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## SCHEDULES

### FIRST SCHEDULE

Sections 41 to 44 and sections 52, 63, 64

#### SERVICE RELEVANT FOR THE PURPOSES OF THIS ACT

- 1
- (i) Service in pursuance of any notice or directions given under any enactment which provides for the calling out on permanent service, or the calling into actual service, or the embodiment, of any reserve or auxiliary force, or members thereof, or for the recall of service pensioners within the meaning of [<sup>F1</sup>section 1(1) of the Reserve Forces (Safeguard of Employment) Act 1985].
  - (ii) Service, other than for the purposes of training only, in pursuance of any obligation or undertaking, whether legally enforceable or not, to serve when called upon as a commissioned officer, not being an obligation or undertaking to accept a permanent or short-service commission.
  - (iii) ..... F2
  - (v) ..... F3
  - (vi) ..... F4

#### Textual Amendments

- F1** Words substituted by Reserve Forces (Safeguard of Employment) Act 1985 (c. 17, SIF 7:2), s. 21, **Sch. 4 para. 1**
- F2** Sch. 1 para. 1(iii), (iv) repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. I**
- F3** Sch. 1 para. 1(v) repealed with saving by Armed Forces Act 1981 (c. 55), **Sch. 5 Pt. I**
- F4** Sch. 1 paras. 1(vi), (vii), (viii), 2, 3, 5, 6 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. I**

- 2, 3. .... F5

#### Textual Amendments

- F5** Sch. 1 paras. 1(vi), (vii), (viii), 2, 3, 5, 6 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. I**

- 4 Service for a period of eighteen months for which an officer of any reserve force of the Royal Navy or of the Royal Marines, or an officer of reserve to, or on the retired or emergency list of, or holding a temporary commission in, the Royal Navy or the Royal Marines, volunteers.

- 5, 6. .... F6

#### Textual Amendments

- F6** Sch. 1 paras. 1(vi), (vii), (viii), 2, 3, 5, 6 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. I**

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- 7 Service, for the purposes of training only, for a continuous period of seven days or longer performed, whether under an obligation or under voluntary arrangements, by,—
- (a) an officer or man of any reserve force of the Royal Navy or of the Royal Marines, or an officer of reserve to, or on the retired or emergency list of, or holding a temporary commission in, the Royal Navy or the Royal Marines;
  - (b) an officer of any army reserve of officers, a man of any army reserve force, an officer or man of the Territorial Army, or an officer of the Territorial Army Reserve of Officers;
  - (c) an officer of the Royal Air Force Volunteer Reserve or of any air force reserve of officers or on the retired list of the Royal Air Force, a man of any air force reserve force or an officer or man of the Royal Auxiliary Air Force or the Royal Auxiliary Air Force Reserve;
  - (d) a member of any reserve of the Women’s Royal Naval Service or a member of the Naval Voluntary Aid Detachment Reserve,
- not being service of a description specified in any of the preceding paragraphs of this Schedule.

**Modifications etc. (not altering text)**

- C1** Territorial Army now known as Territorial and Army Volunteer Reserve; [Reserve Forces Act 1980 \(c. 9\), Sch. 8 para. 5\(2\)](#)

SECOND SCHEDULE

Sections 46, 52

CAPACITIES IN RESPECT OF WHICH PAYMENTS MAY  
BE MADE UNDER PART V, AND PAYING AUTHORITIES.

**PART I**

GENERAL

**Modifications etc. (not altering text)**

- C2** [Sch. 2 Pt. I](#) extended (E.W.) by [New Towns Act 1959 \(c. 62\), s. 9\(3\)](#)

Capacity	Paying Authority
1. F7	
2. Coroner in England or Wales.	The Council by whom the coroner’s salary is paid immediately before he begins to perform relevant service to which Part V or this Act applies.
3. Employee of a local authority.	The local authority.
4. Member of a police force.	F8

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- ... , the police authority  
F8
- ... , responsible for the maintenance of that force.
5. Member of a fire brigade maintained in pursuance of the Fire Services Act 1947. The fire authority, within the meaning of the Fire Services Act 1947, by whom the fire brigade is maintained.
6. Probation officer appointed for a probation area  
F9  
, or for two or more  
F10  
probation areas
7. Clerk appointed to give full-time assistance to a probation officer and remunerated by the probation committee or several probation committees acting jointly. The probation committee or committees.
- [<sup>F11</sup>8. Registration officer within the meaning of regulations made under section 7 of the Superannuation Act 1972.] [<sup>F11</sup>The local authority in whose employment he is or is deemed for the purpose of those regulations to be.]
9. Teacher appointed by a local education authority for service in a maintained school or institution in England or Wales. The local education authority.
10. Teacher, officer or servant appointed by the  
F12  
... governors of an aided or special agreement school in England or Wales. The local education authority.
11. Teacher, officer or servant of an institution in England or Wales assisted by a local education authority out of the proceeds of any rate. The local education authority.
12. Teacher employed by an authority in Scotland. The education authority.
13. Teacher, officer or servant of the managers or governing body of a school or educational establishment to the maintenance of which an education authority contributes under [<sup>F13</sup>s. 25 of the Education (Scotland) Act 1962]. The education authority.
14. Teacher, officer or servant of an educational institution as to which it is certified by [<sup>F14</sup>the Secretary of State] or, as respects Scotland, the Secretary of State, that it is expedient that the provisions of Part V of this Act should apply notwithstanding any trust affecting the institution. The managers or other governing body of the institution.

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- Officer of a [<sup>F15</sup>Board of Governors preserved under section 15(1) of the National Health Service Reorganisation Act 1973, or a health authority or other body constituting under the National Health Service Act 1977], or [<sup>F16</sup>a Health Board or the Common Services Agency for the Scottish Health Service or other body constituted under the National Health Service (Scotland) [<sup>F17</sup>Act 1978]].
16. Dental practitioner providing general dental service under the [<sup>F20</sup>National Health Service Act 1977], or [<sup>F21</sup>the National Health Service (Scotland) Act 1978], at a health centre who is remunerated by annual salary. [<sup>F18</sup>The Authority] The Board, Council [<sup>F19</sup>Agency] or other body. [<sup>F20</sup>The Area Health Authority][<sup>F22</sup>or Health Board] for the area for which the services are provided.
17. Employee of a development corporation established under [<sup>F23</sup>the New Towns Act 1965 and the New Towns (Scotland) Act 1968]. The development corporation.
- 18, 19
- <sup>F24</sup>

### Textual Amendments

- F7** Sch. 2 para. 1 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F8** Words repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I** and Police (Scotland) Act 1967 (c. 77), **Sch. 5 Pt. II**
- F9** Words repealed (except as they extend to N.I.) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I** Gp. 5
- F10** Word repealed (except as it extends to N.I.) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I** Gp. 5
- F11** Sch. 2 para. 8 substituted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 33**
- F12** Words repealed by Education Act 1980 (c. 20), **Sch. 1 para. 20**
- F13** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a)
- F14** Words substituted by virtue of S.I. 1964/490, **arts. 2(1), 3(2)**
- F15** Words substituted (E.W.) by National Health Service Act 1977 (c. 49), **Sch. 15 para. 12(a)**
- F16** Words substituted (S.) by National Health Service Act 1972 (c. 58), **Sch. 6 para. 94(a)**
- F17** Words substituted (S.) by National Health Service Act 1978 (c. 29), **Sch. 16 para. 8**
- F18** Words inserted (E.W.) by National Health Service Act 1977 (c. 49), **Sch. 15 para. 12(a)**
- F19** Words inserted (S.) by National Health Service Act 1972 (c. 58), **Sch. 6 para. 94(a)**
- F20** Words substituted by virtue of National Health Service Act 1977 (c. 49), **Sch. 14 para. 12(b)**
- F21** Words substituted by virtue of National Health Service Act 1978 (c. 29), **Sch. 15 para. 2**
- F22** Words inserted (S.) by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 94(b)**
- F23** Words substituted by virtue of New Towns Act 1965 (c. 59), **Sch. 11 para. 5(1)** and New Towns (Scotland) Act 1968 (c. 16), **Sch. 9 para. 5**
- F24** Sch. 2 Pt. I paras. 18, 19 repealed (except as they extend to N.I.) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I** Gp. 5

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## PART II

### ALLOCATION OF FUNCTIONS AS TO PAYABLE UNDER PART V BETWEEN DIFFERENT AUTHORITIES IN CERTAIN CASES

Capacity	Determining authority	Paying authority and authority entitled to appeal against determination
1,2 F25		
F25 F25	The F26	The county council.
3. Person employed by F26 ... [F27the Crown Court] to assist [F27the appropriate officer of the Crown Court].	... court employing that person.	
4. Clerk to county justices in England or Wales— F28	F28	F28
(a) ...	...	...
(b) appointed or deemed for the purposes of the said Act to be appointed, by a magistrates' courts committee.	The magistrates' courts committee. (Subject to Note below.)	The county council.
5. Clerk to borough justices in England or Wales— F28	F28	F28
(a) ...	...	...
(b) appointed, or deemed for the purpose of the said Act to be appointed, by a magistrates' courts committee.	The magistrates' courts committee.(Subject to Note below.)	The borough council.
6. F28	F28	F28
(a) ...	...	...
(b) Employee of a magistrates' courts committee on the staff of a justices' clerk.	The same as in the case of a justice's clerk.	The same, both as respects paying authority and authority entitled to appeal, as in the case of the justices' clerk and where there are several paying authorities the proportions in which they

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contribute to give effect to any determination shall be such as they may agree, or in default of agreement, as may be determined by the Secretary of State.

#### Textual Amendments

- F25** Sch. 2 Pt. II paras. 1, 2 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F26** Words repealed (except as they extend to N.I.) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I** Gp. 5
- F27** Words substituted by Courts Act 1971 (c. 23), **Sch. 8 para. 2**
- F28** Sch. 2 Pt. II paras. 4(a), 5(a), 6(a) repealed (except as they extend to N.I.) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I** Gp. 5

Note:—In a case where a justices' clerk holds several clerkships and where several authorities would otherwise be concerned as determining authorities, the determining authority as respects each clerkship shall be all those authorities acting jointly, or in default of agreement, the Secretary of State after consulting the authority entitled to appeal against determinations.

### THIRD SCHEDULE

Section 61.

#### FINANCIAL PROVISIONS CONSEQUENTIAL ON TREATING A PERSON DYING ON SERVICE AS ALIVE AND THE CONVERSE.

- 1
  - (1) This paragraph shall have effect where by virtue of the rules set out in subsection (2) of section sixty-one of this Act the appropriate authority determine that a person is to be treated as having died.
  - (2) No sums paid under Part V of this Act shall be recoverable on the ground that they were paid on the footing that the person was alive at a time after the date fixed by the appropriate authority by virtue of the said section as the date of his death.
  - (3) Where any sums have been paid under subsection (2) of section forty-six of this Act for a period to which that person's widow or other dependant is entitled by way of pension under any Act, scheme or regulation mentioned in paragraph (b), (c), (d) or (e) of subsection (1) of section sixty-one of this Act shall only be made if and to the extent that the appropriate authority so direct.
- 2
  - (1) This paragraph shall have effect where by virtue of the rules set out in subsection (2) of section sixty-one of this Act the appropriate authority determine that a person is to be treated as having died and subsequently determine that he is to be treated as alive.
  - (2) Any payment made by virtue of the first determination under subsection (3) of section forty-six of this Act or under any Act, scheme or regulations mentioned in paragraph (b), (c), (d) or (e) of subsection (1) of section sixty-one of this Act shall be irrecoverable.
  - (3) Where any such payments as are mentioned in sub-paragraph (2) of this paragraph have been made, the aggregate of those payments shall be compared with the greatest amount which might have been paid under subsection (2) of section forty-six of this

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Act if the person to whom the two determinations relate had been treated as alive during the period between those determinations and—

- (a) if the first amount equals or exceeds the second, no payment shall be made to or in respect of that person for that period under the said subsection (2), and
  - (b) if the second amount exceeds the first, payments shall not be made under the said subsection (2) to or in respect of that person for that period amounting to more than the excess.
- (4) Where any such payment as is mentioned in sub-paragraph (2) of this paragraph is a gratuity paid to the wife or other dependant of the said person then, notwithstanding that it is irrecoverable, the gratuity may in whole or in part be treated as having been paid on account of any benefit that may subsequently become payable to that wife or other dependant in respect of the death of the said person.

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