



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

1951 CHAPTER 65 14 and 15 Geo 6

## PART VII

### MISCELLANEOUS AND GENERAL

#### 60 Evidence as to performance of relevant service.

(1) A certificate stating that a person has performed or is performing or is to perform a period of relevant service or of relevant service of any particular description, or the duration of the date of the beginning or ending of such a period, or whether such a period which has been or is being or is to be performed by any person is or is not a short period training, being a certificate which is signed by a person authorised in that behalf—

(a) by [<sup>F1</sup>the Defence Council]<sup>F2</sup>...

<sup>F3</sup>(b) .....

shall in all legal proceedings be sufficient evidence of the facts stated therein for the purposes of the Act except to any extent to which it is shown to be incorrect.

(2) A certificate signed by a person authorised in that behalf by [<sup>F1</sup>the Defence Council] stating that a person is not performing, and has not within a specified previous time performed, a period of relevant service in a specified force or forces (being a force or forces in respect of which [<sup>F1</sup>the Defence Council], keep records), <sup>F2</sup>..., shall in all legal proceedings be sufficient evidence of the facts stated therein for the purposes of this Act except to any extent to which it is shown to be incorrect.

(3) A certificate signed by a person authorised in that behalf by [<sup>F1</sup>the Defence Council]<sup>F2</sup>..., referring to an inquiry as to a person therein described and being to the effect that no person answering to that description is identifiable in the relevant records kept by the authority on whose behalf the certificate is signed, shall be sufficient evidence for the purposes of this Act that no such person is so identifiable.

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- (4) A certificate signed as aforesaid stating any matter appearing from records shall be treated for the purposes of subsection (1), and of subsection (2), of this section as stating it as a fact.
- (5) A document purporting to be a certificate signed as aforesaid shall be deemed to be such unless the contrary is proved.
- (6) [<sup>F1</sup>The Defence Council]<sup>F2</sup>... shall <sup>F2</sup>... be under obligation to secure that, on inquiry made to them for the purposes of this Act as to a person therein described, if the information appearing from records kept by them is such as to enable a certificate falling within subsection (3) of this section, such a certificate shall be given:

Provided that no certificate the giving of which would in the opinion of the authority to whom the inquiry is made be against the interests of national security shall be given.

#### Textual Amendments

- F1** Words substituted with savings by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)
- F2** Words repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. I](#)
- F3** [S. 60\(1\)\(b\)](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. I](#)

## 61 Presumption of death of persons serving in the forces.

- (1) The question whether any person has died while performing relevant service in His Majesty's forces shall, for the purposes of—
- (a) Part V of this Act;
  - [<sup>F4</sup>(b) any regulations made under section 7 or 10 of the Superannuation Act <sup>M1</sup>1972 (which relate respectively to the superannuation of local government officers etc. and national health service officers);
  - (c) any local Act scheme;]
  - [<sup>F5</sup>(d) a scheme made under section 34 of the Fire and Rescue Services Act 2004;]
  - (e) any regulations made under [<sup>F6</sup>the Police Pensions Act <sup>M2</sup>1976];
- be determined in accordance with the rules set out in the next following subsection.
- (2) The said rules are—
- (i) no person shall be treated as having died while performing relevant service in His Majesty's forces unless and until the appropriate authority are satisfied that he has been officially reported as dead, or as missing;
  - (ii) where the appropriate authority are satisfied that a person has been officially reported as dead, or as missing and presumed dead, he shall be treated as having died while performing relevant service in His Majesty's forces unless and until the authority are satisfied that he has subsequently been officially reported as alive;
  - (iii) subject to the last foregoing paragraph, where the appropriate authority are satisfied that a person has been officially reported as missing, the authority may, if they think fit, treat him as having died while performing relevant service in His Majesty's forces unless and until they are satisfied that he has subsequently been officially reported as alive.

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- (3) Where the appropriate authority determine in accordance with the rules set out in subsection (2) of this section that a person is to be treated as the authority may fix on the evidence available to them.
- (4) The Third Schedule to this Act shall have effect as respects the financial provisions consequent on the adoption of the rules set out in subsection (2) of this section.
- (5) In this section and in the said Schedule the expression “the appropriate authority” means the authority specified in subsection (1) or, as the case may be, subsection (2) of section forty-seven of this Act as the authority having power to determine whether any, and if so what, payment is to be made under section forty-six of this Act, or, in a case where the service pay of the person in question is of such amount that no payment is permissible under the said section forty-six, the authority who would have that power if that person’s service pay were of such smaller amount as would permit of a payment being made under that section; and where, in the case of any person, there are several such authorities, the expression “the appropriate authority” means all those authorities acting jointly:
- F7 . . .
- (6) In this section the expression “officially reported” means reported (whether before or after the passing of this Act) by or on behalf of [<sup>F8</sup>the Defence Council].

**Textual Amendments**

- F4** S. 61(1)(b)(c) substituted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 31](#)
- F5** S. 61(1)(d) 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\(3\)](#) (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** Proviso in s. 61(5) repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))
- F8** Words substituted by virtue of [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), [ss. 1\(3\), 3\(2\)](#)

**Marginal Citations**

- M1** [1972 c. 11](#).
- M2** [1976 c. 35](#)

62 . . . . . F9

**Textual Amendments**

- F9** S. 62 repealed by [Local Government \(Superannuation\) Act 1953 \(c. 25\)](#), [Sch. 3 Pt. I para. 8](#)

**63 Dispensation with declaration on ending of service of constables.**

Where a person, having ceased to serve as a constable in order to undertake service of a description specified in the First Schedule to this Act, resumes service as a constable during any period which, by virtue of any regulations made under section one of the [<sup>F10</sup>[Police Pensions Act 1976](#)], is to be treated in his case as a period of service as a

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member of a police force, it shall not be necessary for him, notwithstanding anything in any enactment, to make any declaration required to be made by him on accepting office as a constable.

#### Textual Amendments

**F10** Definition repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. I](#)

## 64 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively, that is to say,—

F11

[<sup>F12</sup>“conditional sale agreement” means an agreement for the sale of goods under which the purchase price of part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“creditor” means the person by whom goods are bailed or (in Scotland) hired under a hire-purchase agreement or, as the case may be, the seller under a conditional sale agreement, or the person to whom his rights and duties have passed by assignment or operation of the law;

“hire-purchase agreement” means an agreement, other than a conditional sale agreement, under which—

- (a) goods are bailed or (in Scotland) hired in return for periodical payments by the person to whom they are bailed or hired, and
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs—
  - (i) the exercise of an option to purchase by that person,
  - (ii) the doing of any other specified act by any party to the agreement,
  - (iii) the happening of any other specified event;]

[<sup>F13</sup>“local authority” has the same meaning as in paragraph 6(1) of Schedule 3 to the Pensions (Increase) Act <sup>M3</sup>1971 and any reference in this Act to a local authority shall apply also to the bodies mentioned in paragraph 6(2) of that Schedule;

“local Act scheme” means the superannuation scheme administered by a local authority maintaining a superannuation fund under a local Act;]

“relevant service” means service after the fifteenth day of July, nineteen hundred and fifty, of a description specified in the First Schedule to this Act;

F14

“service” means the discharge of naval, military or air force duties, and includes training for the discharge of such duties <sup>F15</sup>... ;

“service man” means a man who performs a period of relevant service;

“short period of training” means a period of relevant service <sup>F15</sup>... of a description specified in [<sup>F16</sup>paragraph 7 of the First Schedule to this Act] performed under an obligation or voluntary arrangements under which its continuous duration is limited to less than three months.

[<sup>F17</sup>“total price” means the total sum payable by the person to whom goods are bailed or hired under a hire-purchase agreement or, as the case may be, the

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buyer under a conditional sale agreement including any sum payable on the exercise of an option to purchase but excluding any sum payable as a penalty or as compensation or damages for a breach of the agreement.]

(2) ..... F18

(3) ..... F19

(4) In this Act, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

#### Textual Amendments

- F11 Definition repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. I](#)
- F12 Definitions inserted by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), [Sch. 4 Pt. I para. 14\(1\)](#)
- F13 Definitions substituted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 32](#)
- F14 Definition repealed by [Rent Act 1968 \(c. 23\)](#), s. 117(5), [Sch. 17](#) and [Rent \(Scotland\) Act 1971 \(c. 28\)](#), s. 135(2), [Sch. 20](#)
- F15 Words repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. I](#)
- F16 Words substituted by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 2](#)
- F17 Definition inserted by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), [Sch. 4 Pt. I para. 14\(2\)](#)
- F18 [S. 64\(2\)](#) repealed with saving by [Armed Forces Act 1981 \(c. 55\)](#), [Sch. 5 Pt. I](#)
- F19 [S. 64\(3\)](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. I](#)

#### Marginal Citations

- M3 [1971 c. 56](#)

### 65 Provisions as to Northern Ireland.

- (1) The preceding provisions of this Act shall not extend to Northern Ireland.
- (2) His Majesty may by Order in Council provide for extending this Act to Northern Ireland with such additions, exceptions and modifications as appear to His Majesty to be expedient.
- (3) An Order in Council under this section—
  - (a) may be varied or revoked by a further Order in Council made thereunder;
  - (b) may include such incidental, consequential and supplemental provisions as appear to His Majesty to be expedient.
- (4) Provisions made by an Order in Council under this section may be made so as to have effect from the time (whether before, at or after the commencement of this Act) from which any corresponding provision made by this Act has effect.
- (5) ..... F20
- (6) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F20 [S. 65\(5\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 41(1), [Sch. 6 Pt. I](#)

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**66 Short title.**

This Act may be cited as the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.

**Changes to legislation:**

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