



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

1951 CHAPTER 65

PART V

PAYMENTS TO MAKE UP CIVIL REMUNERATION

46 General provisions as to payments to make up civil remuneration

- (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 wife 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 a widow entitled to a widow's pension by virtue of—
 - (i) the Local Government Superannuation Acts, 1937 and 1939, or the Local Government Superannuation (Scotland) Acts, 1937 and 1939, or any local Act scheme; or
 - (ii) 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; or

- (iii) the Fire Services Act, 1947; or
- (iv) the Police Pensions Act, 1948 ;

there may, during a period not exceeding twenty-six weeks from the date of the death, be paid to or for the benefit of his widow 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.

- (4) In determining for the purposes of this section the remuneration which a justices' clerk or employee of a justices' clerk who is performing relevant service to which this Part of this Act applies when section nineteen of the Justices of the Peace Act, 1949, comes into force would have received if he had continued to be occupied in that capacity, the consequences which would have ensued in his case upon the coming into force of that section shall be left out of account.

47 Paying and determining authorities

- (1) Where the capacity in which the person in question was occupied is a capacity specified in Part I of the Second Schedule to this Act, the power of making payments under the last foregoing section shall be exercisable by the authority specified as respects that capacity in the second column of the said Part I.
- (2) Where the capacity is a capacity specified in Part II of the said Schedule, the determination as to the payments to be made under the last foregoing section shall be made by the authority specified as respects that capacity in the second column of the said Part II (hereafter in this Part of this Act referred to as the " determining authority "), and it shall be the duty of the authority specified as respects that capacity in the third column of the said Part II (hereafter in this Part of this Act referred to as the " paying authority ") to make any payment in accordance with the determination of the determining authority.
- (3) A paying authority aggrieved by a determination under the last foregoing subsection of a determining authority who is not the Secretary of State may, within one month from the receipt by them of written notice of the determination, appeal to the Secretary of State, and where such an appeal is brought the said subsection shall have effect as if the Secretary of State were the determining authority:

Provided that in the cases as to which it is so directed in the third column of the said Part II the right of appeal shall be exercisable by the authority therein specified instead of by the paying authority.

48 Recoupment of expenses incurred in connection with civil occupation while serving in the forces

Where a person to whom subsection (1) of section forty-six of this Act applies by virtue of his having been occupied in the capacity of coroner, or clerk of the peace, or justices' clerk, incurs expenses in the payment of salaries or other sums to persons employed by him in connection with his duties in that capacity, or office expenses in connection with those duties, and those expenses are in respect of the period during which he is performing relevant service to which this Part of this Act applies and would otherwise have had to be borne by him, those expenses shall be recouped to him by the paying authority.

49 Special provision for probation committees

Where a power of making a payment under this Part of this Act is exercisable by several probation committees acting jointly and those committees cannot agree as to how that power is to be exercised, it shall be their duty to pay such amount, if any, as the Secretary of State may determine.

50 Assimilation of treatment of payments under Part V and certain other payments to treatment of remuneration in civil capacity

- (1) Where any enactment (whether contained in or having effect under any Act) relating to the manner in which any expenses are to be paid or borne, or to the making of grants towards any expenses, would have applied as respects the remuneration which any such person as is mentioned in subsection (1) of section forty-six of this Act would have received if he had continued to be occupied in the capacity in question, that enactment shall apply in like manner as respects any payment under the foregoing provisions of this Part of this Act.
- (2) In relation to the following enactments (which relate to contributions towards the cost of salaries of medical officers of health and sanitary inspectors), that is to say—
 - (a) section one hundred and nine of the Local Government Act, 1933,
 - (b) paragraph 3 of the First Schedule to the Public Health Act, 1936,
 - (c) section eighty of the London Government Act, 1939, and
 - (d) subsection (7) of section eighty-seven of the Local Government (Scotland) Act, 1947,the reference in the foregoing subsection to any payment under the foregoing provisions of this Part of this Act shall include a reference to the remuneration of another person acting temporarily in the absence of the medical officer of health or, as the case may be, of the sanitary inspector.
- (3) Subsections (1) and (2) of this section shall apply in relation to any agreement between the town council of a small burgh within the meaning of the Local Government (Scotland) Act, 1947, and the county council relating to contributions by the town council towards the remuneration of a medical officer of health or sanitary inspector as they apply in relation to the enactments therein mentioned.

51 Payments out of moneys provided by Parliament

There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Part of this Act in any sums payable under any other enactment out of moneys so provided.

52 Service to which Part V applies and interpretation

- (1) The relevant service to which this Part of this Act applies is any relevant service except—
 - (a) compulsory national service, or service of a description specified in subparagraph (vi), (vii) or (viii) of paragraph 1 of the First Schedule to this Act; or
 - (b) service of a description specified in paragraph 2 of the said First Schedule to which a maximum period of fifteen days is attached, or service of a description specified in paragraph 7 of the said First Schedule performed

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

under an obligation or voluntary arrangements under which its continuous duration is limited to fifteen days or less.

(2) In this Part of this Act—

- (a) the expression " service pay " means pay for performing relevant service to which this Part of this Act applies, and includes marriage, family and other similar allowances, and
- (b) the reference to the appropriate proportion of the service pay of a person previously occupied in several capacities specified in the Second Schedule to this Act shall, in relation to any one of those capacities, be construed as a reference to the proportion which the rate at which he was last remunerated in that capacity bears to that rate plus the rate at which he was last remunerated in each of the other capacities.

(3) In this Part of this Act the expression " remuneration " means salaries, wages and emoluments, but any reference to the remuneration which a person received or would receive shall be construed as a reference to the net remuneration after deducting any expenses which he incurred or would have incurred in the payment of salaries or other sums to persons employed by him in connection with the duties in respect of which he received or would receive the remuneration and any office expenses in connection with those duties.

53 Retrospective effect of Part V

The provisions of this Part of this Act shall be deemed to have had effect from the fifteenth day of July, nineteen hundred and fifty.