if he had been performing such service during that period.

^{F10}(4)

Textual Amendments

- F1** Words in s. 46(2) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 25(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F2** Words in s. 46(3) renumbered as s. 46(3)(a) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 25(3)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F3** Words in s. 46(3)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 25(3)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F4** S. 46(3)(i)(ii) substituted by Superannuation Act 1972 (c. 11), s. 29(1), **Sch. 6 para. 30**
- F5** Words in s. 46(3)(iii) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 12(2)** (with savings for E.S. in S.I. 2004/2306, art. 3, **Sch.** and for W. in S.I. 2004/2918, art. 3, **Sch.**; and with further savings for W. (11.11.2004) in S.I. 2004/2918, art. 1(1), **Sch.**); S.I. 2004/2304, **art. 2**; S.I. 2004/2917, **art. 2**
- F6** Words substituted by virtue of Police Pensions Act 1976 (c. 35), s. 12(3)
- F7** Word in s. 46(3)(a)(iv) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 25(3)(c)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F8** S. 46(3)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 25(3)(d)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F9** Words in s. 46(3) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 6** (with art. 5)
- F10** S. 46(4) repealed (except as it extends to N.I.) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. 1** Group 5

Marginal Citations

- M1** 1972 c. 11.
M2 1976 c. 35.

47 Paying and determining authorities. **E+W+S**

- (1) Where the capacity in which the person in question was occupied is a capacity specified in Part I of the Second Schedule to this Act, the power of making payments under the last foregoing section shall be exercisable by the authority specified as respects that capacity in the second column of the said Part I.
- (2) Where the capacity is a capacity specified in Part II of the said Schedule, the determination as to the payments to be made under the last foregoing section shall

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be made by the authority specified as respects that capacity in the second column of the said Part II (hereafter in this Part of this Act referred to as the “determining authority”), and it shall be the duty of the authority specified as respects that capacity in the third column of the said Part II (hereafter in this Part of this Act referred to as the “paying authority”) to make any payment in accordance with the determination of the determining authority.

- (3) A paying authority aggrieved by a determination under the last foregoing subsection of a determining authority who is not the Secretary of State may, within one month from the receipt by them of written notice of the determination, appeal to the Secretary of State, and where such an appeal is brought the said subsection shall have effect as if the Secretary of State were the determining authority:

Provided that in the cases as to which it is so directed in the third column of the said Part II the right of appeal shall be exercisable by the authority therein specified instead of by the paying authority.

48 Recoupment of expenses incurred in connection with civil occupation while serving in the forces. E+W+S

Where a person to whom subsection (1) of section forty-six of this Act applies by virtue of his having been occupied in the capacity of coroner, [^{F11}or clerk of the peace], ^{F12} . . . incurs expenses in the payment of salaries or other sums to persons employed by him in connection with his duties in that capacity, or office expenses in connection with those duties, and those expenses are in respect of the period during which he is performing relevant service to which this Part of this Act applies and would otherwise have had to be borne by him, those expenses shall be recouped to him by the paying authority.

Textual Amendments

F11 Words repealed (E.W.) by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

F12 Words in [s. 48](#) repealed (1.4.1995) by [1994 c. 29, s. 93](#), [Sch. 9 Pt. II](#); [S.I. 1995/685](#), [arts. 1\(2\), 4\(n\)](#), [8\(a\)](#)

49 Special provision for probation committees. E+W+S

Where a power of making a payment under this Part of this Act is exercisable by several probation committees acting jointly and those committees cannot agree as to how that power is to be exercised, it shall be their duty to pay such amount, if any, as the Secretary of State may determine.

50 Assimilation of treatment of payments under Part V and certain other payments to treatment of remuneration in civil capacity. E+W+S

- (1) Where any enactment (whether contained in or having effect under any Act) relating to the manner in which any expenses are to be paid or borne, or to the making of grants towards any expenses, would have applied as respects the remuneration which any such person as is mentioned in subsection (1) of section forty-six of this Act would have received if he had continued to be occupied in the capacity in question, that enactment shall apply in like manner as respects any payment under the foregoing provisions of this Part of this Act.

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- (2) ^{F13}
- (3) Subsections (1) ^{F14}... of this section shall apply in relation to any agreement between the town council of a small burgh within the meaning of the ^{M3}Local Government (Scotland) Act 1947, and the county council relating to contributions by the town council towards the remuneration of a ^{F14}... sanitary inspector as they apply in relation to the enactments therein mentioned.

Textual Amendments

F13 S. 50(2) repealed (as it applies to Great Britain) by Statute Law (Repeals) Act 1989 (c.43), s. 1(1), **Sch. 1 Pt. IV**

F14 Words repealed by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II**

Modifications etc. (not altering text)

C2 References to specified officers to be construed as references to proper officers of authority: **Local Government Act 1972 (c. 70), Sch. 29 Pt. I para. 4** and **Local Government (Scotland) Act 1973 (c. 65), Sch. 27 Pt. I para. 2**

Marginal Citations

M3 1947 c. 43.

51 Payments out of moneys provided by Parliament. **E+W+S**

There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Part of this Act in any sums payable under any other enactment out of moneys so provided.

52 Service to which Part V applies and interpretation. **E+W+S**

- (1) The relevant service to which this Part of this Act applies is any relevant service except—
- ^{F15}(a)
 - (b) ^{F16}... service of a description specified in paragraph 7 of the said First Schedule performed under an obligation or voluntary arrangements under which its continuous duration is limited to fifteen days or less.
- (2) In this Part of this Act—
- (a) the expression “service pay” means pay for performing relevant service to which this Part of this Act applies, and includes marriage, [^{F17}civil partnership,] family and other similar allowances, and
 - (b) the reference to the appropriate proportion of the service pay of a person previously occupied in several capacities specified in the Second Schedule to this Act shall, in relation to any one of those capacities, be construed as a reference to the proportion which the rate at which he was last remunerated in that capacity bears to that rate plus the rate at which he was last remunerated in each of the other capacities.
- (3) In this Part of this Act the expression “remuneration” means salaries, wages and emoluments, but any reference to the remuneration which a person received or would receive shall be construed as a reference to the net remuneration after deducting any

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expenses which he incurred or would have incurred in the payment of salaries or other sums to persons employed by him in connection with the duties in respect of which he received or would receive the remuneration and any office expenses in connection with those duties.

Textual Amendments

- F15** S. 52(1)(a) repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. 1**
- F16** Words repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. 1**
- F17** Words in s. 52(2)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 26**; S.I. 2005/3175, art. 2(1), Sch. 1

53 Retrospective effect of Part V. E+W+S

F18
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Textual Amendments

- F18** S. 53 repealed (except as it extends to N.I.) by Statute Law (Repeals) Act 1989 (c.43), s. 1(1), **Sch. 1 Pt. 1** Gp. 5

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