

*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 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, <sup>F1</sup> . . . , or the embodiment, of any reserve or auxiliary force, or members thereof, or for the recall of service pensioners within the meaning of [<sup>F2</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) . . . . . <sup>F3</sup>
- (v) . . . . . <sup>F4</sup>
- (vi) . . . . . <sup>F5</sup>

#### Textual Amendments

- F1** Words in [Sch. 1 para. 1\(i\)](#) omitted (1.1.1999) by virtue of [S.I. 1998/3086, para. 10\(1\)](#)
- F2** Words substituted by [Reserve Forces \(Safeguard of Employment\) Act 1985 \(c. 17, SIF 7:2\)](#), s. 21, [Sch. 4 para. 1](#)
- F3** [Sch. 1 para. 1\(iii\)](#), (iv) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. I](#)
- F4** [Sch. 1 para. 1\(v\)](#) repealed with saving by [Armed Forces Act 1981 \(c. 55\)](#), [Sch. 5 Pt. I](#)
- F5** [Sch. 1 paras. 1\(vi\)](#), (vii), (viii), 2, 3, 5, 6 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt.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](#)

- 2, 3. . . . . <sup>F6</sup>

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- F6** [Sch. 1 paras. 1\(vi\)](#), (vii), (viii), 2, 3, 5, 6 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt.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

- 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. . . . . <sup>F7</sup>

#### Textual Amendments

- F7** [Sch. 1 paras. 1\(vi\)](#), (vii), (viii), 2, 3, 5, 6 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. I](#)

**Status:** Point in time view as at 01/04/2008.

**Changes to legislation:** *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 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. F8	
...	
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.

*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

4. Member of a police force. <sup>F9</sup>  
..., the police authority  
<sup>F9</sup>  
..., responsible for the maintenance of that force.
- [<sup>F10</sup>5. Employee of a fire and rescue authority. The fire and rescue authority.]
- [<sup>F11</sup>6. Member of the staff of a local probation board or of two or more local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000 The local probation board or, as the case may be, the local probation boards acting jointly.]
- [<sup>F12</sup>6A. Member of the staff of a probation trust or of two or more probation trusts The probation trust or, as the case may be, the probation trusts acting jointly.]
7. Chief officer of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000. The Secretary of State.]
- [<sup>F13</sup>8. Registration officer within the meaning of regulations made under section 7 of the Superannuation Act 1972. 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 <sup>F14</sup>  
... 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>F15</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>F16</sup>  
[<sup>F17</sup>... the Secretary of State], that it is expedient that the provisions of Part V of this

**Status:** Point in time view as at 01/04/2008.

**Changes to legislation:** *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Act should apply notwithstanding any trust affecting the institution.

[<sup>F18</sup>15. Officer of [<sup>F19</sup>a Strategic Health Authority,] a [<sup>F20</sup>Local Health Board], a Special Health Authority or [<sup>F21</sup>any other body, other than an NHS foundation trust, constituted under the National Health Service Act 2006, the National Health Service (Wales) Act 2006] or the

<sup>M1</sup>

National Health Service and Community Care Act 1990

[<sup>F18</sup>15A. Officer of a Health Board, the Common Services Agency for the Scottish Health Service or any other body constituted under the

<sup>M2</sup>

National Health Service (Scotland) Act 1978

16. Dental practitioner providing general dental service under

<sup>F23</sup>

... [<sup>F24</sup>the National Health Service (Scotland) Act 1978], at a health centre who is remunerated by annual salary.

17. Employee of a development corporation established under [<sup>F27</sup>the New Towns Act 1965 and the New Towns (Scotland) Act 1968].

18, 19

<sup>F28</sup>

...

The [<sup>F22</sup>Strategic Health Authority,][<sup>F20</sup>Local Health Board], Special Health Authority or other body.]

The Health Board, Agency or other body.]

[<sup>F25</sup>The  
<sup>F26</sup>

... Health Board for the area for which the services are provide]

The development corporation.

### Textual Amendments

- F8** Sch. 2 Pt. I para. 1 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F9** Words repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I** and Police (Scotland) Act 1967 (c. 77), **Sch. 5 Pt. II**
- F10** Sch. 2 Pt. I para. 5 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(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F11** Sch. 2 Pt. I paras. 6, 7 substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 6**; S.I. 2000/919, **art. 2(f)(ii)**
- F12** Sch. 2 Pt. I para. 6A inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 1(2)**
- F13** Sch. 2 Pt. I para. 8 substituted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 33**
- F14** Words repealed by Education Act 1980 (c. 20), **Sch. 1 para. 20**
- F15** Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 17(2)(a)**
- F16** Words in Sch. 2 para. 14 omitted (1.1.1996) by virtue of S.I. 1995/2986, art. 11, **Sch. para. 2**
- F17** Words substituted by virtue of S.I. 1964/490, **arts. 2(1), 3(2)**

*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F18** Sch. 2 Pt. I paras. 15, 15A substituted for para. 15 (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III para. 88** (with Sch. 2 paras. 6, 16)
- F19** Words in Sch. 2 Pt. I para. 15 inserted (1.10.2002 for E.W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 1(3), 42(3), **Sch. 1 para. 36(a)**; S.I. 2002/2478, **art. 3(1)(d)** (subject to art. 3(3))
- F20** Words in Sch. 2 Pt. I para. 15 substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 2**
- F21** Words in Sch. 2 Pt. I para. 15 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 13(a)** (with Sch. 3 Pt. 1)
- F22** Words in Sch. 2 Pt. I para. 15 inserted (1.10.2002 for E.W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 1(3), 42(3), **Sch. 1 para. 36(b)**; S.I. 2002/2478, art. 3(1)(d) (subject to **art. 3(3)**)
- F23** Words in Sch. 2 Pt. I para. 16 omitted (1.3.2007) by virtue of National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 13(b)(i)** (with Sch. 3 Pt. 1)
- F24** Words substituted by virtue of National Health Service Act 1978 (c. 29), **Sch. 15 para. 2**
- F25** Words in Sch. 2 Pt. I para. 16 substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III para. 88** (with Sch. 2 paras. 6, 16)
- F26** Words in Sch. 2 Pt. I para. 16 omitted (1.3.2007) by virtue of National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 13(b)(ii)** (with Sch. 3 Pt. 1)
- F27** 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**
- F28** 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 Group 5**

#### Marginal Citations

- M1** 1977 c. 49.  
**M2** 1978 c. 29.

## <sup>F29</sup>PART II

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

#### Textual Amendments

- F29** Sch. 2 Pt. II repealed (except as it extends to N.I.) (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 93, **Sch. 10**; S.I. 2005/910, art. 3(y)

## 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.

*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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 [<sup>F30</sup>surviving spouse, surviving civil partner] 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.

#### Textual Amendments

**F30** Words in Sch. 3 para. 1(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), Sch. 26 para. 27(2); S.I. 2005/3175, art. 2(1), Sch. 1

- 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 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 [<sup>F31</sup>spouse, civil partner] 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 [<sup>F31</sup>spouse, civil partner] or other dependant in respect of the death of the said person.

#### Textual Amendments

**F31** Words in Sch. 3 para. 2(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), Sch. 26 para. 27(3); S.I. 2005/3175, art. 2(1), Sch. 1

**Status:**

Point in time view as at 01/04/2008.

**Changes to legislation:**

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.