

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 the Reinstatement in Civil Employment Act, 1950.
 - (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) Service in pursuance of any directions given under subsection (5) of section three, subsection (5) of section four, subsection (3) of section five, or subsection (3) of section six, of the Armed Forces (Conditions of Service) Act, 1939, or subsection (2) of section one of the Naval and Marine Forces (Temporary Release from Service) Act, 1940 (as amended by the Naval Forces (Extension of Service) Act, 1944).
 - (iv) Service in pursuance of any enlistment for a period not exceeding eighteen months with a view to service in the Korean operations continuing at the passing of this Act or in other operations designated for the purposes of this sub-paragraph by His Majesty by Order in Council.
 - (v) Service, other than for the purposes of training only, in response to any notice or request made or given by the competent naval, military or air force authority, to members of any reserve of the Women's Royal Naval Service, members of Queen Alexandra's Royal Naval Nursing Service Reserve or the Naval Voluntary Aid Detachment Reserve, persons who have served in the Auxiliary Territorial Service, members of the Princess Mary's Royal Air Force Nursing Service Reserve, or persons who have served in the Women's Auxiliary Air Force, whether or not there is any legal obligation to comply with the notice or request.
 - (vi) In the case of a person who, during his whole-time service under Part I of the National Service Act, 1948, has accepted a commission in any of the armed forces of the Crown under arrangements made by the competent naval, military or air force authority for treating commissioned service as equivalent to whole-time service under Part I of that Act, his service as a commissioned officer under those arrangements.
 - (vii) In the case of a person who, being liable under Part I of the National Service Act, 1948, to be called up for whole-time service, has accepted a commission in any of the armed forces of the Crown under any such arrangements as are mentioned in sub-paragraph (vi) of this paragraph and has served whole-time as a commissioned officer under those arrangements without having been called up under the said Part I, his service as a commissioned officer in the circumstances mentioned in this sub-paragraph,

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(viii) In the case of a person serving whole-time as a commissioned officer under any such arrangements as aforesaid who has undertaken, with a view to service in such operations as are mentioned in sub-paragraph (iv) of this paragraph, to serve whole-time as a commissioned officer for a further period not exceeding twelve months immediately after the time when his service under the said arrangements would have ended, any further period of such service in pursuance of that undertaking.

2 Service in consequence of being called up under section one of the Reserve and Auxiliary Forces (Training) Act, 1951.

3 Service of any of the descriptions specified in paragraphs 3,4 and 5 of the table set out in subsection (1) of section one of the Reserve and Auxiliary Forces (Training) Act, 1951, entered on by a person of any of the descriptions specified in those paragraphs as a volunteer.

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 The following compulsory national service, that is to say—
 (a) whole-time service undertaken by virtue of an enlistment notice served under Part I of the National Service Act, 1948; or
 (b) work or training in pursuance of an order made or direction given under the said Part I as respects a conditionally registered conscientious objector.

6 The following compulsory national service, that is to say, service undertaken by virtue of a training notice served under Part I of the National Service Act, 1948.

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 com-rmission 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.

SECOND SCHEDULE

Sections 46, 52.

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

PART I

GENERAL

<i>Capacity</i>	<i>Paying Authority</i>
1. Clerk of the peace or deputy clerk of the peace of a borough in England or Wales.	The borough council.
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 of this Act applies.
3. Employee of a local authority	The local authority.
4. Member of a police force	In the case of a police force maintained by virtue of a scheme under the Police Act, 1946, or of an amalgamation scheme under the Police (Scotland) Act, 1946, the authority responsible under the scheme for the maintenance of that force, and, in the case of any other police force, the police authority (within the meaning of the Police Pensions Act, 1921), 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 other than the metropolitan police court area, or for two or more such probation areas	The probation committee for the area, or, as the case may be, the probation committees for the areas acting jointly.
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.
8. Registration officer within the meaning of the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937	The local authority in whose employment he is or is deemed for the purposes of either of those Acts 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 managers or governors of an aided	

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<i>Capacity</i>	<i>Paying Authority</i>
or special agreement school in England or Wales	
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	
12. Teacher employed by an education' 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 s. 25 of the Education (Scotland) Act, 1946	
14. Teacher, officer or servant of an educational institution as to which it is certified by the Minister of Education 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.
15. Officer of a Regional Hospital Board, Board of Governors of a teaching hospital, Executive Council or other body constituted under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947	The Board, Council or other body.
16. Dental practitioner providing general dental service under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, at a health centre who is remunerated by annual salary	The Executive Council for the area for which the services are provided.
17. Employee of a development corporation established under the New Towns Act, 1946	The development corporation.
18. Clerk to the stipendiary magistrate under the Staffordshire Potteries Stipendiary Justice Acts, 1839 to 1895	The Staffordshire Potteries Stipendiary Justice Commissioners.
19. Clerk to the stipendiary magistrate under the South Staffordshire Stipendiary Justice Act, 1899	The South Staffordshire Stipendiary Justice Commissioners.

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PART II

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

Capacity	Determining authority	Paying authority and authority entitled to appeal against determination
1. Clerk of the peace of the County of London or his deputy.	The Secretary of State on the recommendation of the standing joint committee.	The London County Council.
2. Clerk of the peace of any other county in England or Wales or his deputy.	The court of quarter sessions for the county.	The county council.
3. Person employed by a standing joint committee or a court of quarter sessions to assist the clerk of the peace of a county in England or Wales.	The committee or court employing that person.	The county council.
4. Clerk to county justices in England or Wales—		
(a) entering on relevant service before the coming into force of s. 19 of the Justices of the Peace Act, 1949;	The standing joint committee of the county. (Subject to Note below.)	The county council are the paying authority and the county justices for whom the clerk acts are the authority entitled to appeal against a determination.
(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—		
(a) entering on relevant service before the coming into force of s. 19 of the Justices of the Peace Act, 1949:	The justices of the borough. (Subject to Note below.)	The borough council.
(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.

*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.

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Capacity	Determining authority	Paying authority and authority entitled to appeal against determination
<p>6. (a) Employee of a justices' clerk being an employee who by virtue of s. 20(2) of the Local Government Superannuation Act, 1937, is deemed to be a contributory employee of a local authority, or to whom a local Act scheme applies:</p> <p>(b) Employee of a magistrates' courts committee on the staff of a justices' clerk.</p>	<p>} The same as in the case of the justices' clerk.</p>	<p>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 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.</p>
<p><i>Note:</i>—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.</p>		

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 that 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 after the said date, any payments in respect of that 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.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Friendly Societies Act, 1896	59 & 60 Vict. c. 25.
South Staffordshire Stipendiary Justice Act, 1899	62 & 63 Vict. c. xc.
Finance (1909-10) Act, 1910	10 Edw. 7. & 1 Geo. 5. c. 8.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	10 & 11 Geo. 5. c. 17.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Police Pensions Act, 1921	11 & 12 Geo. 5. c. 31.
Industrial Assurance Act, 1923	13 & 14 Geo. 5. c. 8.
Rent and Mortgage Interest Restrictions Act, 1923	13 & 14 Geo. 5. c. 32.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Guardianship of Infants Act, 1925	15 & 16 Geo. 5. c. 45.
Landlord and Tenant Act, 1927	17 & 18 Geo. 5. c. 36.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Hire Purchase and Small Debt (Scotland) Act, 1932	22 & 23 Geo. 5. c. 38.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Local Government Superannuation Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 68.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 69.

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Short Title	Session and Chapter
Hire-Purchase Act, 1938	1 & 2 Geo. 6. c. 53.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Armed Forces (Conditions of Service) Act, 1939	2 & 3 Geo. 6. c. 68.
Rent and Mortgage Interest Restrictions Act, 1939	2 & 3 Geo. 6. c. 71.
National Service (Armed Forces) Act, 1939	3 & 4 Geo. 6. c. 22.
Naval and Marine Forces (Temporary Release from Service) Act, 1940	4 & 5 Geo. 6. c. 4.
Rent of Furnished Houses Control (Scotland) Act, 1943	6 & 7 Geo. 6. c. 44.
Naval Forces (Extension of Service) Act, 1944	7 & 8 Geo. 6. c. 13.
Furnished Houses (Rent Control) Act, 1946	9 & 10 Geo. 6. c. 34.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Police Act, 1946	9 & 10 Geo. 6. c. 46.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Police (Scotland) Act, 1946	9 & 10 Geo. 6. c. 71.
Education (Scotland) Act, 1946.	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
River Boards Act. 1948	11 & 12 Geo. 6. c. 32.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.

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Short Title	Session and Chapter
Landlord and Tenant (Rent Control) Act, 1949	12, 13 & 14 Geo. 6. c. 40.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
War Damaged Sites Act, 1949	12, 13 & 14 Geo. 6. c. 84.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
Reinstatement in Civil Employment Act, 1950	14 & 15 Geo. 6. c. 10.
Reserve and Auxiliary Forces (Training) Act, 1951	14 & 15 Geo. 6. c. 23.