



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

1951 CHAPTER 65

PART VII

MISCELLANEOUS AND GENERAL

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;
- (b) the Local Government Superannuation Acts, 1937 and 1939, and the Local Government Superannuation (Scotland) Acts, 1937 and 1939, or any local Act scheme;
- (c) any regulations made under subsection (1) of section sixty-seven of the National Health Service Act, 1946, or subsection (1) of section sixty-six of the National Health Service (Scotland) Act, 1947 (which relate to the superannuation of National Health Service officers);
- (d) the Firemen's Pension Scheme made under the Fire Services Act, 1947;
- (e) any regulations made under the Police Pensions Act, 1948;

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;

Status: This is the original version (as it was originally enacted).

- (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.
- (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 having died, the date of his death shall be taken to be such date 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 :
- Provided that where the person in question was, immediately before entering on his relevant service an 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 appropriate authority shall be the Minister of Health or, as respects Scotland, the Secretary of State, and not the Board, Council or other body.
- (6) In this section the expression " officially reported " means reported (whether before or after the passing of this Act) by or on behalf of the Admiralty, the Army Council or the Air Council.