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

SCHEDULES

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 the 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 to which that person's [^{F1}surviving spouse, surviving civil partner] 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.

Textual Amendments

- F1** Words in [Sch. 3 para. 1\(3\)](#) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(a), [Sch. 26 para. 27\(2\)](#); S.I. 2005/3175, art. 2(1), [Sch. 1](#)

- 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 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 [^{F2}spouse, civil partner] or other dependant of the said person then, notwithstanding that it is irrecoverable, the gratuity may in whole or in part be

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treated as having been paid on account of any benefit that may subsequently become payable to that [^{F2}spouse, civil partner] or other dependant in respect of the death of the said person.

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Textual Amendments

F2 Words in Sch. 3 para. 2(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), Sch. 26 para. 27(3); S.I. 2005/3175, art. 2(1), Sch. 1

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