



# 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

#### 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 [<sup>F1</sup>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—
  - [<sup>F2</sup>(a)] a [<sup>F3</sup>surviving spouse entitled to a surviving spouse's pension] by virtue of—
    - [<sup>F4</sup>(i) regulations made under section 7 or 10 of the <sup>M1</sup>Superannuation Act 1972; or
    - (ii) any local Act scheme; or]
    - (iii) the [<sup>F5</sup>Fire and Rescue Services Act 2004]; or
    - (iv) [<sup>F6</sup>the <sup>M2</sup>Police Pensions Act 1976]; [<sup>F7</sup>or]

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*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Section 46. (See end of Document for details)*

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[<sup>F8</sup>(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 [<sup>F9</sup>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.

<sup>F10</sup>(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)  
 Words in s. 46(3) substituted (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 5 para. 3** (with Sch. 1)
- 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. I** Group 5

#### Marginal Citations

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

**Changes to legislation:**

There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Section 46.